

Work Related Road Risk requirements: Managing contract compliance



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Glossary

Brief definitions and explanations of the terms used in this toolkit.

Client – an organisation employing fleet operator suppliers. This may be a developer employing a primary supplier or a primary supplier employing a subcontractor

Construction Logistics and Cycle Safety (CLOCS) – programme to reduce the risk construction vehicles pose to vulnerable road users

Compliance checks/monitoring – a mixture of desktop, site and supplier checks, covering the organisation, the vehicles and drivers

Compliant contract – a relevant contract that is in scope of the Work Related Road Risk (WRRR) requirements and agreed to comply

Compliant supplier – a supplier who is complying with the WRRR requirements within the contract

Contract compliance – to comply with the terms of the contract

Enforcement strategy – the method used to administer the terms of the contract

Fleet operator – any organisation or part thereof which operates one or more vehicle(s)

Fleet Operator Recognition Scheme (FORS) – a scheme that encourages sustainable best practice for road freight operators

FORS eLearning – a work related road safety training module that needs to be completed at least every 12 months by FORS accredited companies' drivers

In-scope contract – a contract that includes the WRRR requirements clauses

Non-compliance – failure or refusal to comply with the terms of the contract

Non-conformity – a refusal or failure to conform to the accepted WRRR standards

Relevant contract – a contract where no special exemptions apply

Safe Urban Driving (SUD) – a course that focuses on vulnerable road users and is made up of 3.5 hours of theoretical classroom training and 3.5 hours of practical on-cycle training

Vulnerable road user (VRU) – a pedestrian, cyclist, motorcyclist, horse rider or person with reduced mobility

WRRR contractual requirements – the obligations that must be met by the supplier as defined in the WRRR contract's terms and conditions

1. Introduction

What is the purpose of this toolkit?

To provide a step-by-step guide with the necessary tools to ensure that suppliers are meeting their Work Related Road Risk (WRRR) contractual requirements. At Transport for London (TfL), we have developed this toolkit for monitoring the compliance of our own suppliers, but it can be adapted for use by other organisations.



Who is this toolkit aimed at?

It is primarily aimed at:

Procurement, contract and commercial managers/staff

This toolkit is aimed at those responsible for procuring goods or services that will be delivered using commercial road freight vehicles and those managing the contract to deliver services that either directly or indirectly use freight vehicles.

Site managers

It is aimed at site managers who will receive deliveries at a TfL location and can check vehicle and driver compliance.

Compliance checkers/auditors

It is aimed at compliance checkers/auditors who will undertake the compliance checks.

Organisations that have incorporated WRRR requirements into their own contracts

And finally, it is aimed at other public, private and not-for-profit organisations that have introduced similar requirements within their own contracts.

What is contained in this toolkit?

The toolkit provides the means to undertake compliance monitoring and enforcement of the WRRR standard.

It also contains four tools that can be used to check contract compliance and include:

- Tool 1: Procurement, contract and commercial managers/staff
- Tool 2: Site managers
- Tool 3: Compliance checkers/auditors
- Tool 4: Suppliers

How do I get started?

This toolkit will take you through the three stages to check whether a supplier is compliant with the WRRR requirements in their contract. It will also provide guidance on the process that should be followed in the event of a non-compliant contract, supplier, vehicle and/or driver. The stages are:

- Contract compliance – this stage centres on checking contracts for compliance and communicating the strategy to suppliers
- Compliance monitoring – this stage details how non-compliance will be identified and the reporting method. For help on this refer to CLOCS Guide – Managing supplier compliance
- Dealing with non-conformity – the final stage outlines methods of enforcing the WRRR standard through sanctions until the issues are resolved

For guidance on including WRRR clauses in a contract, we have developed 'Improving road safety through procurement' as a guide for procurement specialists and contract managers on how to use the procurement process to improve road safety.



TfL Work Related Road Risk requirements

In February 2012, we implemented WRRR requirement clauses into our existing and new contracts. We introduced these changes as part of our commitment to improving road safety and minimising the risk of commercial vehicles being involved in collision with vulnerable road users (VRUs). These requirements are now part of our standard contract 'terms and conditions' and are applicable to all contracts that require a commercial vehicle to be used for delivery and servicing activities. This typically includes construction, maintenance and servicing contracts and excludes management, HR, software, IT support or design contracts.



Improving road safety through procurement

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Other initiatives

CLOCS Standard for construction logistics - Managing work related road risk

In December 2013 the construction industry introduced its 'CLOCS Standard for construction logistics - Managing

work related road risk'. This is a set of WRRR requirements similar to ours and is specifically aimed at minimising the impact of collisions between construction vehicles and vulnerable road users.



The Fleet Operator Recognition Scheme (FORS) silver standard

All WRRR requirements are included in the FORS silver standard. If a company is FORS silver accredited it will be compliant with the WRRR requirements. More information on FORS can be found at www.fors-online.org.uk.



2. Overview of the Work Related Road Risk contract requirements

All suppliers shall comply with the WRRR standard in the time frame instructed by the client in agreeing the contract. This shall not be more than 90 days from the start of the contract unless special circumstances apply.

The van and lorry diagrams in figures 1 and 2 demonstrate the WRRR requirements for vehicles and drivers. These have been designed as a quick reference guide to be used during a compliance check where necessary.

Figure 1 – WRRR requirements for vehicles under 3.5 tonnes



Figure 2 – WRRR requirements for vehicles above 3.5 tonnes



3. The stages of contract compliance

This toolkit provides a detailed description of what inputs are needed at each of the three stages (contract compliance, compliance monitoring and dealing with non-conformity) to achieve WRRR compliance. It has been designed to enable the user to quickly see what a compliant supplier, vehicle and driver should look like and also acts as a 'quick look-up guide' for people monitoring compliance.

Figure 3 shows the process of managing contract WRRR compliance.

Figure 3 – The process for managing contract WRRR compliance

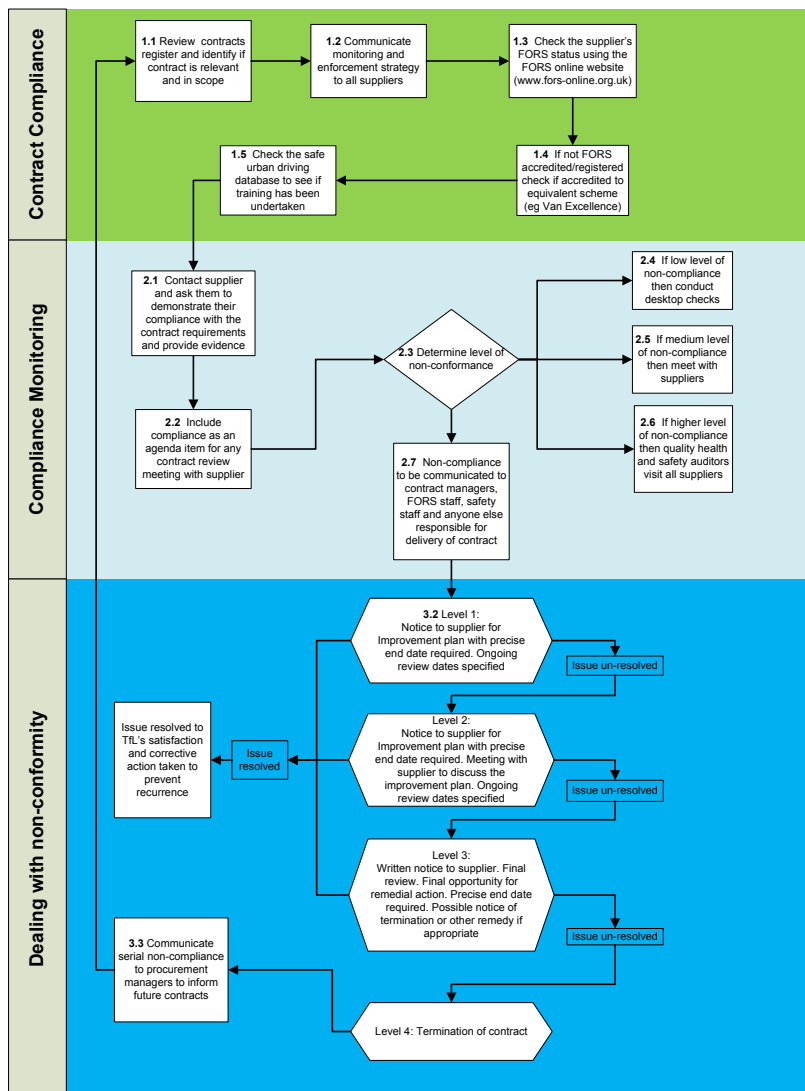


Table 1 sets out the roles and responsibilities for the various tasks to comply with WRRR contract requirements.

Table 1 – WRRR roles and responsibilities matrix

Task	TfL Freight and Fleet team	TfL business unit – commercial	
Address WRRR in procurement strategy	I	A and R	
Complete WRRR field in contracts register		A and R	
Include WRRR in tender documentation		A and R	
Include WRRR requirement in handover document to contract managers		A and R	
Supplier to provide evidence to demonstrate WRRR compliance			
Track progress against WRRR requirements as stated in handover documents to contract managers	I	I	
WRRR a standing agenda item on contract management meetings until compliance is established			
Report any WRRR issues falling out of contract management meetings	I		
Audits			
Non-conformance level 1	I	A	
Non-conformance level 2	I	A	
Non-conformance level 3	I	A	
Non-conformance level 4	I	A and R	
R = Responsible	A = Accountable	C = Consulted	I = Informed

TfL business unit – contract manager	TfL health and safety/auditor	TfL site manager	TfL Legal team	Supplier
I	I			
	I			
C	I			R
				R
A and R	I			
A and R				
A and R	I			
A	R	I		
R	I		I	
R	I		I	
R	I		C	
C	I		C	

Table 2 is an overview of the stages of compliance monitoring and the steps to follow at each stage of the process. It highlights the potential issues that could arise and suggests actions necessary to overcome these barriers. The table also references the relevant tools available to achieve each step.

Table 2 – Step-by-step guide to achieve WRRR compliance

Stage 1: Contract compliance	
Steps	Potential issues
1.1 Review contracts register (where available) and identify if contract is relevant and in scope. Check the register to see if the WRRR clauses are included in the supplier's contract.	This information may not be stored in one location, be accessible by one person or stored at all. Contracts register may not be updated on a regular basis.
1.2 Communicate compliance monitoring and enforcement strategy to all suppliers.	Ensuring suppliers fully understand what is required may be difficult and a slow process.
1.3 Cross-check with the FORS online website to see if the supplier and/or subcontractor is FORS registered/bronze (minimum).	The supplier may have more than one operating centre but only have one registered/accredited to FORS. Thus, a vehicle could arrive at site whose parent operating centre is not registered/accredited.
1.4 If not FORS registered/bronze (minimum) check if accredited to equivalent scheme.	Unable to check this online in advance. Driver may not be carrying original certificate. May be hard to prove validity of photocopies.
1.5 Supplier asked to provide evidence to demonstrate that its drivers have completed a Safe Urban Driving (SUD) course and completed the eLearning modules.	SUD courses can be delivered by any Joint Approvals Unit for Periodic Training (JAUPT) approved centre and it is not possible to maintain an up-to-date record of which drivers have completed a course. Suppliers are asked to supply evidence.
1.6 Procurement manager to produce a handover document to contract/commercial manager summarising contract compliance.	Evidence provided by the supplier at the PQQ and ITT stages may not be sufficient to demonstrate contract compliance.
3.3 Communicate serial non-compliance to procurement managers to inform future contracts, this could be through a field in the procurement database.	Serial non-compliance not communicated to procurement managers correctly. Information is not used to inform future contracts.

