# **Case Study - Langleys Solicitors**

## Profile

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| Company Name: | Langleys Solicitors |
| Business Sector: | Legal |
| Postal Address: | Queen's House Micklegate York |
| Postcode: | YO41 1BP |
| Fleet Size Overall: | 162 vehicles |
| HGV: | 0 |
| LGV: | 0 |
| Company Cars: | 2 Pool cars 6 Company cars |
| Private vehicles used for business purposes: | 154 |

## Company Overview

**Langleys** is based in York and Lincoln and has 292 employees.  The firm has enjoyed substantial growth over the past five years, and in spite of the challenging economic conditions, continues to be recognized as a prominent legal practice both nationally and in these cities. In addition, the firm has successfully penetrated the commercial hubs of both Leeds and Nottingham and their surrounding regions,
**Langleys** is proud that it has high quality teams which have been recruited especially to ensure that the level of legal advice and quality of service in all sectors matches that of the country's leading practices.  **Langleys** has combined a solid reputation, built up over generations, with the best of modern services designed to meet the most exacting requirements of business and individuals.  Its robust management structure enables the firm to respond to and anticipate the opportunities for alternative business models as well as the flexibility to adapt to the developing economic environment.

**Langleys** has divided its business into four key divisions listed below.  Each division focuses on its individual strategy as well as the operational development of its services.  This structure ensures that the services **Langleys** provide are responsive to client needs and market developments.  The teams are organized to work collaboratively between offices giving clients a seamless and cost-effective service.  The linking between teams to cover overlap within the business sectors has been considerably enhanced through the implementation of case management systems and continually refining workflow.  Further information on this is available at the website [www.langleys.com](http://www.langleys.com/).

* Commercial
* Private
* Insurance
* Residential property

The ethos and culture with which **Langleys** conducts its business are reflected in the firm's mission statement and corporate values.

**Mission**

* To have an enviable reputation and brand.
* To provide technically excellent advice to our Clients, supported by a first class delivery of service.
* Constantly to add value to the service we provide by working with our Clients to understand their business which will enable us to provide innovative ideas to enhance the service we provide.
* To manage our business efficiently, fairly and effectively and with integrity.

**Our Values**

* To respect each other, our Clients, our contacts and service providers.
* To effectively communicate with each other, our Clients, our contacts and service providers.
* To be approachable when managing our business and when offering practical solutions to our Clients.
* To have pride in what we do and how we do it - exceeding our Client's expectations wherever possible.
* To constantly improve and develop our business processes.
* To recognize and embrace our corporate and environmental responsibilities.

**Langleys** has specialised capability in both health and safety as well as road traffic legislation.  **Langleys** supports the Government campaign ***Driving for Better Business*** because it believes that the campaign delivers awareness on an issue which employers can no longer afford to ignore.  Langleys believe that the solution to managing driving at work is a fully risk assessed policy and procedures which fulfil the following criteria:

* Fully compliant from a regulatory point of view.
* Minimises exposure of a business to risk both personal and corporate.
* Easy to administer

## Nature of Operation and Driving Activities

**Langleys** is focussed on delivering a service to its clients.  Given the fact that the company is based in two locations, York and Lincoln, this focus shapes its "at work" driving activities.  Most driving activities are in response to their clients' requirements, whether travelling to their business locations or attending court and police appointments.  In addition, a significant element of travel covers attendance at training and marketing events.

A key objective at **Langleys** is the development among its managers and staff of an ethos of taking collective and individual responsibility for safety while driving at work.  This includes the need to:

* Keep up to date about best practice road risk management and update internal **Langleys** initiatives accordingly.
* Require employees to leave plenty of time for all journeys, including time for regular breaks on long journeys (15 minute break every two hours is recommended).
* Encourage employees to use more appropriate transport methods when it is more sensible.
* Ensure that no driver is required to drive when it is unsafe to do so (for example, if they are tired or it is snowing or foggy).
* Provide advice to drivers about road safety.
* Provide driver training for employees whose driving ability is deemed to be below the required standard.
* Ensure that staff are fit to drive (for example, their eyesight is good and they do not drive when they are under the influence of alcohol or drugs).
* Ensure that cars provided are mechanically safe (that is, serviced in line with manufacturers' recommendations and fitted with crash protection measures, including air bags).
* Ensure that all employees report vehicle defects and that these defects are rectified.
* Encourage employees to complete basic checks on vehicles regularly (for example, tyres, oil, water, lights, windscreen washers/wipers, washer bottles and brakes).
* Carry out routine spot checks on standards of maintenance on both company and "opt-out" company scheme vehicles.

