

DfBB Women in Transport Podcast:

Laura Thomas – Director at Consul-T

Annie: Welcome to the Driving for Better Business podcast celebrating women working in transport, fleet management, and road safety. And today I'm very pleased to introduce Laura Thomas, not only the Director of Consul-T, but also an award-winning leading lawyer, who has advised the government on road safety, has worked for the HSE, and also as a Deputy Traffic Commissioner.

Laura, welcome to our podcast. Now, I've given a brief introduction to the work you've done, but actually your experience is really broad. Can you tell us a little more about it?

Laura: Thanks Anne-Marie. So you're right, I have not had perhaps the straightest of career paths, but I think the winding ones are probably more interesting. So, I am a barrister – I started life as a criminal barrister, in chambers in London. I then joined a law firm, where I was for 12 years as a barrister and then partner. And I founded their regulatory and Health and Safety corporate defence team. And now, having spent a couple of years working in industry in leadership roles – in oil and gas, in civil engineering – I now work with businesses in two different strands. Firstly, as Director of Consul-T – and Consul-T offers business consultancy services, mainly in the Health and Safety field, but also regulatory, ESG, risk and compliance. And I also do legal work – still as a self-employed barrister at the Chambers of Laura Thomas, where I focus predominantly on Health and Safety and transport work.

Annie: Excellent, thank you. I can just see now all the work that you're involved in there. And you've got a unique insight into the road safety aspect of that. What led you into getting involved in the road safety and transport side of things?

Laura: Yes, it's an interesting one. And if I'm honest, I think I kind of fell into road transport and safety. I know a lot of people say it, but the transport world found me. I think early in my career I remember going to a talk by the inspirational and wonderful Carole Walker, who is the former CEO of Hermes. And I remember she said exactly the same. She said nobody really leaves school thinking they want to work in transport and road safety, but it kind of sucks you in. And I love that about it, really. There's always so much to learn in the transport and road safety world. You can never say you've learnt it all.

I was then really fortunate to sit on the board of Logistics UK with Carole. And she was a huge inspiration to me. I think in my world as a criminal barrister I saw the really tragic side of road safety. I dealt with many horrendous fatalities and serious incidents on the roads, both from a health and safety perspective and a road traffic law perspective. And I wanted to understand more. So, I had the opportunity and was invited onto the Road Haulage Association Panel, and I started to do legal inquiries for the Traffic Commissioner. Although I have to admit, Anne-Marie, tachographs did and still do puzzle me! I was then appointed Deputy Traffic Commissioner and I held that role for two and a half years. My goodness, I learnt so much about road safety and the transport world sitting as Deputy Traffic Commissioner. I met some wonderful people, and it led also to some really interesting work. So I then went on to advise the government, on their high-profile Cycle Safety Review. So I

think – also if I take into account my private life, riding horses on roads – I think I have experience with transport in every single form. And still to this day, I'm engaged and enthused by it all the time because it's one area that we've really got to get right.

Annie: Absolutely. You mentioned that you had your eyes opened when you just started working in road safety, especially looking at the legal side of things, the horrendous things that happen on the road. And I think one of the things that we don't realise is that because we use the roads in some shape or form every day, we don't see the risks. Because most of us will get through the day without seeing something horrendous happening. So in our brains, we get the idea that the roads aren't a dangerous place. But most collisions are avoidable. And I think this is why people in road safety are so passionate – because there is so much we can do to reduce toll on the road, it's within our gift to do that. There's a lot of human error and involvement in road safety. But actually, there's a lot that we can do to prevent these things happening. As Deputy Traffic Commissioner, how did you engage with stakeholders and the industry to improve that and have real accountability?

Laura: Yes, well, interestingly as you know, the Deputy Traffic Commissioners work with large-goods vehicles and passenger vehicles. Which, as you'll appreciate, I used to say to drivers when I did driver conduct hearings – you are driving a lethal weapon on the roads. And you have to understand that we put a lot of trust in your professionalism in doing that. Some people found that quite a shocking thing for me to say, but I genuinely believed it because I have seen, as you say, what can happen when it all goes wrong.

As regards to engaging with stakeholders and driving improvements, I think it's mainly through continually banging the drum. It was about speaking to people and reminding people. It's not about shocking people and scare tactics, it's actually about education and engagement. So I used to attend a lot of Road Haulage Association seminars – firstly as a transport lawyer, and then as a Deputy Traffic Commissioner on behalf of the full-time Traffic Commissioners. And we talked to operators about what the burning issues were. And I found the key was actually to keep it simple. Because a lot of this, as you said Anne-Marie, is actually quite simple. Whether you're driving vans, driving your car, whether you're on a bike, a horse, or you're behind the wheel of a large-goods vehicle. It's all about thinking about what you're doing.