Barriers to overcome	Tools to assist
<p>Each procurement team to hold details of:</p> <ol style="list-style-type: none"> 1. Contract name 2. TfL contract manager 3. TfL procurement manager 4. Supplier details 	<p>‘Improving road safety through procurement’</p> <p>‘Managing work related road risk in TfL supply chains: A strategy for compliance monitoring and enforcement’</p> <p>Industry press releases highlighting the benefits</p>
<p>Clear communication across all procurement projects, including standardised wording for pre-qualification questionnaires (PQQs), invitations to tender (ITTs) and contracts.</p>	<p>FORS online</p>
<p>Encourage suppliers to become multi-operating centre accredited (MOCA).</p> <p>Ensure that the vehicle’s parent operating centre is recorded at time of compliance check.</p>	
<p>Company to demonstrate validity of certificate prior to making delivery.</p>	
<p>PQQ – supplier to state whether it employs drivers who have completed a SUD course.</p> <p>ITT – supplier to confirm that drivers delivering on the contract will be trained and when they will be trained (unless already trained and then this should be confirmed – certification).</p>	
<p>Procurement teams to provide contract/commercial managers with updated information based on evidence submitted by the supplier.</p>	<p>CLOCS Guide – Managing supplier compliance’</p>
<p>Set up suitable procedure to guarantee serial non-conformance is communicated and applied in the correct manner.</p>	

Stage 2: Compliance monitoring

Steps	Potential issues
2.1 Contact supplier and ask them to demonstrate their compliance with the contract requirements and provide evidence.	<p>Vehicle checks need to be carried out to ensure that all WRRR requirements are being met. This may be a difficult and slow process requiring more than one site visit to check the full vehicle fleet.</p> <p>The required information may not be available due to various databases not being updated.</p>
2.2 If contract has a contract management schedule then WRRR will be an agenda item in that schedule.	<p>Compliance is overlooked as an agenda item.</p> <p>Non-attendance at meetings.</p>
2.3 Determine the level of non-compliance.	<p>Non-compliance not communicated in clear concise manner and/or not relayed to correct people.</p>
2.4 If low risk level then conduct desktop checks.	<p>Gaps may be found in the evidence collected or submitted.</p>
2.5 If medium risk level then meet with suppliers.	<p>Availability of supplier and/or contract manager.</p>
2.6 If higher risk level then quality health and safety auditors visit all suppliers.	<p>Quality health and safety auditors may be insufficiently trained to identify a non-compliant vehicle.</p>
2.7 Non-compliance to be communicated to contract managers, FORS staff, safety staff and anyone else responsible for delivery of contract.	<p>Non-compliance not communicated in clear concise manner and/or not relayed to correct people.</p>
3.1 Communicating non-compliance to supplier.	<p>Correspondence not communicated to supplier correctly and/or procurement not informed of non-compliance.</p>

Barriers to overcome	Tools to assist
<p>Company to ensure vehicle fleet can be checked in one visit to save time and resources.</p> <p>All information needs to be accessible on relevant databases at regular intervals.</p> <p>Contract manager to provide:</p> <p>Supplier contact details</p> <p>Supplier to provide:</p> <p>Hours of operation</p> <p>Compliance checking availability</p> <p>Site induction procedure</p> <p>Availability of vehicles to check</p>	<p>CLOCS Guide – Managing supplier compliance’</p> <p>‘Managing work related road risk in TfL supply chains: A strategy for compliance monitoring and enforcement’</p> <p>Compliance checkers – Tool 1</p> <p>Site managers – Tool 2</p> <p>Procurement managers – Tool 3</p>
<p>When individuals are not present ensure relevant information is passed on.</p>	
<p>Ensure clear communication to suppliers is made. Explain how non-compliance should be reported and who should be informed.</p>	
<p>Issue framework to supplier detailing all evidence required.</p>	
<p>Ensure clear communication to suppliers and all other parties involved of meeting dates.</p>	
<p>Conduct training courses and demonstrate to health and safety auditors how to spot non-compliant vehicles.</p>	
<p>Ensure clear communication to suppliers is made. Explain how non-compliance should be reported and who should be informed.</p>	
<p>Ensure drivers understand the importance that their and/or the vehicle’s non-compliance is communicated back to the supplier they are working for.</p> <p>Ensure site managers have all the information needed to inform procurement.</p>	

Stage 3: Dealing with non-conformity

Steps	Potential issues
3.1 Communicating non-compliance to supplier.	Correspondence not communicated to supplier correctly and/or procurement not informed of non-compliance.
3.2 Issue a system of non-conformity ie steps and sanctions.	Non-conformity not recorded correctly or necessary enforcement steps not taken. Sanctions not imposed in fair and consistent manner.
3.3 Communicate serial non-compliance to procurement managers to inform future contracts, this could be through a field in the procurement database.	Serial non-compliance not communicated to procurement managers correctly. Information is not used to inform future contracts.

Barriers to overcome	Tools to assist
<p>Ensure drivers understand the importance that their and/or the vehicle's non-compliance is communicated back to the supplier they are working for.</p> <p>Ensure site managers have all the information needed to inform procurement.</p>	<p>Compliance checkers – Tool 1</p> <p>Site managers – Tool 2</p> <p>Procurement managers – Tool 3</p>
<p>Set up suitable procedure to guarantee non-conformance is recorded correctly by amalgamating both London Underground and Surface Transport strategies.</p> <p>Provide training to procurement/contract managers on non-conformance strategy and proposed steps to be taken at each stage.</p> <p>Information on sanctions agreed and consistently communicated across all parts of TfL involved in WRRR initiative.</p>	
<p>Set up suitable procedure to guarantee serial non-conformance is communicated and applied in the correct manorner.</p>	

4. Determine levels of compliance monitoring

Locations will be allocated an overall 'risk level' (low, medium or high) according to the number of 'risk points' accumulated against each criterion. Criteria are weighted in terms of the points allocated according to their respective potential impact on WRRR.

Determining risk levels

The risk levels may be determined by different criteria, for example:

- Location in central London with high VRU flows
- New suppliers within the supply chain during 'muck away' phase
- A project with known suppliers

The allocated risk level can change over the course of a specific project. An equivalent system would be the aviation security alert levels which change at different airports in response to known activities and risks. A project with a significant 'muck away' phase with high levels of tipper movements would move to level 3 (high risk) for the duration of that phase only.

Tables 3 and 4 show the proposed risk-based approach depending on the type of activity undertaken.



Table 3 - Proposed risk-based approach

Criteria for selection	Low 1 point	Medium 2 points	High 3 points
Vehicle profile (van and lorries)	Mainly vans	Mixed	Mainly lorries
Location (distance from central London)	6 miles plus	3-6 miles	Within 3 miles
Supplier profile (known/unknown)	Known	Mixed	Mainly unknown
Proximity to cycle routes	Not on cycle route	Close to cycle route	On a cycle route
Incident rates related to that site	Low	Medium	High
Current incident trends linked to type of movements to site	No trend	Some ¹ trend	Significant ² trend
Number of deliveries per 24hr cycle	0-5	6-15	16 plus

¹ Up to one incident linked to type of movement to site

² More than one incident linked to type of movement to site

Table 4 - Proposed risk levels

Risk level	Points
1 - Low risk	Up to 7 points
2 - Medium risk	8-14 points
3 - High risk	15 points plus

Table 5 provides a worked example of the system for the allocation of 'risk points' and the overall risk level. In this case 13 points are accumulated, resulting in a level 2 medium risk rating.

Table 5 - Example of how weighting will be applied

Criteria for selection	Low 1 point	Medium 2 points	High 3 points
Vehicle profile: All lorries and vans		2	
Location: Five miles from central London	1		
Supplier profile: Known	1		
Proximity to cycle routes used: Not on cycle route	1		
Incident rates related to that site: Some trend (tippers)			3
Current incident trends linked to type of movements to site: Some trend (tippers)		2	
Number of deliveries per 24hr cycle: 25			3
Total points: 13 – medium risk	3	4	6

This allocated risk level, which will be monitored and adjusted throughout the contract, will then affect the number and type of compliance checks carried out on that project; this is covered in the next section.

Type and frequency of compliance checks

Based on the associated risk, compliance checks should be carried out on an agreed frequency. Table 6 sets out a suggested approach to applying varying levels of compliance monitoring.

Table 6 - Type and frequency of compliance checks

Level	Desktop compliance check frequency	On site compliance check frequency	Operator depot compliance check frequency
Level 1 (Low risk)	6 months	25 per cent	Once a year
Level 2 (Medium risk)	3 months	50 per cent	6 monthly
Level 3 (High risk)	2 months	100 per cent	3 monthly

There are a number of compliance checking options available to us, including:

- **Option 1:** Roving team of compliance checkers carrying out ad hoc, unannounced site checks at TfL premises combined with desk-based FORS accreditation and driver training checks
- **Option 2:** Roving team of compliance checkers carrying out pre-planned and pre-announced site checks at TfL premises combined with desk-based FORS accreditation and driver training checks
- **Option 3:** Roving team of compliance checkers carrying out 100 per cent checks at TfL premises (this would mean that all sites are classed as high risk at all times) combined with desk-based FORS accreditation and driver training checks

- **Option 4:** Compliance checkers carrying out targeted checks at high risk premises or companies
- **Option 5:** Compliance checkers carrying out checks at each supplier on their site on an agreed frequency

Setting up a compliance monitoring process

Setting up the compliance monitoring process is covered in detail in the CLOCS Guide – Managing supplier compliance’.

5. Strategy for dealing with non-conformity

The strategy for dealing with non-conformities has been designed to encourage better behaviour rather than 'punish' operators.

Here is an example of a possible strategy. Teams tend to have their own escalation procedures but in future will tie in with TfL standard terms and conditions of contracts.

The method chosen to deal with non-conformities will be via an escalation system (Tables 7 and 8). This shall be invoked by the contract manager in their absolute discretion in the event of unsatisfactory performance standards, including (but not limited to) failure to reach the targets set by the key performance indicators (KPIs) and any other deficiencies in performance.

The purpose of the escalation procedure is to provide a structured framework within which the parties can resolve grievances against timescales and deliverable targets. For the purposes of this procedure notified levels of poor performance will be termed 'non-conformances'.

This procedure operates with four levels; the lowest level non-conformance being level 1. Should non-conformances escalate they shall receive an appropriate level of management intervention from the relevant contract manager and the supplier. Level 3 gives final review and an opportunity for remedial actions to resolve issues before the non-conformance reaches level 4, which could lead to formal contractual action, following agreement by TfL's contract, commercial, safety and legal managers.

