



IGNITION RISK MANAGEMENT: DESIGNED TO PROTECT

1. PROTECT YOU FROM WHAT?

It's easy to assume your business insurance will cover the costs associated with any accident. It will probably cover the costs of any immediate physical damage and injury, but that's just the tip of the iceberg. The hidden consequences of failing to recognise and mitigate against risk can be far greater:

- LOST TIME
- INVESTIGATION COSTS
- PRODUCTION DELAYS
- FINES
- LOSS OF CONTRACTS
- SICK PAY
- DAMAGE TO STAFF MORALE
- CLAIM EXCESSES
- OVERTIME PAYMENTS
- CLEANUP COSTS
- DAMAGE TO PROFESSIONAL REPUTATION

Meeting your fleet risk management requirements can save lives, time, reputation and money and it doesn't have to be a painful experience.

2. THE LAW AND YOU

Loss of orders and reputation is one thing; civil or even criminal liability is quite another. Why should your organisation take fleet risk management seriously? Because your organisation (and you personally) may be liable if you don't.

"Work related driving is one of the biggest single causes of all reportable accidents." – RoSPA

2.1 In the Spotlight

Due to the recent changes made by both Parliament and the Courts driving whilst at work is now under the spotlight of both the HSE and the Police.

2.1.1 Corporate Manslaughter and Corporate Homicide

Under the **Corporate Manslaughter and Corporate Homicide Act 2007** an offence will be committed where failings by an organisation's senior management are a substantial element in any gross breach of the duty of care owed to the organisation's employees or members of the public, which results in death. The maximum penalty is an unlimited fine and the court can additionally make a publicity order requiring the organisation to publish details of its conviction.

The introduction of the Corporate Manslaughter and Corporate Homicide Act 2007 has made significant changes to effectiveness in securing prosecutions:

- It is now far easier to secure a conviction for corporate manslaughter than previously
- Under the old system, disorganised or disjointed management might have provided a defence by making it difficult to identify the person responsible. Under the new legislation this situation would assist the prosecution to secure conviction by showing management failure.
- The police and Crown Prosecution Service are now primarily responsible for investigating and prosecuting offences in relation to work-related road risk rather than the HSE. This means that there are far more resources available to carry out investigations and they are far more likely to succeed.
- Clearly there is a more conviction-orientated mindset than had been present under the HSE.
- A company can be convicted of manslaughter and breaching the **Health and Safety at Work Act 1974 (HSWA)** on the same facts.
- More individuals at management level are likely to be arrested and interviewed.
- Considering the powers of arrest, much wider investigations and the vast resources available to the police and CPS in the investigation of occupational road deaths, there will be much more useable evidence that can be utilised to secure conviction of individual directors under section 37 HSWA

CASE STUDY

If the handbrake cable on a parked LGV snapped and the vehicle rolled back, crushing the person stood behind it, an up to date service record would see the LGV's owners escape liability. But if the log was not up to date; if there was no evidence that the handbrake cable had been checked - then the business owners would be exposed to a charge of corporate manslaughter.