## Organisational Structure

The Management Team of **Langleys** is drawn from the Equity Partners.  The Team lays down the business strategy and corporate ethos for the business.  Responsibility for Health and Safety is clearly defined.  The Head of the Motor Law Unit has overall responsibility for defining the corporate policy and procedures for Health and Safety which **Langleys** follow. This is an on-going process and all the firm's policies and procedures in this area are reviewed on an annual basis or in response to changing legislation and best practice. The Health and Safety Manager is responsible for disseminating these policies and procedures and for implementing them throughout all the firm's activities. A key responsibility of the Health and Safety Manager is to ensure that there is a monitoring and reviewing process in place to assess their efficacy and to encourage compliance with them.

**Langleys** managers are expected to ensure that, in so far as is reasonably practicable, their divisions and units comply with the firm's Driving at Work policy. In particular they must:

* Bring this policy to the attention of all those within their division/unit who drive for the purposes of work and ensure that, in so far as is reasonably practicable, it is adhered to.
* Assist **Langleys** in identifying all risks associated with the task of driving at work within their divisions/units as well as identifying risks specific to each individual driver.
* Assist **Langleys** in identifying risk and assist in the implementation of control measures to combat identified risks.
* Assist **Langleys** in monitoring the success of the control measures within their divisions/units and liaise with the **Langleys** Health and Safety Manager for the reporting of any incidents or accidents.
* Assist the **Langleys** Health and Safety Manager in ensuring that drivers in their divisions/units using vehicles for **Langleys** business are covered by insurance; have a current MOT (vehicles over three years) and a current driving licence.

## Work related Road Safety Policy and Procedures

**Langleys** is committed to fulfilling its obligations under Health and Safety legislation with regard to driving at work.  The Health and Safety Policy includes policy and procedures for driving at work (**Langleys** Driving for Work Policy).  These have the objective of identifying and minimising the risks associated with driving at work.  This document has been provided to RoadSafe.

**Langleys** actively encourages safe driving in order to reduce the number of accidents. Clear definitions are part of **Langleys** Driving for Work Policy:

* **Vehicle** refers to a car or other vehicle, which is not a pool car, and for which a driver has primary responsibility.
* **Driving at Work** refers to any work carried out on behalf of **Langleys** which involves the driver in time spent driving a vehicle. This covers all journeys other than to and from the normal place of work.  This includes travel between sites or sites and other places to attend appointments or meetings.
* **Driver** refers to any person employed by Langleys and all partners in the firm.
* **Manager** refers to Divisional Heads and Unit Heads.

The **Langleys** Driving for Work Policy deals with all vehicles other than pool cars and includes vehicles owned hired, borrowed, or leased by drivers, used on **Langleys'** business.  There is a separate policy in respect of pool cars because of the particular issues associated with this type of vehicle. The **Langleys** Driving at Work Policy - Pool Vehicles has been provided to RoadSafe.

Since the **Langleys** Driving for Work Policy covers the use of private vehicles for work use, drivers will be expected to ensure that their vehicles meet certain minimum standards.  As an employer, **Langleys** is under an obligation to ensure that vehicles used on official business are insured; have a current MOT (where this is relevant); and that the driver has a current full driving licence.

## Work related Road Safety Guidance for Drivers

All drivers who drive at work while on **Langleys** business have a duty under the Health & Safety at Work Act 1974, Section 7, to **'ensure the health, safety and welfare of themselves and others whilst at work'**.

In particular all drivers must ensure that:

* They drive in a safe and competent manner, in accordance with UK road traffic laws and the Highway Code.
* They have informed the insurance company that they use the car for work and this use of the vehicle is covered by insurance.
* They inform their Manager, the Health and Safety Manager and the relevant authorities of any accidents whilst driving at work, and also follow the prescribed procedure for such accidents
* They inform their Manager and the Health and Safety Manager of all licence disqualifications; withdrawals; revocations; endorsements; and of any health problems which may affect their ability to drive.
* They ensure that their vehicle is roadworthy; is maintained in a safe condition; and has a current MOT certificate where applicable.
* They do not consume alcohol or other mind altering substances as prohibited by law. [Some prescription drugs could adversely affect a person's ability to drive.  In such cases drivers need to be guided by the prescribing doctor].
* They make themselves familiar with this policy and ensure that they practice safe methods of driving at all times.
* They do not drive at work unless authorised to do so following the completion of a Driver Risk Assessment.
* Inform their Manager and the Health and Safety Manager of any other matter which may affect their ability to drive.