In the event that a performance issue is not resolved between the relevant contract manager and the supplier then the non-conformance may be raised formally to a level 1 or level 2 non-conformance, depending upon the severity of the performance failure. It is possible for a number of level 1 and/or level 2 issues to be in hand at any one time.

Issues shall be resolved locally on a day-to-day basis to the mutual satisfaction of all parties and shall not be raised to level 1 without prior endeavours to resolve them. At this stage of the process, the supplier may be required to supply a root cause analysis and a recovery plan.

Table 7 – Summary of escalation procedure

Trigger	Level of non-compliance
Failure to rectify identified non-conformance issued as part of SDIs.	Level 1
First reoccurrence. Consistent failure to meet required requirement. Safety condition infringements.	Level 2
Second reoccurrence.	Level 3
Third reoccurrence.	Level 4

Action	By whom	Result
Improvement plan with precise end date required. Ongoing review dates specified.	i) Contract manager ii) Supplier	Satisfactory – stop Unsatisfactory – Level 2
Improvement plan with precise end date required. Ongoing review dates specified.	i) Contract manager ii) Supplier	Satisfactory – stop Unsatisfactory – Level 3
Final review. Final opportunity for remedial action. Precise end date required. Possible notice of formal contractual action may be taken or other remedy if appropriate	i) Contract manager ii) Supplier iii) Commercial manager iv) Health and Safety v) Legal	Satisfactory – stop Unsatisfactory – Level 4
Formal contractual action may be taken	i) Procurement manager ii) Contract manager iii) Legal	

Table 8 – Summary of action required at each level of non-conformance

Level	Action required TfL role
Level 1	Send written notice to supplier detailing: <ol style="list-style-type: none"> 1. Action required by supplier. 2. Rectification period. 3. All level 1 non-conformances will be reviewed every accounting period at senior manager level governance group meetings to prevent reoccurrence.
Level 2	Send written notice to supplier detailing: <ol style="list-style-type: none"> 1. Action required by supplier. 2. Rectification period. 3. All level 2 non-conformances will be reviewed every accounting period at senior manager level governance group meetings to prevent reoccurrence.
Level 3	Send written notice to supplier detailing: <ol style="list-style-type: none"> 1. Action required by supplier. 2. Deadline for report to be submitted. 3. All level 3 non-conformances will be reviewed every third accounting period at director level governance group meetings. 4. List of all companies at level 3 or above to be sent to site managers at regular intervals.
Level 4	TfL entitled to take formal contractual action

An increase in the level of non-conformance shall apply where:

- c) The contract manager determines, having regard to the gravity of the non-conformance, that a non-conformance should be escalated to the next level; or
- d) The supplier fails to notify the contract manager of the occurrence of a non-conformance prior to the contract manager notifying the same to the

supplier (provided that the contract manager shall be entitled, having regard to the gravity of the non-conformance, to escalate the non-conformance to the next level); or The supplier fails to make available to the contract manager a non-conformance report within five business days of service by the contract manager of the notice; or

- e) The supplier fails to undertake the required action within the rectification period; or

Supplier role	Result
Submit level 1 non-conformance report to relevant contract manager within five working days of service of the notice. Non-conformance report to include: <ol style="list-style-type: none"> 1. Confirmation of date and details of the non-conformance. 2. Action supplier will take to rectify non-conformance. 3. The time frame in which action is to be completed which shall not be more than the level 1 rectification period. 	Satisfactory – stop Unsatisfactory – Level 2
Submit level 2 non-conformance report to relevant contract manager within five working days of service of the notice. Non-conformance report to include: <ol style="list-style-type: none"> 1. Confirmation of date and details of the non-conformance. 2. Action supplier will take to rectify non-conformance. 3. The time frame in which action is to be completed which shall not be more than the level 2 rectification period. 	Satisfactory – stop Unsatisfactory – Level 3
Submit level 3 non-conformance report to relevant contract manager within two months from the time of occurrence. Non-conformance report to include: <ol style="list-style-type: none"> 1. Confirmation of date and details of the non-conformance. 2. Action supplier has taken, or will take to rectify non-conformance. 	Satisfactory – stop Unsatisfactory – Level 4
	TfL taking formal contractual action

- f) The supplier fails to rectify the non-conformance within the rectification period; or
- g) A further non-conformance occurs after the rectification period but within one month of the end of the rectification period and that is a non-conformance in relation to the same KPIs ('same type') as the previous non-conformance; or
- h) A further non-conformance occurs during the rectification period that is of the same type as the previous non-conformance and the supplier has wilfully permitted the occurrence of such further non-conformance

6. Case study

Blind spot cameras: Brett Concrete

Brett Concrete is one of the largest independent suppliers of ready-mixed concrete in the UK. It supplies customers from 20 quality controlled plants across London and the South East of England. The company operates a fleet of truck mixers and has an annual concrete production capacity in excess of 500,000m³.

Brett has successfully trialled and fitted blind spot cameras to 50 vehicles in its fleet over the last two years. A pair of cameras are fitted to the cab and images are then displayed in-cab on a seven-inch digital screen giving the driver a clear picture of the area and eliminating the dangerous blind spot at the front of the vehicle.



The Brett Group has an ongoing commitment to vehicle safety improvement and this development contributes significantly to inner city road safety where cyclists and pedestrians are in closer proximity to mixers and tippers.

In addition the company has fitted side alarms to mixers which play a bespoke audible warning when the left indicator is selected which says: 'This Brett vehicle is turning left'. It was felt that this would have more impact as a warning to nearby cyclists than a generic alarm.

All new vehicles in the Brett fleet have cameras fitted as standard and Brett Concrete has worked with suppliers to retrofit blind spot cameras to older vehicles.

Paul Sheekey, Transport Supervisor at Brett Concrete says:

'The introduction of cameras has also had a positive impact on drivers, who now have greater confidence due to an improved field of vision.'

7. Tools for compliance monitoring and enforcement

These tools have been developed and informed by the strategy to trial compliance monitoring and enforcement. They have also been informed by the results of a compliance checking trial that was conducted over a period of six weeks across a number of our sites at TfL and at various suppliers' operating centres.

There are four tools in this toolkit which will help to reduce the risk of collisions between suppliers' vehicles delivering/collecting from TfL sites and vulnerable road users:

- Tool 1: Procurement, contract and commercial managers/staff (this tool is divided into pre-contract and post-contract stages)
- Tool 2: Site managers
- Tool 3: Compliance checkers/auditors
- Tool 4: Suppliers

7.1 Tool 1: Procurement, contract and commercial managers/staff

This tool is divided into two sections: Pre-contract and post-contract stages. The information contained in this tool should be used by procurement, contract and commercial managers/staff and provides guidance on understanding the WRRR requirements, how to include these in contracts, reporting methods and a sample non-compliance letter.

This tool can be adapted to make it relevant to the needs of procurement, contract and commercial managers/staff.

An example of a training slide pack for procurement, contract and commercial managers is available

Pre-contract award

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2. Example of wording to include a PQQ to inform bidders.
3. Example of a statement on WRRR that could be included in the ITT.
4. Example of a handover note from procurement to contract managers

For this group the key sections to look at are:

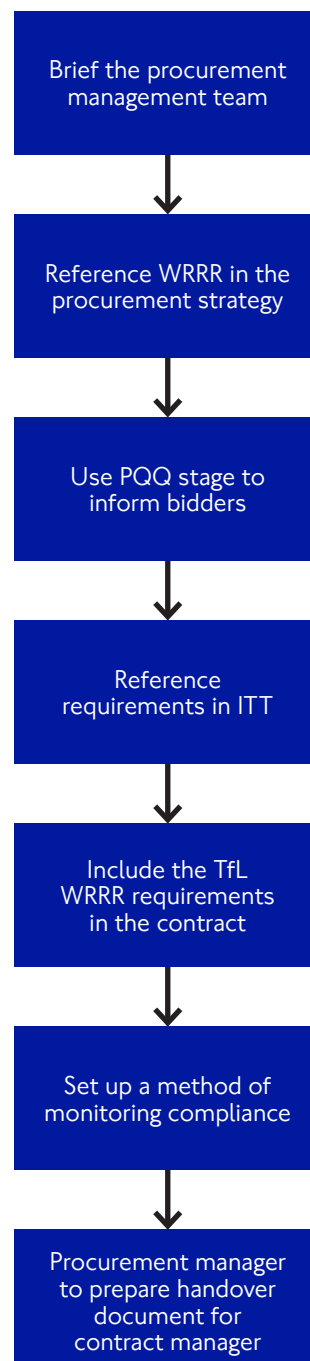
- Glossary
- Section 1: Introduction
- Section 2: Overview of the WRRR requirements
- Section 3: Stages of contract compliance
- Section 7: Tool 1 for procurement, contract and commercial managers/staff
- Section 8: References and other related reading materials

1. The process for including the WRRR requirements in new contracts

This section shows the process of including the TfL WRRR requirements into your new contracts. This is explained in more detail in Figure 4.

For further information please refer to the TfL publication 'Improving road safety through procurement'.

Figure 4 - The process for including WRRR requirements into new contracts



The following provides a description of the process the procurement manager should take to include our WRRR requirements within contracts:

1. Brief the procurement management team
2. Reference WRRR in the Procurement Strategy
3. Use the PQQ stage to inform bidders
4. Reference requirements in the ITT
5. Include the TfL WRRR requirements in the contract
6. Set up a method of compliance monitoring
7. Procurement manager to prepare handover document for contract manager

2. Example of wording to include in a pre-qualification questionnaire to inform bidders

Using the PQQ process will ensure that potential bidders are aware of the requirements at an early stage. A statement similar to the following should be included in the PQQ:

'[Organisation name] aims to promote safe, sustainable freight activity within [organisation name]'s supply chain and in vehicle movements to and from our projects and sites. You are asked to comply with the TfL WRRR requirements as part of your contractual requirements on this project and to ensure that any third party transport providers used to deliver this contract also comply with the TfL WRRR requirements'.

You may want to include this as a 'pass/fail' question at this stage in the procurement process.



3. Example of a statement on WRRR that could be included in the invitation to tender

Ensure the ITT includes reference to the standard, for example, 'Specific requirements relating to the TfL WRRR requirements will be specified in the works information or as a condition of contract'. A statement similar to the following should be included in the ITT:

'The TfL WRRR requirements have been developed with the aim of reducing the risk of a collision between commercial vehicles and vulnerable road users such as cyclists and pedestrians. On [execution of this contract]/[appointment to this framework agreement] the successful [bidder]/[contractor]/[service provider] shall implement the requirements of the TfL WRRR requirements. The successful bidder shall also ensure that any third party transport providers used to deliver this contract also comply with the standard. Compliance with this standard demonstrates compliance with duty of care and statutory responsibilities.

'Specific requirements relating to road safety and freight will be specified in the works information or as a condition of contract. The requirements are summarised here...'

4. Example of a handover note from procurement to contract managers

Procurement managers should prepare a handover note to the contract managers once the contractor has been appointed (figure 5). The handover note should include the WRRR requirements that the suppliers need to comply with and should include evidence of FORS accreditation, safety equipment on vehicles, driver training and driver licence checks.

