

Written evidence submitted by the Royal Society for the Prevention of Accidents (RoSPA) (RDF0007)

Introduction

This is the response of The Royal Society for the Prevention of Accidents (RoSPA) to the Transport Select Committee's inquiry on road freight. It has been produced following consultation with RoSPA's National Road Safety Committee. We have no objection to our response being reproduced or attributed.

The inquiry seeks views and evidence on:

- Long-term and short-term challenges to the effective functioning of the road freight supply chain;
- The potential effects of the Government's policies and regulations on the efficient operation of the supply chain, including cabotage rules and drivers' hours;
- The effectiveness of Government policy in supporting recruitment, retention and a diverse workforce in the road haulage industry;
- The potential effects of the Government's policies and regulations on road safety;
- Infrastructure, including roads, ports and airports, with a particular focus on capacity, resilience and interoperability;
- The effect of border procedures on road freight;
- Workforce skills, training and development;
- Decarbonising road freight; and
- The extent to which the Transport Select Committee's previous recommendations on haulage, including those set out in Skills and Planning in the Road Haulage Sector, July 2016, HC68, were (a) pertinent and (b) unheeded.

This response focuses primarily on the potential effects of the Government's policies and regulations on road safety.

Temporary relaxation of drivers' hours

RoSPA has been contacted on two occasions by the Department for Transport asking for views on temporary relaxations of driver's hours to address the HGV

driver shortage. These proposals covered the periods of 9th August to 3rd October 2021 and 4th October 2021 to 23rd January 2022.

The proposal was that retained EU drivers' hours rules could be temporarily relaxed as follows.

Either

- the daily driving limit can be increased from nine hours to 10 hours up to four times in a week (instead of the normal permitted increase to 10 hours twice a week) – all other daily driving limits remain at nine hours.

OR

- replacement of the requirement to take at least two weekly rest periods including at least one regular weekly rest period of at least 45 hours in a two week period, with an alternative permissible pattern of weekly rest periods as specified below, and an increase to the fortnightly driving limit from 90 hours to 99 hours.

The alternative pattern of weekly rest periods for drivers using the relaxation related to weekly rest periods is:

1. The regular weekly rest period in a two-week period can be replaced by two reduced weekly rest periods of at least 24 hours.
2. Two regular weekly rest periods must be taken. Any reduction in weekly rest shall be compensated for in the normal way by an equivalent period of rest taken before the end of the third week following the week in question.
3. In addition, any rest taken as compensation for a reduced weekly rest period shall be attached to a regular weekly rest period of at least 45 hours (which can be split over two regular weekly rest periods).

Our understanding is that the Department for Transport extended the temporary relaxation of the enforcement of the retained EU drivers' hours rules in England, Scotland and Wales that was introduced on 4 October 2021. The new extended relaxation applies from 12.01am on 1 November 2021 until 11.59pm on 9 January 2022, subject to review.

RoSPA strongly disagrees with the decision to extend the temporary relaxation. RoSPA would not support any relaxation of drivers' hours. We are concerned that the relaxation of drivers' hours could lead to an increase in the number of

driver fatigue related accidents. Drivers' hours rules are an important part of the road safety system and relying on legislation that allows employees to drive for more hours than set out in the drivers' hours rules could lead to an increase in these crashes. This would place drivers and other road users at risk.

RoSPA believes that more consideration must be given to the safety of drivers and other road users. It is well-established that sleep related road crashes are a common cause of road casualties and preventing drivers from driving when they are too tired is a key part of road safety policy. Since EU regulation (EC) No 561/2006 entered into force in 2007, regulating drivers hours in the EU, fatal accidents involving HGVs have fallen from 458 in 2006 to 379 in 2008 and 209 in 2020.

Tiredness reduces a driver's ability to recognise hazards, slows their reaction times and impairs their judgement. This combination of factors can be lethal, as a driver will only spot a hazard at the last minute, if at all. It also reduces their vigilance, alertness and concentration and their speed and quality of decision-making may also be affected.

From time to time, we all experience some form of disruption to our sleep pattern, and for most of us, this is short term, with obvious and specific causes, such as hot weather, a stressful period at work or at home or a restless young baby. People who drive for work are particularly susceptible to fatigue, especially if they have long driving hours, drive at night or work irregular shift patterns.

Sleep related crashes tend to be severe because the driver is not able to brake or swerve before the impact, and where such crashes involve commercial vehicles, the larger size and higher mass also means the crashes are more severe. We are also concerned about the health and wellbeing of drivers and continue to stress the importance of driver health checks in the context of the current driver shortage.