## Specific examples of procedures

Langleys lay down a clear policy on the use of mobile phones by employees when driving at work.  This is given below:

"Research has shown that operating a mobile phone while driving reduces concentration and may contribute to the likelihood of an accident.  It is dangerous and contrary to the Highway Code.

**Never use a hand-held phone while driving**

The Government introduced legislation in December 2003 making it a criminal offence to use a handheld device whilst driving, to speak or listen to a phone call, or to use a device interactively to access any sort of data - including internet, text or other images.

This legislation applies to any **hand-held** mobile device, including PDAs as well as to mobile phones.  The definition includes a phone with a hands-free kit, unless it is in a fixed cradle, attached to fixed speakers and does not require the driver to hold it while in use (in which case it will be defined as a hands-free phone).

It is an offence to use a hand-held device even when stationary, if the engine is running, for instance, in a traffic jam, short hold up, or at the traffic lights.

Offenders will receive a fixed penalty fine of £60, (which can be increased to £1,000 if the matter goes to Court), and 3 points on their licence. The maximum fine is £2,500 if you were driving a bus, coach or any heavy goods vehicle.

In addition, drivers who use a mobile device whether it is hands-free or hand-held must have proper control of their vehicles at all times.  If use of a phone or device means you do not have proper control, you could face prosecution for careless or even dangerous driving. Penalties include an unlimited fine and up to two years imprisonment.

**We strongly recommend you not to use a hands-free phone while driving**.  Even using a hands-free phone whilst driving can be a distraction and the Firm therefore recommends that you avoid taking/making calls.  If you must take a call, explain that you are driving and end the conversation quickly.

**Summary**

* Langleys request, with immediate effect, that if you are undertaking work for the Firm you do not make/take calls or send/read text messages whilst driving.
* For your own safety and that of other road users, use voicemail or divert calls, while you are driving.
* Find a safe place to park and turn off the ignition before you make a call or receive messages."

## Auditing and review

**Langleys** have Lexcel accreditation.  Lexcel is the Law Society's practice management standard.  It is a scheme to certify that certain standards have been met following independent assessment. The Lexcel practice management standard is only awarded to solicitors who meet the highest management and customer care standards.  Lexcel accredited practices undergo rigorous independent assessment every year to ensure they meet required standards of excellence in areas such as client care, case management and risk management.

Lexcel accreditation means that **Langleys** conducts an internal management review and auditing process on an annual basis to ensure that it conforms to the high standards it has set.  Where shortcomings are identified, these are flagged back to the management team for resolution.  A system of internal checks and balances is ongoing to ensure that all policies and procedures are validated and reviewed regularly.

All incidents are reported.  In general, **Langleys** has a very good safety record and there have been few incidents, all of them very minor, in the recent past.

## Performance measures

**Langleys** reviews all its management procedures on an annual basis as part of the Lexcel process.  The introduction of tighter management for driving at work has resulted in improved awareness of the importance of safety among all members of the firm.  The annual administrative inspections assist in maintaining high standards.

## Accident reduction

**Langleys** has a very good safety record. There has therefore been no dramatic reduction in vehicle incidents. What few incidents there are remain all of a very minor nature.

## Financial and other benefits

The financial benefits which stemmed from the implementation of **Langleys** Driving for Work Policy have not been significant.  The principal benefit was to strengthen the ethos of collective and individual responsibility for safety.  Initially, there was resistance to the idea that the business had responsibility for people's driving activities.  The process of explaining how the Law had changed and why **Langleys** considered activities carried out by individuals driving at work to be their responsibility, caused a major shift of culture.  Once individuals understood that, in fact, **Langleys** was taking its Duty of Care seriously and that the beneficiaries were the employees themselves, there was a significant change in individual attitudes and perceptions.  The whole process was seen as a beneficial one which reminded everyone in a timely manner of their responsibilities for safety.