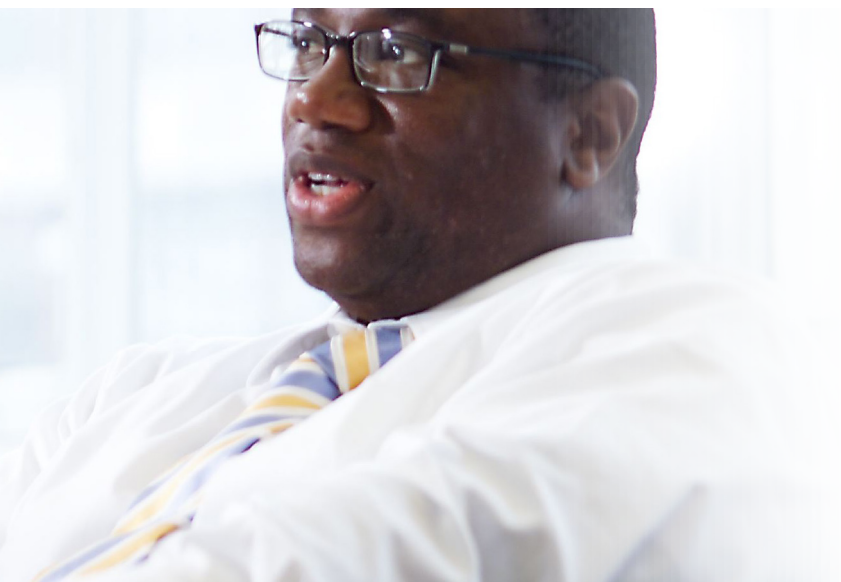


Figure 5 - Example of a handover note from procurement to contract managers

Requirement	Plan/process	Supplier met (Tick relevant boxes)
FORS accreditation	FORS registration or equivalent application to be submitted at contract award. FORS bronze (or equivalent) accreditation to be obtained within 90 days of contract start. Evidence of registration and FORS accreditation to be supplied to the client within two days of notification	
Safety equipment on vehicles	<p>The operator ensures that any goods vehicle over 3.5 tonnes gross vehicle weight, which it uses to provide the services, shall:</p> <ul style="list-style-type: none"> • Have side guards fitted, unless the operator can demonstrate to the reasonable satisfaction of the Authority that the vehicle will not perform the function for which it was built if side guards are fitted; • Have a close proximity warning system fitted comprising: a front-mounted, rear-facing CCTV camera with in-cab live feed from the said camera or a Fresnel lens where the Fresnel lens provides a reliable alternative to the CCTV camera and where the operator has obtained the authority's approval to use the Fresnel lens, which approval the authority may withhold in its unfettered discretion; and a close proximity sensor; • Have a Class VI mirror; and • Bear warning signage on the rear of the vehicle to warn cyclists of the dangers of passing the vehicle on the inside 	
Driver licence checks	<p>The operator shall ensure that each of its drivers has a driving licence check with the DVLA before that driver commences delivery of the services and that the driving licence check with the DVLA is repeated in accordance with either the following risk scale, or the operator's risk scale, provided that the operator's risk scale has been approved in writing by the authority within the last 12 months:</p> <p>0 – 3 points on the driving licence – annual checks; 4 – 8 points on the driving licence – six monthly checks; 9 – 11 points on the driving licence – quarterly checks; or 12 or more points on the driving licence – monthly checks.</p>	

Requirement	Plan/process	Supplier met (Tick relevant boxes)
Driver training	<p>The operator shall ensure that each of its drivers who has not undertaken:</p> <ul style="list-style-type: none"> • Approved driver training (or training, which in the reasonable opinion of the authority, is an acceptable substitute) in the last three years, undertakes approved driver training or the said substitute training within 60 days of the commencement of the contract; and • A FORS eLearning safety module in the last 12 months, undertakes a FORS eLearning safety module (or eLearning, which in the reasonable opinion of the authority, is an acceptable substitute). 	
Collision reporting	<p>Within 15 days of the contract variation date, the operator shall provide the authority with a collision report. The operator shall provide the authority with an updated collision report on a quarterly basis and within five working days of a written request from the authority.</p>	
FORS reports	<p>Within 30 days of its achieving Bronze accreditation or equivalent within the alternative scheme, the operator shall make a written report to the authority at fors@tfl.gov.uk detailing its compliance with the safety clauses (the 'Safety, Licensing and Training Report'). The operator shall provide updates of the Safety, Licensing and Training Report to the authority on fors@tfl.gov.uk on each three month anniversary of its submission of the initial Safety, Licensing and Training report.</p>	
Obligations of the operator regarding subcontractors	<p>The operator shall ensure that each of its subcontractors that operate car-derived vans, vans and lorries shall comply with the safety clauses as if those subcontractors were a party to this contract.</p>	
Failure to comply with freight-related obligations	<p>If the operator fails to comply with clauses:</p> <ul style="list-style-type: none"> • The operator has committed a material breach of this contract; and • The authority may refuse the operator, its employees, agents and freight vehicle entry onto any property that is owned, occupied or managed by the authority for any purpose (including but not limited to deliveries). 	

Post-contract

List of contents

1. Example of a notice of non-compliance and improvement plan
2. The process for dealing with non-compliance
3. Non-compliance letter for contract managers/staff

For this group the key sections to look at are:

- Glossary
- Section 1: Introduction
- Section 2: Overview of the WRRR requirements
- Section 4: Determine levels of compliance monitoring
- Section 5: Strategy for dealing with non-conformity
- Section 7: Tool 1 for procurement, contract and commercial managers/staff
- Section 8: References and other related reading materials

1. Example of a notice of non-compliance and improvement plan

Increases to the level of non-conformance will be recorded by the relevant contract manager and a notice submitted to the supplier. An example of this notice is provided in Figure 6.

Figure 6 - Notice of non-conformance

Asset area:	Premises	Location inspected:	
Accountable contract manager: (name)		Date:	
Contact number:			
Supplier: (co. name)		Supplier contact name:	
Subcontractor: (co. name)		Supplier contact No:	

Non-conformance level (tick as appropriate):	Level 1:	Level 2:	Level 3:	Level 4;

Notification

Legislation/ clause	Non-conformance/good practice/recommendations etc	Hazard code	Target (Date)	Actioned by (Name)	Date comp'd
	Description of issue(s): Action(s) required: 1. On site: containment/ corrective action: Action(s) required: 2. At HQ: define the root cause:				
Any other comments:					

Name of inspector: (Print name)	.....	Contact number:	
Signature of inspector:	.....	Date:	.....
Site manager: (Print name)	.....	Contact number:	
Signature of site manager:	.....	Date:	.....

Close-out

Legislation/ relevant clause	Non-conformance/good practice/recommendations etc	Hazard code	Target (Date)	Actionee (Name)	Date completed
	Action(s) taken: 1. To eliminate root cause: 2. To prevent reoccurrence: (Note: Tool box talks are not an acceptable preventative solution)				
	Follow-up action(s) required:				
Any other comments:					

Approval and closure

Before signing please consider:

- Has the root cause been defined?
- Have preventative measures been put in place?

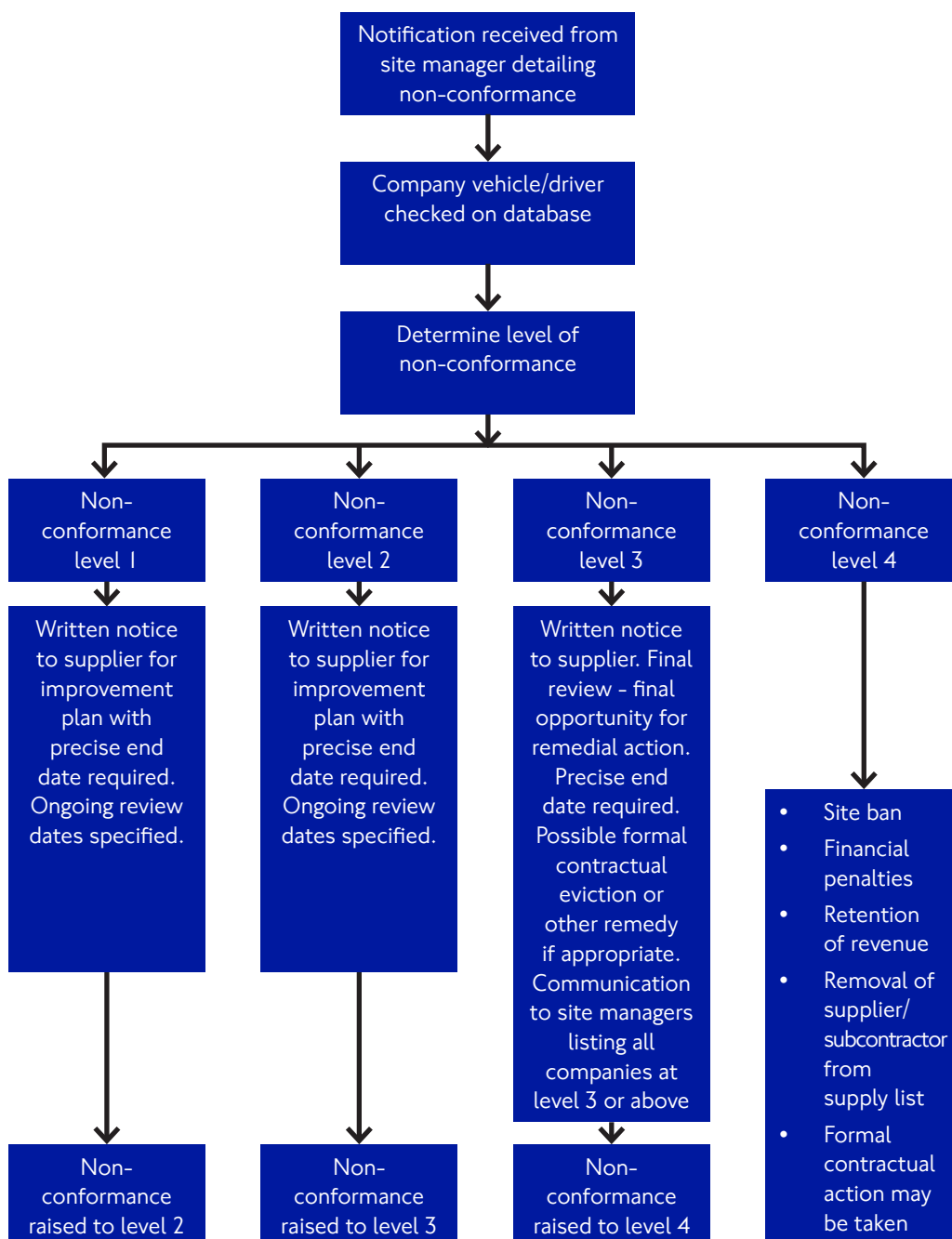
Name of approver: (Print name)	.....	Contact number:	.....
Signature of approver:	.....	Date closed:	.....

2. The process for dealing with non-compliance

This section shows instances of where procurement, contract and commercial managers/staff may be faced with non-compliance while conducting their duties and provides an overview of the steps that should be taken when monitoring and enforcing the WRRR standard.

