

**Mock trial:
Employer
to blame?**



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&
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Construction
Logistics and
Community Safety



Driving for
Better Business

Around 20 million vehicles are used for work



**COMPANY
CARS**
Over 700,000



**COMPANY
VANS/LCVs**
Almost 5 million



**TRUCKS
& HGVs**
Over 600,000



**GREY
FLEET**
14 million+ ?



**POWERED
2 WHEELERS**
Unknown ?

You have a legal duty of care to ensure any business operations that involve driving don't put employees or other road users at risk

Comparing with other workplace fatalities



Less than 1 in 5 of driving for work fatalities was the person driving for work
Over 80% were other, more vulnerable road users such as pedestrians or cyclists

Fatal injuries to workers (RIDDOR) 2023/24

138



528

Driver or rider	63
Passenger	25
Other road users	440

Fatalities involving someone driving as part of work 2019



Over **500**
Fatalities

involving someone driving for work



Over **40,000**
Injured

involving someone driving for work



Odds of winning the National Lottery Jackpot?

1 in 45 million !!

Odds of being involved in an injury collision while driving for work?

Just 1 in 500

The Incident

Taken from the **Fleet Safety Confidence Course**
A free online resource developed by



&

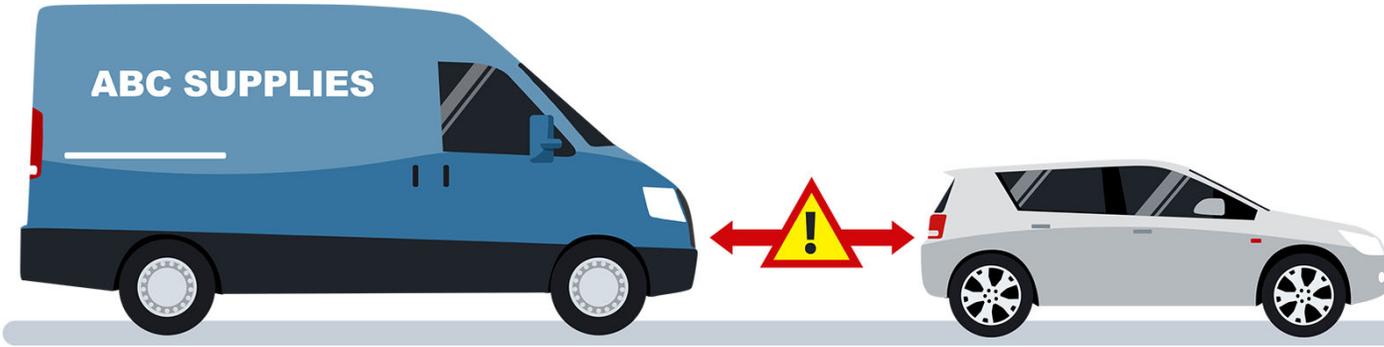


fleetconfidence.co.uk

Bob's errors



- Using handheld phone
- Speeding
- Driving too close
- Bald tyres
- Over alcohol limit



Prosecuted for **Causing serious injury by dangerous driving**



Mock Prosecution: Driver or employer to blame?



In partnership with

Charlotte Le Maire

Founder & Partner, LMP Legal

Specialist Crime and Transport
Regulatory Lawyer and Barrister



L M P L E G A L



CROWN COURT

Van Inspection Report

- Both front tyres below tread limit with cords visible on nearside inside shoulder.
- Both rear tyres heavily worn but still just legal with 2mm tread depth.
- Nearside side repeater indicator not working.
- Offside door mirror glass is cracked.
- Windscreen has sustained a chip bigger than allowed within the sweep of the wipers.
- Offside rear light cluster lens smashed and brake light bulb not working.
- Van overweight on rear axle due to 1270kg payload (1100kg max payload rating).

MOT Test Certificate

Registration number
HF68NIA

Country of Registration
GB

Make and model
Mercedes-Benz Sprinter

Vehicle category
N1

Mileage
171,878 miles

Pass

Date of the test
28.11.2021

Expiry date
12.12.2022

Advisory warning:

Front nearside tyre passable but worn to 3mm

Front offside tyre passable but worn to 3.5mm

Both will need replacing before next MOT



Driver & Vehicle
Standards
Agency

Driving for Work Policy

All employees entitled to drive company vehicles are required to follow this policy at all times:

- Drivers must provide a copy of their driving licence to the Fleet Manager.
- Drivers must inform the Fleet Manager of any accidents or endorsements.
- All vehicles must be checked at the start of each shift using the Vehicle Check Sheet.
- Defects must be reported to the Fleet Manager.
- Drivers must drive safely and follow the Highway Code at all times.
- Drivers must not drive while over the legal limit for alcohol.
- Drivers found to be impaired by drugs will be dismissed for gross misconduct.
- Drivers must not use a handheld mobile phone. Phone calls must be handsfree only.

