



# BACK TO SCHOOL

**T**he Traffic Commissioners (TC) updated Statutory Document 3 on 7 May 2021 (see [www.is.gd/juzeki](http://www.is.gd/juzeki)). Section 2.5 of the document covers the responsibilities of a transport manager. Its 'non-exhaustive' list includes: "to manage, audit and review compliance systems to ensure that they are effective; to review any shortcomings such as prohibitions and/or annual test failures; to ensure that relevant changes are notified in accordance with operator licence requirements; to keep up to date on relevant changes in standards and legislation."

If managing a hire and reward transport operation under a standard O Licence, the transport manager must either hold a certificate of professional competence (CPC), or hold a certificate of acquired rights. In the case of Cornish operator Brunel, which recently bought an Actros Edition 1 and pre-bodied Arocs tipper, above, the transport manager is Steve Allen, right. There is no requirement for the transport manager to hold those certificates under a restricted O Licence (for those transporting their own goods, for example), but the licence holder must sign the undertakings and will be held

**A green DVSA Operator Compliance Risk Score and not being the subject of a traffic commissioner's public inquiry is a pretty good indication of how well your transport manager is performing. Peter Shakespeare looks at some options if it's a different story**

to account by the TC in the same way a standard licence holder will.

The responsibilities of transport managers and the TC's expectations of them are onerous. While the transport manager CPC lasts for life, it is clear that this fact will not fulfil the TC's requirement for transport managers to review compliance systems and keep up to date with changes in legislation. So, what can operators do to comply with the TC's requirements?

## MEMBER BENEFITS

A large number of the UK's goods and passenger transport operators and own account operators take advantage of membership benefits and services offered by trade associations for help complying with the obligations they made to the TC.

David Jordan, deputy operations director of services at Logistics UK, says: "For transport managers to run their fleets safely, legally and effectively, continuous professional training is of

critical importance." Logistics UK's training includes two-day CPC refresher training for operators of both freight and passenger transport. Topics covered include drivers' hours and working time, operator compliance risk score (OCRS) and enforcement issues, managing record-keeping, and operator licensing.

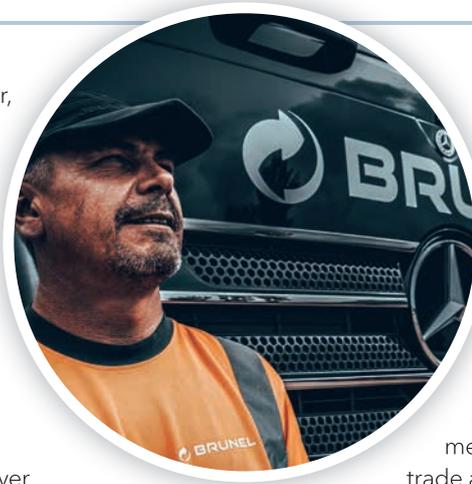
The Fleet Operator Recognition Scheme (FORS) is a voluntary accreditation scheme for operators. FORS, too, is a significant training provider and its manager and driver training courses cover many aspects covered by O Licence compliance. The introductory level qualification, FORS Bronze, requires evidence of continuous professional development. It also offers workshops culminating in a FORS Practitioner qualification. Regional director John Hix says: "The clue is in the word 'practitioner'. The CPC is gained once from classroom learning. The Practitioner qualification is focussed on practical hands-on aspects of running a safe and efficient transport operation."



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Graham Holder

Graham Holder, head of quality assurance and compliance at FORS, says: "We still come across transport managers at briefings who gained their CPC through acquired rights, so have never attended the training course. We see transport managers lose their repute because they have not kept current and up to date with changes in legislation and requirements for operators; probably because they are bogged down keeping the wheels turning. So, attending regular refresher training is vitally important."



### **PROOF OF THE PUDDING**

No matter how well-informed transport managers are, the proof of their competence will be the levels of compliance and efficiency of their transport operation. Keeping in the green as far as DVSA's OCRS is concerned, is a good measure of how well a transport manager is performing. A change to an amber OCRS score should be the trigger to bring in subject matter experts to conduct an independent audit of the operation.

The road transport trade associations have been offering O Licence compliance audits for goods vehicles for many years. Over the last five years, the two largest ones have extended these to coach and van operators. There are also a number of independent providers.

For example, based in the South West of England, Pro Tect Solutions is membership-based transport compliance consultancy. MD Barry Hood says that most transport operations commission O Licence compliance audits following a run-in

with the TC, or if they are feeling flush. Comparatively few commission an annual audit regularly.

"While lots of freight and passenger transport operations are trade association members, none of the trade associations include compliance audits within their membership fees. And with the cost their audits approaching four figures, they are often a distress purchase." Pro Tect's £670 membership fee includes an annual compliance audit (see below), among other benefits. A condition of membership is that there must be demonstrable improvements on any shortcomings found in the audit.

Hood adds: "Regular audits, and acting on recommendations, are the best way to ensure the transport operation and O Licence is being managed correctly and will identify any fleet management issues that need addressing."

FORS Graham Holder points out that while the FORS standard audit cannot be held up to a TC, it does cover areas such as whether the operator holds

the correct type of O Licence for its operation, whether staff hold the correct qualifications, that driver licence checks and maintenance records are current and complete. In other words, the FORS standard can help ensure a transport operation is on the right track.

DVSA offers a means for operators to raise standards and demonstrate compliance on an on-going basis. In 2018 it introduced 'Earned Recognition'. Following a DVSA-approved compliance audit, the operator regularly shares performance information with DVSA. In return, its vehicles are less likely to be stopped at the roadside. To be eligible for the scheme, an operator must have held an HGV or PSV O Licence for at least two years. The operation must not have been subject to any regulatory action by the TC in the previous two years (other than a formal warning). And it needs to have DVSA-approved digital management systems for vehicle maintenance and drivers' hours, which can track the KPIs and automatically report if they're missed.

Thanks to the pandemic, much of the refresher training for transport managers and compliance audits can now be carried out online. Today, there is virtually no reason why the responsibilities of a transport manager, as stated by the TCs, cannot be met. **TE**

## **THE ANNUAL PRO TECT AUDIT, BROKEN DOWN**

- **Section 1** - The operator licence, transport management systems, communication with regulatory authorities, policies and procedures, insurance documentation, drivers' licences, qualifications and employee CPD
- **Section 2** - Employment policies, contracts of employment, new starter inductions, agency contracts, management procedures, risk assessments, safe systems of work, health and safety
- **Section 3** - Maintenance planning and scheduling, resources and management procedures, documentation and vehicle records, maintenance contracts, brake testing, re-torque policy, driver defect reporting and monitoring systems
- **Section 4** - Drivers' hours and record-keeping, working time directive, road transport regulations, speeding, tachograph records, analysis arrangements and agreements, analysis management procedures, dealing with driver infringements.