Figure 7 details the process for dealing with non-compliance.

Figure 7 - The process for dealing with non-compliance – procurement, contract and commercial managers/staff



The following provides a description of the process procurement, contract and commercial managers/staff should take when dealing with a non-compliant vehicle and/or driver:

1. Written notification received from compliance checker/auditor/site manager detailing non-compliance and details of the company committing the offence.
2. Company details checked on database and level of non-compliance determined.
3. If level 1 or level 2 non-compliance is determined then a written notice is to be sent to the non-compliant company (a copy of the letter can be found in Tool 1 – non-compliance letter for post-contract managers/ staff) together with an improvement plan which must detail a precise end date and ongoing review dates (a copy of the improvement plan can be found in Tool 1 – notice of non-compliance and improvement plan sample).
4. The outcome is assessed after the end date has been reached. If the improvement plan is satisfactory and subsequent checks show the issue has been resolved then no further action is needed.
5. If a company does not respond to an improvement plan or subsequent checks show the issue has not been resolved then non-compliance is escalated to next level.
6. If non-compliance reaches level 3 then the offending company is sent a written notice and improvement plan (as above) and is given a final opportunity for remedial action. Again a precise end date must be given.
7. Communication is sent to site managers detailing the offending companies who have reached level 3 or above. Deliveries from these offending companies shall be refused.
8. If non-compliance is still not resolved and reaches level 4 then sanctions are imposed on the offending company which may include a site ban, retention of revenue, the removal of the supplier from the supply list and formal contractual action being taken.



3. Non-compliance letter for post-contract managers/staff

Figure 8 is a sample letter which would be sent to the supplier of a non-compliant driver/vehicle. This could be amended slightly if, for instance, this wasn't the first time non-compliance had been identified, etc.

Figure 8 - Sample non-compliance letter for post-contract managers/staff

[Insert contractor's name]
[Insert contractor reference]
[Insert site where non-compliance took place]
[Insert Date]

Dear Sir/Madam,

As you are aware TfL contractors need to be compliant with TfL Work Related Road Risk (WRRR) requirements as stated in *[insert contract title]* at clause *[insert clause number]*. The requirements have been developed with the aim of reducing the risk of a collision between large and heavy goods vehicles, vans and vulnerable road users. The contract you signed when you agreed to become a TfL contractor stated that all of your vehicles or your subcontractors' vehicles used to service a TfL site would be entirely compliant with the WRRR.

However, we write to inform you that on the *[insert date]* one of your vehicles/subcontractors' vehicles arrived at *[insert site]* and were found to be not entirely compliant on the following WRRR requirements:

Company

FORS registered/accredited No

Driver (please tick as appropriate):

License: In date Invalid/no license carried

Training (please tick as appropriate):

Safe Urban Driving FORS eLearning

Vehicle (please tick as appropriate):

	Fitted and serviceable	Fitted but not serviceable	Not fitted
Class VI mirror	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Front mounted rear facing camera	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sensor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fresnel lens	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Side guards N/S	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Side guards O/S	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Warning signage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Delivery allowed:

Yes

No

You should take this letter as formal notification that your company has been added to our non-compliance database which will be checked when you attempt to make a delivery to a TfL site in future. You will need to rectify the issues detailed above within 28 days or further sanctions will be enforced and your contract could be terminated if non-compliance continues.

Any non-compliant vehicle that returns to a TfL site will be turned away without offloading and further action against the offending contractor will be taken.

Suppliers who have recently been FORS certified and are awaiting copies of their accreditation certificates can provide a letter of confirmation that they have successfully passed the evaluation process and use the date of assessment as a means of evidence.

Yours faithfully
On behalf of Transport for London

Name

Signed

Position

7.2 Tool 2: Site managers

List of contents

1. The process for dealing with non-compliance
2. Non-compliance letter for site managers

For this group the key sections to look at are:

- Glossary
- Section 1: Introduction
- Section 2: Overview of the WRRR requirements
- Section 7: Tool 2 for site managers.

The information contained in this tool should be used by site managers and provides guidance on understanding the WRRR requirements, how to identify a non-compliant vehicle, reporting methods and also a sample non-compliance letter to be issued to drivers.

This tool can be adapted to make it relevant to the needs of site managers.

An example of a training slide pack for site managers is available.

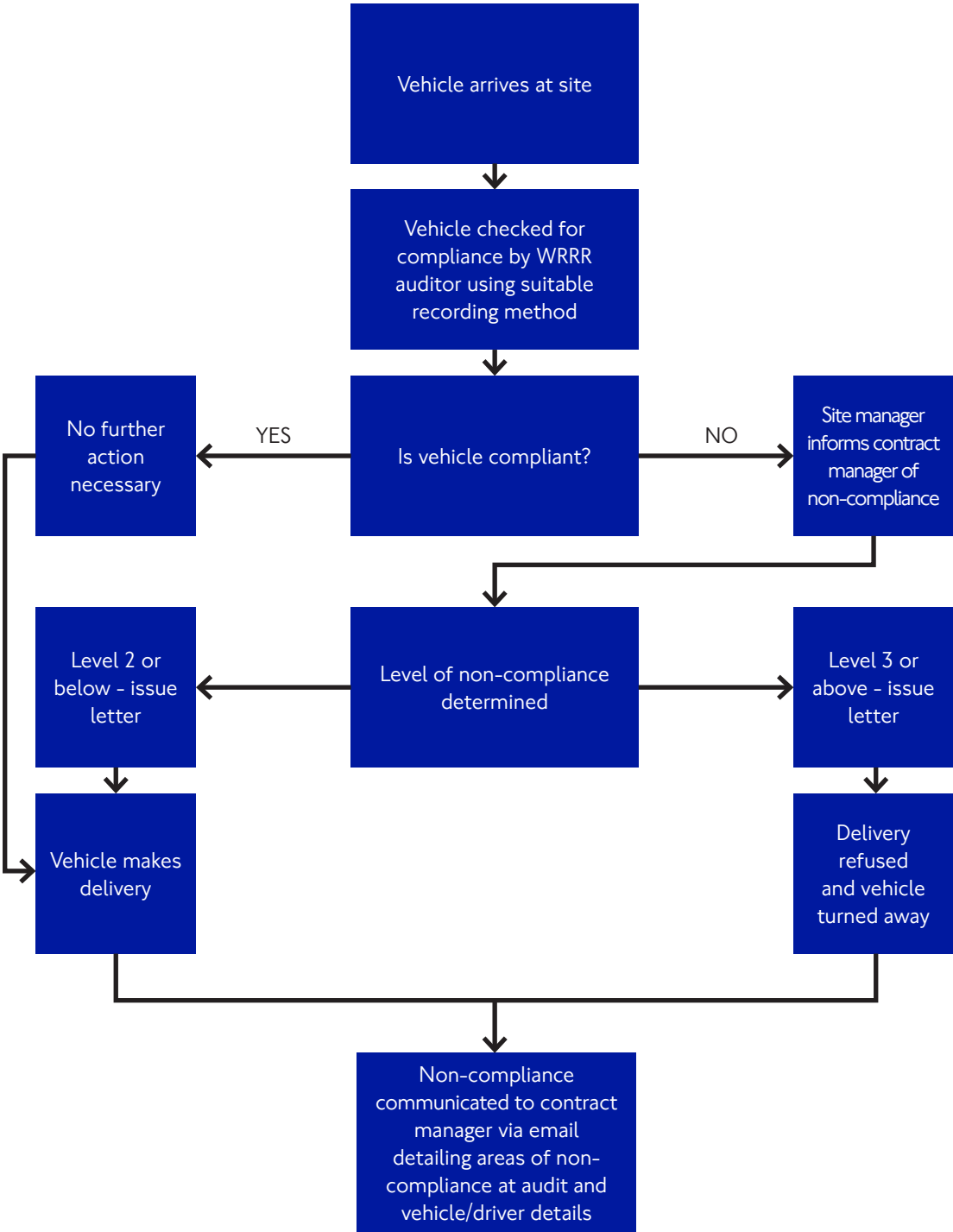
1. The process for dealing with non-compliance

This section shows instances of where you might be faced with non-compliance while conducting your duties and provides an overview of the steps that you should take when monitoring and enforcing the WRRR standards.

Figure 9 details the process for dealing with non-compliance.



Figure 9 - The process for dealing with non-compliance – site managers



The following provides a description of the process a site manager should take when dealing with a non-compliant vehicle and/or driver:

1. Vehicle arrives on site – inform the driver who you are and why you are checking the vehicle. Ask the driver if he/she has completed a Safe Urban Driving course and eLearning module. Ask the driver if he/she is carrying their driving licence and ask to check it. Check to see whether the licence is in date and suitable for the category of vehicle he/she is driving.
2. Vehicle checked for compliance by a WRRR compliance checker using a suitable recording method – check to see if the equipment is installed and working correctly.
3. If compliant no further action is necessary and vehicle makes delivery.
4. If non-compliant, compliance checker informs site manager explaining why the vehicle and/or driver has failed to meet the requirements. Request the driver informs the compliance checker and/or site manager with details of the company on whose behalf they are making the delivery. Provide the driver with a letter to be given to the organisation he/she is working for notifying them about the non-compliance. A copy of the letter can be found in Tool 2 – information for site managers. Contact the relevant TfL business unit (ie London Underground, London Rail, etc) and notify the contract/commercial manager that a letter has been issued to x supplier.
5. Site manager determines the offending company's level of non-compliance by consulting list provided by contract managers.
6. If offending company is found to be level 1 or 2 then the vehicle is allowed to make delivery.
7. If offending company is found to be level 3 or more then the delivery is refused.
8. Conduct ongoing audits to ensure continued compliance.

2 Non-compliance letter for site managers

Figure 10 below is a sample letter which could be given to the driver of a non-compliant vehicle who would then pass it to a person of authority within the organisation on whose behalf he/she is making the delivery.

Figure 10 - A sample non-compliance letter for site managers

[Insert contractor's name]
[Insert contractor reference]
[Insert site where non-compliance took place]
[Insert Date]

Dear Sir/Madam,

As you are aware TfL contractors need to be compliant with TfL Work Related Road Risk (WRRR) requirements as stated in *[insert contract title]* at clause *[insert clause number]*. The requirements have been developed with the aim of reducing the risk of a collision between large and heavy goods vehicles, vans and vulnerable road users. The contract you signed when you agreed to become a TfL contractor stated that all of your vehicles or your subcontractors' vehicles used to service a TfL site would be entirely compliant with the WRRR.