Trevor Heath

Trevor Heath
Fleet Manager
ABC Supplies
16th March 2017



Mock Prosecution: What would sentencing look like?



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LMP LEGAL

Seriousness of harm risked			
	Level A <ul style="list-style-type: none"> • Death • Physical or mental impairment resulting in lifelong dependency on third party care for basic needs • Significantly reduced life expectancy 	Level B <ul style="list-style-type: none"> • Physical or mental impairment, not amounting to Level A, which has a substantial and long-term effect on the sufferer's ability to carry out normal day-to-day activities or on their ability to return to work • A progressive, permanent or irreversible condition 	Level C <ul style="list-style-type: none"> • All other cases not falling within Level A or Level B
High likelihood of harm	Harm category 1	Harm category 2	Harm category 3
Medium likelihood of harm	Harm category 2	Harm category 3	Harm category 4
Low likelihood of harm	Harm category 3	Harm category 4	Harm category 4 (start towards bottom of range)

Small

Turnover or equivalent: between £2 million and £10 million

	Starting point	Category range
Very high culpability		
Harm category 1	£450,000	£300,000 – £1,600,000
Harm category 2	£200,000	£100,000 – £800,000
Harm category 3	£100,000	£50,000 – £400,000
Harm category 4	£50,000	£20,000 – £190,000
High culpability		
Harm category 1	£250,000	£170,000 – £1,000,000
Harm category 2	£100,000	£50,000 – £450,000
Harm category 3	£54,000	£25,000 – £210,000
Harm category 4	£24,000	£12,000 – £100,000
Medium culpability		
Harm category 1	£160,000	£100,000 – £600,000
Harm category 2	£54,000	£25,000 – £230,000
Harm category 3	£24,000	£12,000 – £100,000
Harm category 4	£12,000	£4,000 – £50,000
Low culpability		
Harm category 1	£45,000	£25,000 – £130,000
Harm category 2	£9,000	£3,000 – £40,000
Harm category 3	£3,000	£700 – £14,000
Harm category 4	£700	£100 – £5,000

Medium

Turnover or equivalent: between £10 million and £50 million

	Starting point	Category range
Very high culpability		
Harm category 1	£1,600,000	£1,000,000 – £4,000,000
Harm category 2	£800,000	£400,000 – £2,000,000
Harm category 3	£400,000	£180,000 – £1,000,000
Harm category 4	£190,000	£90,000 – £500,000
High culpability		
Harm category 1	£950,000	£600,000 – £2,500,000
Harm category 2	£450,000	£220,000 – £1,200,000
Harm category 3	£210,000	£100,000 – £550,000
Harm category 4	£100,000	£50,000 – £250,000
Medium culpability		
Harm category 1	£540,000	£300,000 – £1,300,000
Harm category 2	£240,000	£100,000 – £600,000
Harm category 3	£100,000	£50,000 – £300,000
Harm category 4	£50,000	£20,000 – £130,000
Low culpability		
Harm category 1	£130,000	£75,000 – £300,000
Harm category 2	£40,000	£14,000 – £100,000
Harm category 3	£14,000	£3,000 – £60,000
Harm category 4	£3,000	£1,000 – £10,000

Large

Turnover or equivalent: £50 million and over

	Starting point	Category range
Very high culpability		
Harm category 1	£4,000,000	£2,600,000 – £10,000,000
Harm category 2	£2,000,000	£1,000,000 – £5,250,000
Harm category 3	£1,000,000	£500,000 – £2,700,000
Harm category 4	£500,000	£240,000 – £1,300,000
High culpability		
Harm category 1	£2,400,000	£1,500,000 – £6,000,000
Harm category 2	£1,100,000	£550,000 – £2,900,000
Harm category 3	£540,000	£250,000 – £1,450,000
Harm category 4	£240,000	£120,000 – £700,000
Medium culpability		
Harm category 1	£1,300,000	£800,000 – £3,250,000
Harm category 2	£600,000	£300,000 – £1,500,000
Harm category 3	£300,000	£130,000 – £750,000
Harm category 4	£130,000	£50,000 – £350,000
Low culpability		
Harm category 1	£300,000	£180,000 – £700,000
Harm category 2	£100,000	£35,000 – £250,000
Harm category 3	£35,000	£10,000 – £140,000
Harm category 4	£10,000	£3,000 – £60,000