And you mentioned there, Anne-Marie, about risk – and I think we all become a little too complacent about risk. It's just about remembering what you're doing and why you're doing it. And if you're in a business it's about continually reminding your people. About what's expected of them, and most importantly why – and I don't mean scaremongering and talking of tragedy all the time, I just mean why? What is it, why are we asking you to do that? Because if you're running a business that has any involvement with transport – which most do – you're going to be led by your people. And they are the ones out there on the road. We used to say it a lot to hauliers – once your drivers are out on the road, that is it. They are responsible for the vehicle they are driving, and how can you be sure that they are taking that responsibility the way you want them to? That they're taking it seriously? That they're not using mobile phones, they're not over their driving hours limits, that they haven't had a heavy night the night before and have decided to still take the keys to the vehicle. And it's about instilling that people-centred culture in your business. I used to have a phrase when I worked as a lawyer at Burkett's, which was 'say what you do, do what you say, and then have the paperwork to prove it'. Because I found that a lot of businesses were very paper-heavy. But actually that paper's only ever so

good if it's followed in practice. So I always used to say don't start with a piece of paper; let the piece of paper be the outcome of your risk assessment, of your thought process, of what you're telling your people to do and why they need to do it. And as I said, that's why I think it's key to understand human behaviour, and really address the 'why?'. Why are we doing things this way? Why is that not working for you? How can we help you to make it better?

I read a great quote the other day, and I loved it. It said 'you don't change culture through emails and memos. You change it through relationships one conversation at a time'. And that really spoke to me. I thought 'yes – spot on'. I've seen a lot of businesses, and there's an awful lot of reliance on paper. On emails. And on memos. And thinking that that equals communication. And in my experience, it doesn't.

Annie: You're so right, it's interesting that one of the things that I could remove from my job to make it a little more efficient is emails, because we're bombarded with them. And when you get so many, it's easy just to give them a cursory look and not actually take them seriously. Sometimes there's nothing that stands out particularly in an email that you get. And especially if it's part of a mandatory thing that you have to do... you feel like it's a ticking-the-box exercise and you go along with that. And I think that communication – especially a top-down communication – on the importance of something, on the values of the organisation, and why we do it this way here, is so important. And that personal touch can make all the difference, I think you're absolutely right.

And having been responsible as a Deputy Traffic Commissioner, you will have seen – as you've explained – many different scenarios. What were the most common ones, were they simple ones? Complacency? 'I couldn't be bothered'? What were the things you saw that could have been put right quite simply?

Laura: I think it is quite a simple one actually. It's essentially organisations not doing what they said they would. Particularly in operator licensing. Operators sign up to undertakings, and those undertakings are all essentially predicated towards road safety. And many operators simply don't realise what that involves. I once had an operator say to me 'oh, I thought it was like a driving license – once you've got it, passed the test, that was it'. And it's very different. Operator licensing is given on trust. And you are trusted to meet the undertakings in that license – and those undertakings are vital for road safety. And so, for me, that was the main issue – people not doing what they promised to do, and therefore that trust had been broken.

Key particular areas included maintenance, for example. Frequency of inspections... with our own operator licensing inspections had to be carried out with a certain frequency. And you set the frequency, generally speaking. But if you say you're going to do something, and then you don't do it, that can cause a real problem, particularly for road safety. Another real hot topic for Traffic Commissioners, particularly when I sat as a Deputy Traffic Commissioner was roller brake testing. And the importance of roller brake testing – and I won't go on about it now, because I can get on a soapbox about it. But the importance of roller brake testing and the importance of understanding what your maintenance provider is doing. Because quite often, if you look at roller brake test printouts, it says that the vehicle has passed. But often, the vehicles are insufficiently loaded – so we don't actually know if they've passed. Because the percentages might have come back, or the wheels may have locked, but actually if they're insufficiently loaded, it's not really worth the paper it's written on. So

it's things like that, it's about really understanding what is going on in your organisation. And that would be the same if you were operating not just large-goods vehicles, but also vans, people driving from office A to office B in their cars. Do you know that the cars are road-worthy? Do you know that they have business insurance? Do you know if they were up all night and are particularly fatigued? Fatigue is a real issue, as you know Anne-Marie. So for me, as a highlight, it's people not doing what they said they would. There's so many topics within that though, I do think businesses just need to get a bit more of a grip on vehicles on the road.

Annie: It's interesting, your experience with supporting organisations in managing their regulatory areas. But the Health and Safety strategies within an organisation are so important, and especially linked with Health and Safety management systems that they would have anyway. Do you think that many organisations actually put the two together, or have we still got work-related road safety and road risk in a separate, dusty box in a cupboard somewhere?

Laura: I think you've hit on a really important point there, Anne-Marie. I think yes, actually what you said at the end there is probably more true than a holistic approach. I think organisations are starting to wake up to it, but sometimes still when I work with organisations through Consul-T, when I tell them that actually an employee moving from one site to another is business travel, sometimes they still look at me in surprise. And so, yes, I think you're right – there is a sort of siloed approach to this. It's interesting because as you know, I work a lot in the Health and Safety field, and what I say about Health and Safety is 'safety has been shouted, and health has been whispered'. And if you were to add road safety to that, I would say road safety is barely audible. And actually, it's about having a holistic approach to it all. The principles of risk assessment relevant to Health and Safety are also equally relevant to road safety. And I think when I'm working with organisations to find safer ways of operating, a lot of that is directly linked to road safety. People-plant interface, for example.