However, we write to inform you that on the *[insert date]* one of your vehicles/subcontractors' vehicles arrived at *[insert site]* and were found to be not entirely compliant on the following WRRR requirements:

Company

FORS registered/accredited No

Driver (please tick as appropriate):

License: In date Invalid/no license carried

Training (please tick as appropriate):

Safe Urban Driving FORS eLearning

Vehicle (please tick as appropriate):

	Fitted and serviceable	Fitted but not serviceable	Not fitted
Class VI mirror	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Front mounted rear facing camera	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sensor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fresnel lens	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Side guards N/S	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Side guards O/S	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Warning signage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7.3 Tool 3: Compliance checkers/auditors

List of contents

1. Risk assessment form
2. Letter of authority: Compliance checks on supplier vehicles
3. Vehicle safety equipment sheet
4. The compliance check – a systematic approach
5. The process for dealing with non-compliance
6. WRRR compliance check form
7. Additional methods for recording compliance checks

For this group the key sections to look at are:

- Glossary
- Section 1: Introduction;
- Section 2: Overview of the WRRR requirements
- Section 3: Stages of contract compliance
- Section 4: Determine level of compliance monitoring
- Section 7.2: Tool for site managers – non-compliance letter only
- Section 7.3: Tool for compliance checkers/auditors
- Section 8: References and other related reading materials

The information contained in this tool should be used by compliance checkers/auditors and provides guidance on how to carry out the compliance checks and example documents you may require to undertake your duties.

Compliance checkers/auditors can adapt this tool and its example documents to make them relevant to your specific needs. For example, you may wish to conduct compliance checking at night and so the risk assessment may be amended to incorporate a 'working at night' activity assessment.

An example of a training slide pack for checkers/auditors is available.

Additional methods for recording compliance checks are set out in Appendix I.

I. Risk assessment form

This is an example of a risk assessment form that could be used when working on a site. This could also be tailored to fit the specific needs of the individual.

Figure 11 - An example of a risk assessment form for working on site

SH&E Risk Assessment for Non-Office Work

Project Title:		Job Ref:		Page 1 of	
Specific destination:		Estimated time out of the office:		Date(s) out of the office:	
Reason for leaving the office:		Risk assessment Ref:		Date of next Review:	

■ Individuals working to this risk assessment must be consulted on the findings.
 ■ Work activities must not be carried out where there is an unacceptable risk.
 ■ Where a Project SH&E Management Plan or Safe Systems of Work/ Permits-to-Work System are considered beneficial they are to be prepared.
 ■ Original Risk Assessments/ Safe Systems of Work/ Permits-to-Work are to be held on the Project File.

REMEMBER

■ When out of the office and before starting work you must STOP and check that this risk assessment is still applicable.
 ■ To continue you may need to change your way of working or consult with others.

REMEMBER – HIERARCHY OF RISK CONTROL: Eliminate, Reduce, Isolate, Control, use Personal Protective Equipment.

Work Activity	Foreseeable Significant Hazard	People who may be harmed by the hazard	Initial Risk Level ⁽¹⁾	Control measures in place and existing monitoring process ⁽¹⁾ / Action to be taken and proposed monitoring process ⁽²⁾	Revised Risk Level ⁽²⁾	Acceptable Risk? Yes/No

Health and Safety Risk Assessment for Non-Office Work (SHE3EU-725-FM)
Revision 4 1 August 2012 1 of 2

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SH&E Risk Assessment for Non-Office Work

Work Activity	Foreseeable Significant Hazard	People who may be harmed by the hazard	Initial Risk Level ⁽¹⁾	Control measures in place and existing monitoring process ⁽¹⁾ / Action to be taken and proposed monitoring process ⁽²⁾	Revised Risk Level ⁽²⁾	Acceptable Risk? Yes/No

(1) Initial Risk Level is the assessed level of risk based on the control measures already in place.
 (2) Revised Risk Level is the assessed level of risk based on the preventative and protective control measures that will be put in place to further reduce the risk.

I confirm that the control measures and the process by which the measures are monitored, identified in this assessment accurately and adequately describe the procedures to be adopted. Where equipment is required those using it have received the necessary information, instruction and/or training on its safe use and operation. I confirm that the *Instructions for working at a non-office location* have been followed and that this risk assessment has been explained to all those involved.

Name: Signed: Project Director/Manager* Date:

**Health and safety responsibilities remain vested in the Project Director. Any delegation of authority regarding the management of health and safety shall be recorded in the project ePMP either as a specific project responsibility or as a bespoke activity utilising the ePMP Notepad. Project Directors must ensure that authority to act on their behalf is only provided to those Project Managers with appropriate education, training and/or experience.*

To be completed by all staff working to this risk assessment. I confirm that I have received a copy of this risk assessment and that control measures have been explained to me. I agree to comply with the controls whilst carrying out the work and to take all reasonable care to carry out the work in a manner not to endanger myself and others.

Name: Signed: Team Leader Date:

Name: Signed: Date:

Name: Signed: Date:


Health and Safety Risk Assessment for Non-Office Work (SHE3EU-725-FM)
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2. Letter of authority: Compliance checks on supplier vehicles

Figure 12 below is a sample letter of authority that you will need to present to the building manager upon arrival at site.

Figure 12 - A sample letter of authority

<p>TRANSPORT for LONDON</p>	 <p>Transport for London Freight Fleet Programmes 11th Floor, Palestra 197 Blackfriars Road London SE1 8NJ freight@tfl.gov.uk</p> <p>To whom it may concern</p> <p>Letter of authority: Driver and vehicle safety checks</p> <p>This letter provides authority to the designated officer <i>[INSERT NAME]</i> to conduct driver and vehicle checks on behalf of <i>[Transport for London (TfL)]</i>. This is part of the Work Related Road Risk contract compliance monitoring and enforcement.</p> <p>You and your vehicle may be subjected to a safety check to verify whether:</p> <ul style="list-style-type: none">• Your operation is accredited to the Fleet Operator Recognition Scheme (FORS)• Your vehicle is fitted with the required safety equipment such as blind spot sensors, camera monitoring systems, warning signage and side guards (where applicable)• You have undergone approved safety training such as Safe Urban Driving <p>This safety check aims to determine whether these contractual road risk requirements are being complied with.</p> <p>If you have any questions or concerns about the monitoring of these requirements, please contact freight@tfl.gov.uk</p> <p>Signed</p> <p>Print name Position</p> <p>MAYOR OF LONDON</p>
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3. Vehicle safety equipment sheet

The van and lorry diagrams in figures 13 and 14 demonstrate vehicles' and drivers' WRRR requirements. These have been designed as a quick reference guide to be used during a compliance check where necessary.

Figure 13 - WRRR requirements for vehicles under 3.5 tonnes



Figure 14 – WRRR requirements for vehicles above 3.5 tonnes

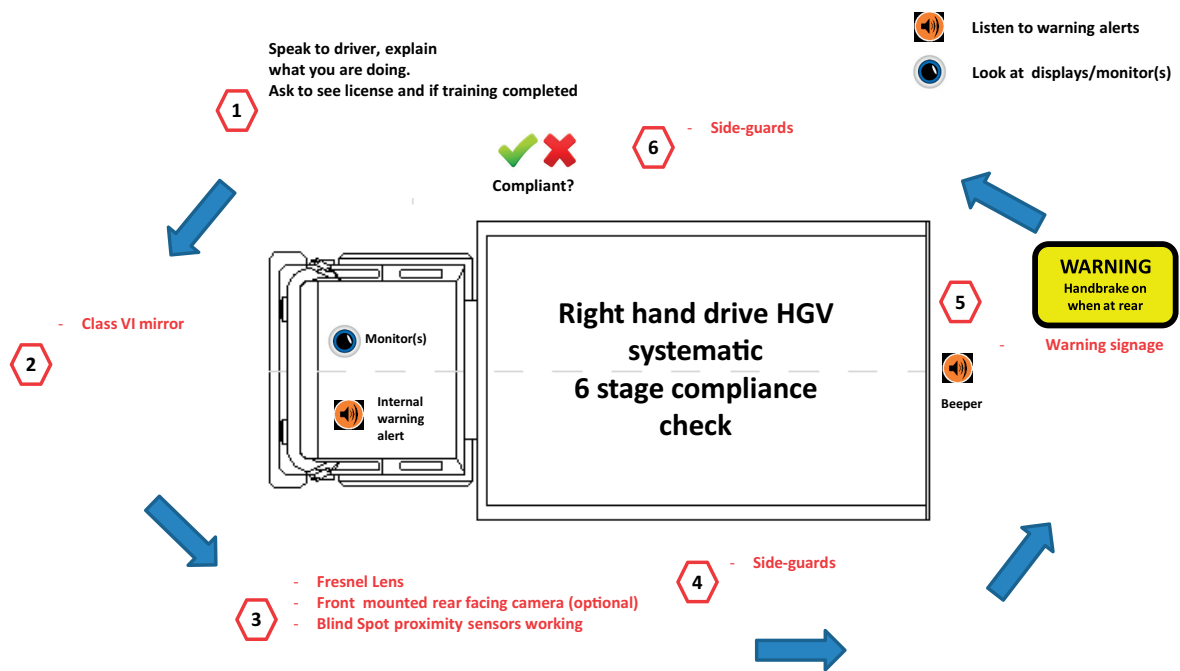


4. The compliance check – a systematic approach

Figure 15 provides a tried and tested approach to carrying out a compliance check. This method was developed during the strategy trial and ensures the checks are completed quickly, efficiently and with minimal disruption to site operations.

Figure 15 – The 6 stage compliance check

A Systematic Approach



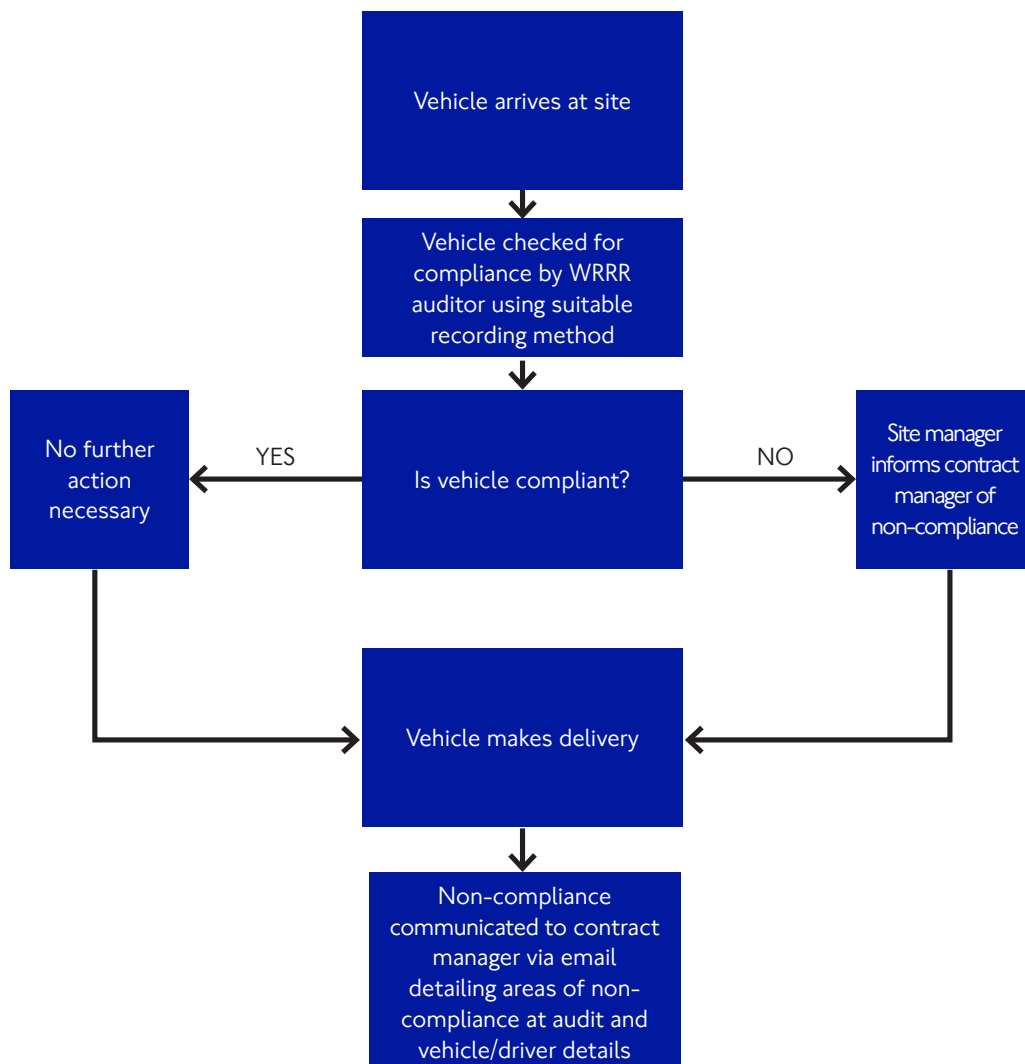
5. The process for dealing with non-compliance

This section shows how you might find vehicle and driver non-compliance while conducting your duties and provides an overview of the steps that you should take when monitoring and enforcing the WRRR standard.