Employers, including Goods and Passenger Vehicle Operators have clear duties under both health and safety law and road traffic law to ensure that they manage their road operations in a way that minimizes risk to their employees and to everyone else using the road. This means that, in addition to many other things, they must ensure that their drivers are not at risk of falling asleep at the wheel or driving

when tiredness impairs their driving ability. A key feature of managing the risk of driver fatigue is ensuring that drivers do not drive for too many hours.

However, this risk is not always well-managed. Just last year, a company¹ was fined £450,000 alongside £300,000 in costs after being convicted under the Health and Safety at Work Act for failing to ensure that two of its workers were sufficiently rested to work and travel safely. This failure to manage driver fatigue was fatal, resulting in two workers dying in a collision in a company van.

This extension seems to be for economic reasons to cover the lack of HGV drivers and is not in the interest of safety for the driver and other road users. We believe that this decision also has the potential to be counter-productive in terms of recruitment, making the occupation less appealing and is likely to prove unpopular with drivers and their union representatives. For RoSPA, temporary extensions are not solving the overarching issue, which is driver recruitment.

These changes must be considered in tandem with the recent announcement that changes will be made to HGV driving tests. In combination, these moves will place drivers at a higher risk of being involved in collisions caused by fatigue and inexperience.

Changes to the HGV test

RoSPA also has some concerns about the recently announced changes to the HGV test, and the impacts these changes could have on road safety. The changes include:

- allowing drivers to take one test to drive both a rigid and articulated lorry, rather than having to pass a test in a rigid lorry first, and then another in an articulated lorry
- allowing drivers who want to use a bus or coach to tow a trailer to take one test with a trailer, rather than having to pass a test without a trailer first
- allowing the off-road manoeuvres part of the test to be assessed by the driver training industry

RoSPA strongly disagrees with the removal of staging requirements for licence acquisition. Although we understand the urgent need to recruit additional goods-vehicle drivers, we are concerned that this change could have a detrimental impact on road safety.

The skills required to drive a category C vehicle safely are far above what is expected to drive a category B vehicle and we believe that enabling drivers to learn to operate a significantly larger vehicle at the same time as learning to handle the complexities of a significantly sized trailer is too demanding.

Many driver training courses for category C, C1+E and C or D1, D1+E and D vehicles often take place on an intensive basis over a week or in some cases two weeks; therefore if only one training course and practical driving test was required to obtain a full licence with a trailer, there is the potential for drivers to ultimately receive half the amount of professional driver tuition they currently do. This is particularly concerning in the case of those intending to drive a category C+E vehicle due to the potential impact a collision could have with such a large vehicle and a relatively inexperienced driver.

Additionally, the staging process may have provided reassurance to both the driver and their employer that the driver has some experience of driving and manoeuvring a large vehicle on a public road and in operational settings outside of the test, before going on to apply for a C+E provisional licence and be tested in a larger vehicle. Without these staging requirements, drivers could take the test in a larger vehicle, before having been tested and gained more experience in a lighter vehicle.

This reduction in experience could have a negative effect on road safety, not only for the driver, but also for other road users. RoSPA would be interested to see if there is evidence that a driver who takes the C+E test as soon as possible after gaining a category C licence is no more likely to be involved in a collision than a driver who has more on-road experience driving a category C vehicle before going on to take the C+E test.

Although RoSPA cannot speak on behalf of operators, we question whether employers would be more confident if a driver had qualified via the existing staging route, gaining experience in a lighter vehicle before testing in a heavier vehicle. Should this be the case, we believe this change will not address the current issues with recruiting drivers.

Previously, applicants for category C and D practical tests have had to demonstrate they can competently reverse the vehicle in a straight line and in an S-shaped curve and turn the vehicle to face the opposite way using forward and reverse gears and park it both forwards and in reverse. If the test candidate is taking a vehicle and trailer test they must also show they can uncouple the trailer and then recouple the trailer to the tractor unit.

For road safety reasons, these manoeuvres are demonstrated on an off-road area before the test candidate commences the on-road drive. This element of the driving test has been conducted by DVSA driving examiners, but the regulation is being adjusted to enable the authorisation of others to carry out these off-road elements of the test.

RoSPA disagrees with the changes that have been made to this element of the test. Although these changes free up examiner time, being able to perform the reversing manoeuvre and coupling exercise accurately is a critical part of operating the vehicle safely and we question whether standards will be reduced if it is not included as part of the driving test and is assessed by a third party. RoSPA believes that the DVSA should continue to assess the manoeuvre and although we recognise there is currently a high demand for driving tests, road safety for many years to come should not be compromised just to enable more tests to be conducted each day.

RoSPA has no further comments to make on the consultation process, other than to thank Transport Select Committee for the opportunity to comment. We have no objection to our response being reproduced or attributed.

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Endnote

¹ Office of Rail and Road (2020) 'Contractor Renown Consultants fined £450k'

<https://www.orr.gov.uk/search-news/contractor-renown-consultants-fined-ps450k>