

You and your grey fleet

What is a grey fleet? It refers to any vehicle that is owned and used by an employee for work-related travel, whether this be driving to a business meeting, visiting another site, collecting children from school or simply running errands to the post office or bank.

Employers owe the same duty of care under The Health and Safety at Work Act 1974 to staff who drive their own vehicles for work as they do to those provided with company cars. However, research conducted by the road safety charity, Brake, has shown that many companies apply less stringent regulations, if any, to their grey fleet vehicles, thereby failing in this duty and breaking the law.

Should one of your employees be involved in a serious accident while driving their own vehicle for business purposes, the police investigation will check whether the company has fulfilled its legal obligations by assessing and minimising the risk posed by their grey fleet drivers.

A failure on your part to fulfill the required legal standards could have serious consequences for your business by way of unlimited fines, damage to your reputation and the possibility of prosecution for corporate manslaughter if the accident is fatal.

Grey fleet management policy

In order to demonstrate effective management of your fleet, you should implement a grey fleet policy, which sets out the drivers' personal responsibilities and why these are important, both for them

Ignorance of the law is no defence, says Jackie Hyde, who explains what a grey fleet is and how this affects you



and for you as employer. This should include and be supported by regular checks in:

1. The safety and suitability of the vehicle

You must be satisfied that the vehicles being used by employees for business use are fit for purpose and meet a pre-defined basic level of safety. In the UK, employees' vehicles used for business are on average seven years old, compared with company vehicles which are usually replaced after four years, and, therefore, do not benefit from the latest safety technology. You may choose to impose a maximum age or mileage.

You also need to ensure that the vehicle is well maintained, including a valid MOT certificate if the vehicle is more than three years old. Monthly safety checks are required for tyre tread and pressure, oil and water levels and lights in order to ensure they are all legal and in good working order.

You must also ask your employee to confirm that the vehicle is taxed. A simple way to check and record the various requirements have been satisfied is to attach a vehicle checklist to your mileage claim form, which the employee completes.

2. Insurance

Copies of insurance documentation should be obtained annually and checked to ensure that each policy includes cover for business use.

3. Competency of the driver

You should check driving licences annually, and each driver should declare any convictions, including pending ones. They should also declare any health issues that might affect their ability to drive.

It is important to be able to demonstrate an audit trail showing that not only are the appropriate policies and procedures in place, but also that they are communicated well to staff and complied with. One way of doing this is to include grey fleet requirements in your induction procedure for all drivers, and to provide a declaration for them to read and sign. It is also advisable to remind staff of their obligations on an annual basis. ■

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