As a compliance checker/auditor, you may be asked to carry out your duties at a TfL location (random check) or specifically asked to visit a supplier's premises to carry out a more thorough audit. The following process applies to both types of location-based audits.

Figure 16 details the process for dealing with non-compliance.

Figure 16 - The process for dealing with non-compliance – compliance checkers/auditors



The following provides a description of the process you should take when dealing with a non-compliant vehicle and/or driver:


1. Vehicle arrives on site – inform the driver who you are and why you are checking the vehicle. Ask the driver if he/she has completed a Safe Urban Driving course and eLearning module. Ask the driver if he/she is carrying their driving licence and ask to check it. Check to see whether the licence is in date and suitable for the category of vehicle he/she is driving.
2. Vehicle checked for compliance by a WRRR auditor using a suitable recording method – check to see if the equipment is installed and working correctly.
3. If compliant no further action is necessary and vehicle makes the delivery.
4. If non-compliant, auditor informs site manager explaining why the vehicle and/or driver has failed to meet the requirements. Request the driver informs the compliance checker and/or site manager with details of the company for whom they are making the delivery. Provide the driver with a letter to be given to the organisation he/she is working for notifying them about the non-compliance. A copy of the letter can be found in Tool 2 – information for site managers. Contact the relevant TfL business unit (ie London Underground, London Rail, etc) and notify the contract/commercial manager that a letter has been issued to x supplier.
5. Conduct ongoing audits to ensure continued compliance.

6. Work Related Road Risk compliance check form – paper form.

Figure 17 is an example of a paper based compliance check form

Figure 17 – The paper based compliance check form

Transport for London



TRANSPORT FOR LONDON
EVERY JOURNEY MATTERS

Work Related Road Risk compliance check form

Name of checker:	<input style="width: 95%;" type="text"/>	Date:	<input style="width: 95%;" type="text"/>	Time:	<input style="width: 95%;" type="text"/>
Site:	<input style="width: 98%;" type="text"/>				
Company name:	<input style="width: 98%;" type="text"/>				
Driver name:	<input style="width: 98%;" type="text"/>				
Employed by:	<input style="width: 98%;" type="text"/>				
TfL contractor:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	

Vehicle type:	
Van <3.5t	<input type="checkbox"/>
Lorry >3.5t <7.5t	<input type="checkbox"/>
Lorry > 7.5t rigid	<input type="checkbox"/>
Lorry drawbar and trailer	<input type="checkbox"/>
Lorry articulated	<input type="checkbox"/>
Specialist vehicle	<input type="checkbox"/>

Body type:			
Tipper	<input type="checkbox"/>	Crane	<input type="checkbox"/>
Mixer	<input type="checkbox"/>	Refuse	<input type="checkbox"/>
Tanker	<input type="checkbox"/>	Skip lorry	<input type="checkbox"/>
Other (specify)	<input style="width: 95%;" type="text"/>		

Vehicle registration:

Vehicle			
	Fitted and serviceable	Fitted but not serviceable	Not fitted
Class VI mirror	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Front mounted rear facing camera	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sensor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fresnel lens	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Side guards N/S	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Side guards O/S	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Warning signage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FORS accreditation			
Accredited:	Yes	<input type="checkbox"/>	No
Bronze:	<input type="checkbox"/>	Registered:	<input type="checkbox"/>
Silver:	<input type="checkbox"/>	None:	<input type="checkbox"/>
Gold:	<input type="checkbox"/>		

Driver				
Licence:	In date:	<input type="checkbox"/>	Category	<input type="checkbox"/>
	Invalid/no licence carried		<input type="checkbox"/>	
Training	Safe Urban Driving	<input type="checkbox"/>	FORS eLearning	<input type="checkbox"/>

Continued overleaf...

Comments		Comments
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Declaration				
Letter of non-conformance issued to driver	Yes:		No	
Signed by driver			Date:	

MAYOR OF LONDON

7.4 Tool 4: Suppliers

List of contents

1. Checklist for suppliers against WRRR compliance
2. Vehicle safety equipment sheet
3. Example of a driver record card and development plan
4. Example spreadsheet to provide evidence that vehicles are WRRR compliant

For this group the supplier will need to look at the entire toolkit as each section is relevant.

I. Checklist for suppliers against WRRR compliance

Suppliers must be able to demonstrate, as part of the contract implementation process, that they are planning to comply with the WRRR requirements. This plan could include, for example, evidence of FORS accreditation, safety equipment on vehicles, driver training and driver licence checks (figure 18).

Figure 18 – Checklist for suppliers against WRRR compliance

Requirement	Plan/process
FORS accreditation	FORS registration or equivalent application to be submitted at contract award. FORS bronze (or equivalent) accreditation to be obtained within 90 days of contract start. Evidence of registration and FORS accreditation to be supplied to the client within two days of notification.
Safety equipment on vehicles	The operator ensures that any goods vehicle over 3.5 tonnes gross vehicle weight, which it uses to provide the services, shall: <ul style="list-style-type: none"> • Have side guards fitted, unless the operator can demonstrate to the reasonable satisfaction of the authority that the vehicle will not perform the function for which it was built if side guards are fitted • Have a close proximity warning system fitted comprising: a front-mounted, rear-facing CCTV camera with in-cab live feed from the said camera or a Fresnel lens where the lens provides a reliable alternative to the CCTV camera and where the operator has obtained the authority's approval to use the Fresnel lens, which approval the authority may withhold in its unfettered discretion; and a close proximity sensor • Have a Class VI mirror • Bear warning signage on the rear of the vehicle to warn cyclists of the dangers of passing the vehicle on the inside
Driver licence checks	The operator shall ensure that each of its drivers has a driving licence check with the Driver and Vehicle Licensing Agency (DVLA) before that driver commences delivery of the services and that the driving licence check with the DVLA is repeated in accordance with either the following risk scale, or the operator's risk scale, provided that the operator's risk scale has been approved in writing by the authority within the last 12 months: <p>With 0-3 points on the driving licence – annual checks</p> <p>With 4-8 points on the driving licence – six monthly checks</p> <p>With 9-11 points on the driving licence – quarterly checks</p> <p>With 12 or more points on the driving licence – monthly checks</p>

Requirement	Plan/process
Driver training	<p>The operator shall ensure that each of its drivers who has not undertaken:</p> <ul style="list-style-type: none"> • Approved driver training (or training, which in the reasonable opinion of the authority, is an acceptable substitute) in the last three years, undertakes approved driver training or the said substitute training within 60 days of the commencement of the contract • A FORS eLearning safety module in the last 12 months, undertakes a FORS eLearning safety module (or eLearning, which in the reasonable opinion of the authority, is an acceptable substitute)
Collision reporting	<p>Within 15 days of the contract variation date, the operator shall provide the authority with a collision report. The operator shall provide the authority with an updated collision report on a quarterly basis and within five working days of a written request from the authority.</p>
FORS reports	<p>Within 30 days of its achieving bronze accreditation or equivalent within the alternative scheme, the operator shall make a written report to the authority at fors@tfl.gov.uk detailing its compliance with the safety clauses (the 'Safety, Licensing and Training Report'). The operator shall provide updates of the Safety, Licensing and Training Report to the authority on fors@tfl.gov.uk on each three monthly anniversary of its submission of the initial Safety, Licensing and Training Report.</p>
Obligations of the operator regarding subcontractors	<p>The operator shall ensure that each of its subcontractors that operate car-derived vans, vans and lorries shall comply with the safety clauses as if those subcontractors were a party to this contract.</p>
Failure to comply with freight-related obligations	<p>If the operator fails to comply with clauses:</p> <ul style="list-style-type: none"> • The operator has committed a material breach of this contract • The authority may refuse the operator, its employees, agents and freight vehicle entry on to any property that is owned, occupied or managed by the authority for any purpose (including but not limited to deliveries)

2. Vehicle safety equipment sheet

The van and lorry diagrams in figures 19 and 20 demonstrate vehicles and drivers WRRR requirements. These have been designed as a quick reference guide for suppliers.

Figure 19 - WRRR requirements for vehicles under 3.5 tonnes



Figure 20 – WRRR requirements for vehicles above 3.5 tonnes



3. Example of a driver record card and development plan

Figure 21 gives an example driver record card and development plan that suppliers may use to provide evidence about driver licences and driver training.