## Lessons learned

The process of working through the implications for the internal management of **Langleys** which resulted from the changes to legislation, greatly improved internal procedures.  In particular, it made it necessary to reassess the existing management structure to ensure clearer definitions and delineations of management responsibility.  It also delivered a better focus on collective and individual responsibilities for safety.  The impact of this was felt beyond the narrow health and safety focus.

As a result of this internal review of policy and procedures, **Langleys** found itself able to offer its clients better advice and assistance on how to comply with the requirements of the legislation.  **Langleys** acknowledges that the confidence which stems from the fact that its own policy and procedures have been rigorously scrutinized, places it in a special position when supporting clients.  Although every business is unique in its requirements, **Langleys** is better able to identify management shortcomings on the basis of their own experience.

## Current and future developments

As a result of the expertise developed within **Langleys** in the management of issues, particularly legal, surrounding driving at work, it has been possible to develop an outreach programme to improve awareness within the local business community of the importance of managing work-related road safety.  This has had an impact on the image of the business and has also assisted in generating work in a field which was until recently only a marginal activity.

## Additional Information

Langleys have produced the most succinct advice to business on why management should take their responsibilities for driving at work seriously.  This is reproduced below:

""Unsafe Driving by Employees

The Corporate Manslaughter and Corporate Homicide Act 2007 makes companies and managers directly responsible for their employees' negligent actions.  This law has been force since 6 April 2008 and the first prosecutions under it are now coming to court.

In terms of the use of company vehicles, the obligations imposed on employers go much further than those imposed by previous legislation.  They relate not only to vehicles provided by the employer but also to an employee's own vehicle where it is used for work purposes.  Employers must ensure that such vehicles are adequately insured for business use, are roadworthy and that the employee has a valid driving licence.

It is important to note that the new legislation affects all businesses, from police forces to partnerships.  Small firms could be particularly affected as they often rely on managers using their own cars for work purposes.  They may wish to consider offering a company car as an employee benefit on the basis that, at least, they can be satisfied that the vehicle is properly insured, has an MOT and is fit for use.

The new legislation means that Police forces are likely to become more actively involved in investigating whether or not employers have carried out basic checks such as, whether or not their employees have a valid driving licence.  Where an employee is stopped by a police officer whilst driving in the course of their employment and has committed a driving offence such as using a hand-held mobile phone, the police can request a meeting with a Director of the company.  They can ask to be shown what policies are in place, what risk assessments have been carried out and evidence of training.  If an employer fails or refuses to cooperate, they can be issued with improvement notices and fines of up to £20,000 in the Magistrates Court or an unlimited amount in the Crown Court. Fines can be imposed both on companies and managers personally.

If an offence committed by an employee whilst driving in the course of their business leads to loss of life, the company can be prosecuted.  The Police will seek to prove that the offence came about because of the grossly inadequate way in which the company's activities were managed.  An example would be a situation where an employer required an employee to drive long hours or simply failed to monitor the amount of driving hours being undertaken.  If found guilty of corporate manslaughter, a company could face unlimited fines.  Additionally, the Court can require publication of the offence and specify the manner in which it is published.  This is likely to tarnish a company's reputation.  If a company has satisfactory policies, keeps administration up to date and provides ongoing training, it will be in a stronger position to defend itself.

It is essential that if employers have not yet taken the following measures, they take immediate steps to do so:

* Set up administrative systems to check that employees have valid driving licences, that they are adequately insured, and that the vehicles they drive are roadworthy.  These checks need to be repeated regularly.  If this task appears too onerous then specialist checking companies exist and can help to ease the process.
* Set up policies relating to driving at work, making it clear that any breach constitutes a disciplinary offence.  Provide ongoing training and back this up with relevant training records.

Employers ignore the potential consequences of not complying with the new Act at their peril.  There will undoubtedly be a raft of test cases as the new legislation beds in.  This is particularly likely to be so, given the fact that many businesses do not appreciate the extent of the changes, or the fact that every employer is affected and not just the big corporations.

If you would like advice on how to comply with the new legislation or find yourself under the scrutiny of the police or facing prosecution then please contact **Langleys** 01904 610886."" - ©LANGLEYS 2010.

References:

1. Langleys Health and Safety Policy.
2. Langleys Driving for Work Policy.
3. Langleys Driving at Work Policy - Own Vehicles.
4. Langleys Company Drivers Handbook - Edn Mar 2007.
5. Langleys Driver Risk Assessment.
6. Langleys Driver Questionnaire.
7. Langleys Driving Policy - Receipt.