

To: INFRASTRUCTURE, LAND AND ENVIRONMENT POLICY BOARD

On: 24 JANUARY 2018

Report by: JOINT REPORT BY DIRECTOR OF ENVIRONMENT & COMMUNITIES AND
DIRECTOR OF FINANCE & RESOURCES

Heading: THE GLASGOW BIN LORRY CRASH – UPDATE REPORT ON PROGRESS
WITH ACTION PLAN FOLLOWING RECOMMENDATIONS OF THE FATAL
ACCIDENT INQUIRY

1 Summary

- 1.1 The purpose of this report is to update the Infrastructure, Land and Environment Policy Board on the progress of the action plan approved by the Leadership Board in March 2016 to address the recommendations made by the Sheriff, following on from the release of the determination of the Fatal Accident Inquiry (FAI) into the death of six people who died on 22 December 2014 when a bin lorry mounted a pavement in Glasgow City Centre. The vehicle collided with a number of pedestrians after the driver suffered an episode of neuro cardiogenic syncope (fainting), causing him to temporarily lose consciousness with the result that he was unable to control the movement and direction of the vehicle.
- 1.2 A report relative to the potential implications for the Council in carrying out certain functions as a local authority, following the release of the determination of the fatal accident inquiry, was approved by the Leadership Board on 17 February 2016. The Leadership Board noted that the report advised that a short term multi-disciplinary task team had been set up to consider the findings of the inquiry and develop an action plan which will address the recommendations made by the Sheriff in so far as it relates to our function as a Local Authority. At that meeting it had been agreed that a further report be submitted to the next Leadership Board, detailing the Council's referenced action plan, including any financial implications known at that stage.

- 1.3 As agreed, a further report was submitted to the Leadership Board on 29 March 2016 jointly by the Directors of Community Resources and Finance & Resources. The report detailed progress with the action plan and the specific areas where actions had been undertaken and concluded as a priority, other actions which were underway and further actions being considered by the Council which were not specifically noted in the Sheriff's determination. The progress of the action plan and the measures which were immediately put in place concerning driver recruitment were noted and it was also noted that the task team would continue to progress the implementation of the FAI findings and would actively research and develop areas that were continuing to evolve, in particular vehicle specification and advancing safety features.
- 1.4 In his FAI report, the Sheriff concluded that the most effective measure to prevent such an occurrence would be to seek to avoid drivers becoming incapacitated at the wheel. As such, the task team's key focus has been on this aspect of the inquiry.
- 1.5 Investigations by the task group confirmed that the Council's recruitment process was already robust in a number of areas which are relevant to the Sheriff's recommendations. Immediate action was taken in respect of requiring medical confirmation of fitness to drive from medical practitioners as part of recruitment where driving is a requirement of the job. All existing drivers of large goods vehicles (LGV) and public service vehicles (PSV) have undergone an interview with the Council's occupational health provider to confirm fitness to drive. A letter was also sent to each of the employees' general practitioner seeking confirmation that the employee has no underlying health condition that would affect their ability to drive.
- 1.6 Analysis of the findings of the medical referrals for LGV and PSV drivers has highlighted that the only medical issues that arose were a small number of employees who were referred for further tests was in relation to eyesight conditions. Following this process an eyesight examination shall be added to the medical requirements for LGV and PSV drivers. Where any LGV or PSV driver is identified as having a health condition which cannot be resolved they shall be redeployed into another post.
- 1.7 Significant progress has been made in implementing the action plan approved by the Leadership Board in March 2016 with all actions either completed or progressing through a programme of delivery.

2 Recommendations

It is recommended that the Infrastructure, Land and Environment Policy Board:

- 2.1 Notes the progress of the action plan approved by the Leadership Board on March 2016 to address the recommendations made by the Sheriff in the determination of the fatal accident enquiry into the Glasgow bin lorry crash.

- 2.2 Notes the inclusion of a further medical check for all PCV or LGV drivers in the form of a 2 yearly eyesight examination based on the findings of the medical referrals held to date.
- 2.3 Notes that the task team will continue to monitor and to progress the implementation of the findings and will actively research and develop areas that are continuing to evolve, including vehicle specification and advancing safety features.
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3 Background

- 3.1 A determination was released on 7 December 2015 by Sheriff John Beckett QC, following a Fatal Accident Inquiry held at Glasgow into the death of six people who died on 22 December 2014 when a bin lorry mounted a pavement in Glasgow City Centre. The vehicle collided with a number of pedestrians after the driver suffered an episode of neuro cardiogenic syncope (fainting), causing him to temporarily lose consciousness with the result that he was unable to control the movement and direction of the vehicle.
- 3.2 Sheriff Beckett found that there were reasonable precautions which could have been taken whereby the accident might have been avoided. His determination is critical of the driver Harry Clarke, stating that the crash might have been avoided had he not lied about his medical history. In his report, he concluded that the most effective measure to prevent such an occurrence would be to seek to avoid drivers becoming incapacitated at the wheel. It should also be noted that responsibility in relation to this specific issue lies with drivers themselves and Driver and Vehicle Licensing Agency (DVLA).
- 3.3 He indicated eight reasonable precautions which could have prevented the crash which all related to Mr Clarke's health and in particular to a previous loss of consciousness in April 2010 and Mr Clarke's subsequent failure to disclose true and accurate information about his medical history in later health questionnaires and assessments.
- 3.4 Sheriff Beckett made a total of 19 recommendations in his determination which, if followed, may reduce the chance of a recurrence of such an accident. The recommendations covered possible legislative changes, disclosure of medical information, the DVLA, Glasgow City Council and other local authorities in general. In his conclusions the Sheriff intimated that it may well be that the single most useful outcome of this inquiry would be to raise awareness of the dangers involved in driving if subject to a medical condition which could cause the driver to lose control of a vehicle.