Figure 21 - Driver record card and development plan

Driver record card and development plan				
Driver details				
Driver name:		Date of birth:		
Staff number:		Date employed:		
DVLA number:			Restriction codes:	
Registered address:				
Date checked:		Checks conducted by:		
Driver annual declaration				
I declare that I:				
<ul style="list-style-type: none"> • Have read the company's Driver Handbook and Driving at Work Policy and understand that I am to comply with any associated procedures • Have produced my most current driving licence for checking • Have not had a change in health or eyesight which could affect my entitlement to drive • Do not have any convictions, endorsements or disqualifications that may affect my entitlement to drive 				
Name:		Signature:		Date:
Name:		Signature:		Date:
Name:		Signature:		Date:
Name:		Signature:		Date:
Name:		Signature:		Date:
Action log				
Action	Due date	Completed		

1. Driver induction and familiarisation

1.1 Company induction

Training need	Date planned	Date complete	Training method or course title
Knowledge of the Highway Code			Assessment
Driving competency			Assessment
Vehicle familiarisation and operating procedures			Induction course
Driving at work policies, procedures and company ethos			Induction course
Risk assessment and driving at work risks			Line manager on the job training
Contents of the driver handbook and associated procedures			Driver CPC
Health and safety including emergency procedures			Line manager on the job training
Workplace familiarisation including fire and first aid points			Line manager on the job training

1.2 Major contract induction

Contract name	Date planned	Date complete	Training method or course title
TfL Bank Station upgrade			Client Driver Certificate of Professional Competence (CPC)
Crossrail			Client Driver CPC

2. Driver development plan

2.1 Driver training record

Training need	Date planned	Date complete	Training method or course title
Driver's hours compliance			Driver CPC
Driver walkaround checks			Driver CPC
WRRR training			SUD Theory
On-cycle hazard awareness			SUD Practical
Vehicle safety technology			On the job training

2.2 Annual WRRR refresher training

Training need	Date planned	Date complete	Training method or course title

2.3 Remedial training

Training need	Identified by	Date complete	Training method or course title

3. Driver licensing

3.1 Licence and eyesight checks

Licence check date:		Changes since last check:	Yes	No
Eyesight check:		Checks conducted by:		

Licence check date:		Changes since last check:	Yes	No
Eyesight check:		Checks conducted by:		

Licence check date:		Changes since last check:	Yes	No
Eyesight check:		Checks conducted by:		

Licence check date:		Changes since last check:	Yes	No
Eyesight check:		Checks conducted by:		

Licence check date:		Changes since last check:	Yes	No
Eyesight check:		Checks conducted by:		

Licence check date:		Changes since last check:	Yes	No
Eyesight check:		Checks conducted by:		

Comments:				
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3.2. Endorsement history

Licence endorsements	Penalty points:		Category:		Expiry:	
	Penalty points:		Category:		Expiry:	
	Penalty points:		Category:		Expiry:	

Example spreadsheet that suppliers could use to provide evidence that their company vehicles are WRRR compliant

Figure 22 - Example evidence spreadsheet for suppliers

Vehicle registration:		Heavy goods vehicle	Van	
	Fitted and serviceable	Fitted but not serviceable	Not fitted	Date fitted
Class VI mirror				
Front mounted rear facing camera				
Sensor				
Fresnel lens				
Side guards near side (N/S)				
Side guards off side (O/S)				
Warning signage				
Vehicle registration:		Heavy goods vehicle	Van	
	Fitted and serviceable	Fitted but not serviceable	Not fitted	Date fitted
Class VI mirror				
Front mounted rear facing camera				
Sensor				
Fresnel lens				
Side guards N/S				
Side guards O/S				
Warning signage				

Vehicle registration:		Heavy goods vehicle	Van	
	Fitted and serviceable	Fitted but not serviceable	Not fitted	Date fitted
Class VI mirror				
Front mounted rear facing camera				
Sensor				
Fresnel lens				
Side guards N/S				
Side guards O/S				
Warning signage				

8. References and other related reading materials

References and other related reading materials

Improving road safety through procurement – <http://www.fors-online.org.uk/resource.php?name=Improving+road+safety+through+procurement>

CLOCS Guide – Managing supplier compliance – <http://www.clocs.org.uk/wp-content/uploads/2014/07/CLOCS-Guide-managing-supplier-compliance.pdf>

Managing work related road risk in TfL supply chains: A strategy for compliance monitoring and enforcement – <http://www.tfl.gov.uk>

CLOCS Standard for construction logistics safety: Managing work related road risk (WRRR) – <http://www.tfl.gov.uk/cdn/static/cms/documents/standard-for-construction-logistics.pdf>

Driving at work, Managing work-related road safety - <http://www.hse.gov.uk/pubns/indg382.pdf>

Managing Road Risk – An introductory guide for employers. Available from Brake.
Telephone: 01484 559909; e-mail: brake@brake.org.uk or fleetsafetyforum@brake.org.uk

Managing occupational road risk. Available from the Royal Society for the Prevention of Accidents (RoSPA), Edgbaston Park, 353 Bristol Road, Birmingham B5 7ST. Telephone: 0121 248 2000

Management of Occupational Road Risk. Available from Croner CCH Group Ltd, 145 London Road, Kingston upon Thames, Surrey KT2 6SR.
Telephone: 020 8547 3333 or visit www.croner.cch.co.uk

Management of work-related road safety. Research report 018, HSE Books 2002, ISBN 0 7176 2549 4. Case studies can be viewed at www.hse.gov.uk/roadsafety/experience.htm.

For specific information about driving at work and road safety, visit the Department for Transport (DfT) at www.dft.gov.uk/roadsafety and <http://think.direct.gov.uk/>

For information on driver training and testing, visit the Driver and Vehicle Standards Agency at <https://www.gov.uk/government/organisations/driver-and-vehicle-standards-agency>

Other useful links

Freight Transport Association at www.fta.co.uk

Local Authority Road Safety Officers Association at www.larsoa.org

Occupational Road Safety Alliance at www.orsa.org.uk

Road Haulage Association at www.rha.uk.net

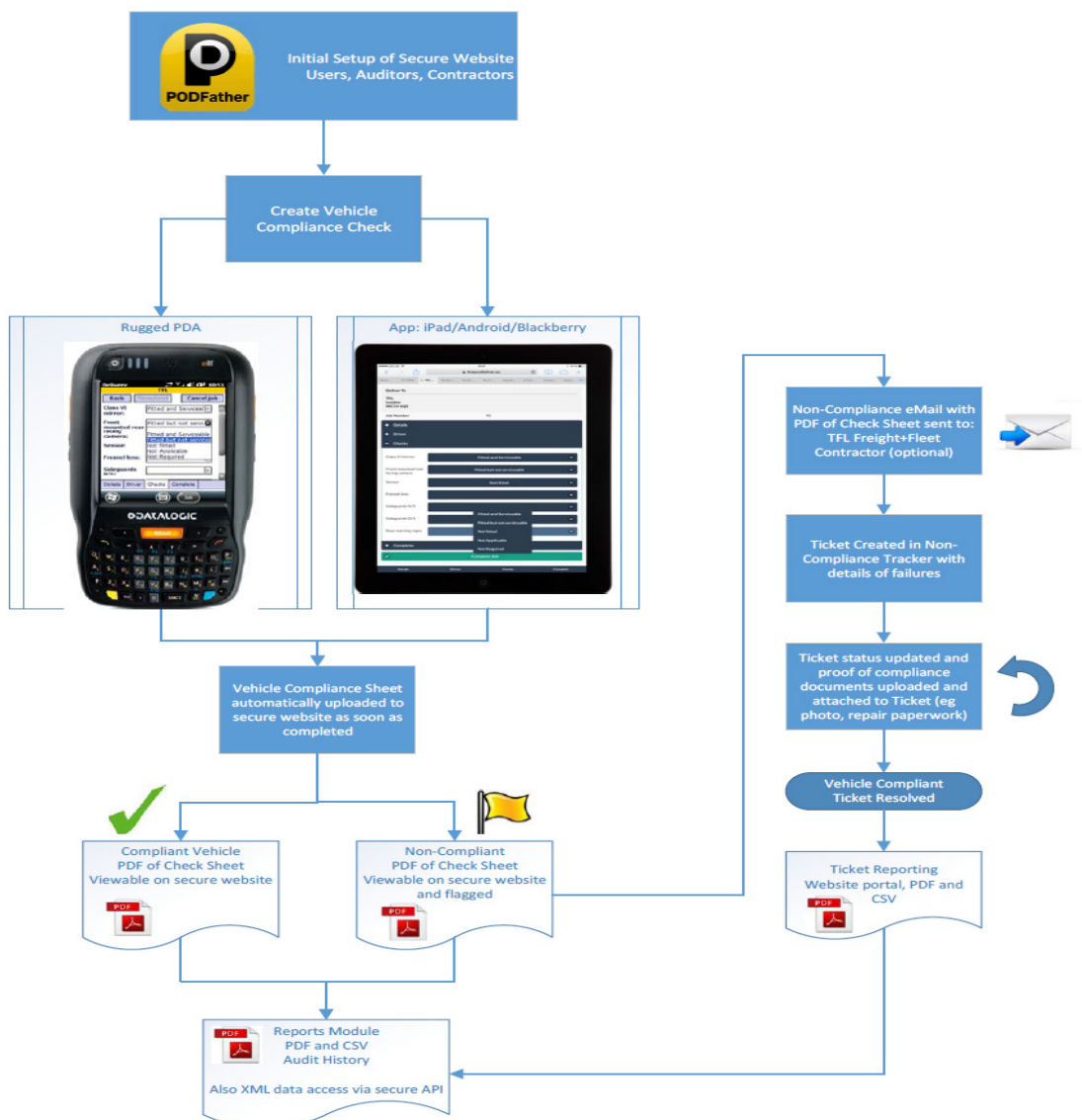
Appendix 1 – Additional methods for recording compliance checks

There are a number of technological solutions for compliance checking available. At TfL we tried, tested and developed two of these systems during a strategy trial. Both were found to be adequate methods of recording and reporting the compliance checks.

PODFather

PODFather provide web and 'Cloud' personal digital assistant (PDA) based logistics planning, management, compliance and reporting systems into the logistics, construction and field force sectors. PODFather software allows a customised question set to be pre-loaded prior to undertaking compliance checks. Using a rugged PDA, the checker keys in pre-set answers using a set of drop downs.

The following diagrams demonstrate how the PODFather system works including a detailed breakdown of the workflow and an example of a compliance check form that could be produced by the system.



Work Related Road Risk compliance check form

Job Details			
Name of checker:	Peter Gibbs	Company Name:	Vital Rail
Date:	15/04/2014	Driver Name:	Rafal Polanski
Time:	23:03	Employed by:	S-E
Site:	Cody Road	Tfl contractor:	Yes

Vehicle Details	
Vehicle type:	Van <3.5t
Body type:	Tipper
Vehicle Registration:	NA13YXH
FORS accreditation:	Not Known
Class VI mirror:	Not Required
Front mounted rear facing camera:	Not Required
Sensor:	Not Required
Fresnel lens:	Not Required
Sideguards N/S:	Not Required
Sideguards O/S:	Not Required
Rear warning signs:	Fitted but not serviceable

Driver Details			
Licence		Training	
In date:	Yes	Safe Urban Driving:	No
Category:	B	FORS e-learning:	No
Invalid/no licence carried:	Valid		

Comments
Cyclist sign filthy

Yellow Jacket

Yellow Jacket is an online tool for managing quality, environmental, health and safety performance, created to manage compliance across an organisation or down through a supply chain. Yellow Jacket is owned by the Mace Group and is designed to assist with spotting trends and areas of weakness with quick access to all data from a personal dashboard. The system allows access to management reports that allow the user to see trends, audit scores and close out rates.

InfoPath

InfoPath Forms Services is a server technology that makes it possible to fill out forms in a web browser. By managing forms in a central location, you can streamline business processes and improve relations with customers, partners and suppliers. Users don't have to have InfoPath installed on their computer to fill out a browser-enabled form template, nor are you required to download anything extra from the web. InfoPath also enables you to store and manage forms and form templates in a centralised location. InfoPath Forms Services enables you to publish form templates that you design to a common location across an organisation. Additionally, users can submit forms to SharePoint libraries, which are folders where a collection of files is stored and where the files often use the same template. It is also possible to integrate forms into document management and life cycle tasks such as workflow and rights management.