I'm still seeing things that defy belief for me. I've seen, in the last year, people standing on the back of a moving flatbed, for example. I've seen people walking behind reversing vehicles without high vis on. This is within workplaces. I have experienced organisations not thinking there was an issue with requiring people to work all night, and then calling them to drive 100 miles the next morning to a different work site. You know, these things all have huge, huge impacts on road safety and Health and Safety generally. And so, what I would love to see is that that culture that is, in many businesses, starting to be embedded, in relation to Health and Safety extending to road safety and road risk.

Annie: Yes absolutely, so important. And you mentioned fatigue, and you mentioned employers requesting, or requiring, their staff to behave in ways which they wouldn't do if they were operating other heavy machinery. And I think that's the difference. We've got to get a grip of the way a vehicle is another heavy machinery component that we are operating. And it needs the same resources to operate in a safe manner – and if that means more than one person, because you're doing it over a number of hours or days, then that's actually really important. But you also touched on something that we're trying to address within Driving for Better Business – and that is that people don't know what work-related road risk is. They don't know if it's a work journey.

And I think the recent update to the HSE guidance is particularly good, because it actually spells it out quite clearly – in that it doesn't matter who owns the vehicle you're driving or riding, and it doesn't

matter how you're employed. If somebody is directing the work, and that work involves driving, then they have a duty of care to the driver or rider. And I think just getting to grips with that and breaking it down a little more... so if you're driving your own car, that's still driving for work, even it's not owned by your employer. If you're self-employed, and someone is telling you to go somewhere, that is still driving for work. And the employer has that duty of care. Understanding a little bit more about the nuances is really important. And that's what we're really trying to do now a little bit with Driving for Better Business; to make sure that people really are clear that this isn't just an HGV or van thing. Actually, it's any vehicle, and any driver or rider on the road. Where should organisations be focussing their efforts to make sure they're getting this right?

Laura: I think actually you've hit upon one of the best things there, Anne-Marie, and that is the resources out there. I'm still surprised by how little businesses refer to those resources – for example those resources that you've talked about from Driving for Better Business. The HSE website is an invaluable source for information – and I'm still amazed that the businesses I work with don't use that as their first port of call, because I can tell you that I do! And I've been working in Health and Safety law for over 20 years. I've worked for the HSE. But the first place I always go, when I'm about to go and visit a new client, and perhaps it's an industry I'm not particularly familiar with, the first place I go is the HSE website. It is wonderful. Years and years ago, they used to charge you for the documents there – it's all now free, available and for me, it's a no-brainer. An absolute no-brainer. That is the first port of call for everything.

And one thing I always remind clients of is that if something has gone wrong, it's that standard that you'll be measured against. Of course it's the law, but it's that standard that the HSE set that you'll be measured against. And if you fall below that standard, then it's more likely that you will face further action. And so just get to know it. It sounds like the resources you're doing for Driving for Better Business – again, perfect example of it. There are so many government resources out there that are free, easy, and can be accessed by everybody.

Annie: Yes, absolutely. Let's come to a final question – and I could talk to you for hours Laura, because you're so interesting! I have to round it up at some stage. How important is the Health and Safety culture within an organisation, setting the foundations for regulatory compliance?

Laura: Okay, well I remember hearing very many years ago 'culture is king'. That was bounded around everywhere wasn't it. I actually don't like that phrase, Anne-Marie – for me, it's quite hierarchical, which is the antithesis of a good culture. I would simply say culture is everyone and everything. And by that, what do I mean? I mean that 'we've always done it that way' is the enemy of a good culture.

I do a lot of work with a leading safety behavioural psychologist, Dr. Tim Marsh. And he is very clear when he talks about this that people watch the most enigmatic or experience person and they learn from them. And it doesn't matter what we say, it's what we do that matters. And so I think, for me, Health and Safety leadership is central to a great culture. And great culture is built through empathy, understanding, listening – and that's listening to understand, not to respond – and finding solutions together. And I think, perhaps quite poignantly on World Mental Health Day 2022, I'd like to end with this if I may, Anne-Marie. It's a little phrase that I developed that I really believe in – and that's 'Healthy, happy people are safer and more productive'.

Annie: I couldn't agree more with that Laura, and it's a perfect way to end this brilliant podcast. Thank you so much for being with us today. And if you're listening to this podcast, you'll find more resources on Driving for Better Business, and links to things we've mentioned. Laura, thank you so much, it's been an absolute pleasure.

Laura: Thank you Anne-Marie, I've really enjoyed it.

For those of you who want to know more about Driving for Better Business and the benefits to managing and reducing your road risk, visit the website at

<https://www.drivingforbetterbusiness.com>