4 Progress of Action Plan Relating to the Findings of the FAI.

- 4.1 The action plan covers the following key areas for consideration:-
- Human resources
 - Vehicle specification
 - Operations

- Procurement

4.2 Significant progress has been made in implementing the action plan approved by the Leadership Board in March 2016 with all actions either completed or progressing through a programme of delivery.

4.3 Progress has been made in the specific areas noted below:-

- The Council has accelerated the vehicle replacement programme for refuse collection vehicles. This will ensure that a higher proportion of refuse collection vehicles are replaced with Advanced Emergency Braking System (AEBS) and lane departure detection technology. There are 23 LGV refuse collection vehicles on the Council's fleet. 6 vehicles are now fitted with the enhanced safety measures with a further 6 being replaced in April 2018. This leaves 11 vehicles which are due to be replaced over the coming financial years.
- Enhanced medical checks have progressed to ensure that existing drivers remain fit to drive and have no underlying medical conditions that could affect their capability to drive. Following this enhanced medical check process, a further medical check for all PCV and LGV drivers in the form of a 2 yearly eyesight examination has been introduced.
- Completion of training and awareness sessions for all waste employees into the outcomes of the FAI.
- Discussions are ongoing with vehicle manufacturers and the Freight Transport Association to seek updates on the progress of technological advances raised by the enquiry for inclusion in future vehicle purchases.

4.4 Further actions being considered by the Council which are not specifically noted in the determinations is as follows:

- Review Fleet and Driver Risk Policy with a view to making the document a corporate policy document including issue of driver handbook which is cascaded to all occupational drivers and management to reduce corporate risk of this activity. The Policy is currently being reviewed and finalised.
- Council contracts and framework agreements for temporary and agency staff is revised to ensure that any drivers recruited comply with the same due diligence as the Council's employees.

4.5 In his FAI report the Sheriff concluded that the most effective measure to prevent such an occurrence would be to seek to avoid drivers becoming incapacitated at the wheel. As such, the task team's key focus to date has been in relation to this aspect of the inquiry. The following actions have been undertaken to date:-

4.6 Human Resources

Recommendation	Action
<p>Medical information should be supplied to any doctor advising an organisation as to that driver's fitness following a medical incident whilst driving and the doctor should insist on having it prior to advising that organisation.</p>	<p>This has formally been incorporated into the arrangements with the Council's current Occupational Health provider.</p> <p>Update- action completed</p>
<p>No employment of a driver should commence before references have been received.</p>	<p>This process was already included in the Council's recruitment procedure.</p> <p>Update- action completed</p>
<p>The Council should carry out a review of its employment processes with a view to improved checks on medical and sickness absence information provided by applicants.</p>	<p>Recruitment procedure has been amended to ensure that new employees have medical confirmation from their own GP about fitness to drive. The pre-employment questionnaire for drivers has been amended by adding two additional questions specifically about fitness to drive. The pre-employment check is now job specific in the case of drivers.</p> <p>Update- action completed</p>
<p>Councils as operators of large vehicles should put in place systems to ensure that drivers are fit to drive on appointment and that they remain so for the duration of their employment. Annual medicals should be considered.</p>	<p>An initial face to face medical will be carried out with all existing PSV and LGV drivers by the Council's occupational health provider, supplemented by a medical questionnaire which will be sent to the employees GP. This exercise commenced at the end of March 2016. Thereafter employees will be given an annual medical to ensure that they remain fit during employment. As part of this medical the employee is reminded of their obligation to report any existing or subsequent medical conditions which could affect their ability to drive.</p> <p>Update- action completed. Enhanced medical examinations have been undertaken for all PSV and LGV drivers. A 2 yearly eyesight examination has also been added to the medical checks that will be undertaken as part of the rolling and embedded medical check process.</p>

4.7 Vehicle Specification

Recommendation	Action
<p>Local Authorities which collect refuse should seek to have advanced emergency breaking systems (AEBS) fitted to those vehicles wherever it is reasonably practical to do so.</p> <p>During the FAI the Department of Transport offered the view that “Due to the complexity of these systems they are not suitable for retrofitting to vehicles and are only installed at the time of manufacture.”</p>	<p>All new refuse collection vehicles will have AEBS and lane departure systems specified as vehicles are replaced.</p> <p>This will also apply to all other heavy vehicles purchased by the Council. From November 2015 new vehicles will have this fitted as standard.</p> <p>Investigation was undertaken to determine if current technology is advanced enough to warrant and accelerated vehicle replacement programme.</p> <p>Update- Progress ongoing The vehicle replacement programme has been accelerated to ensure a higher proportion of refuse collection vehicles have AEBS and lane departure technology installed. There are 23 LGV refuse collection vehicles on the Council’s fleet. 6 vehicles are now fitted with the enhanced safety measures with a further 6 being replaced in April 2018. This leaves 11 vehicles which are due to be replaced over the coming financial years.</p>
<p>Councils should explore the possibility of retrofitting large goods vehicles collecting refuse with AEBS.</p>	<p>It is not possible to retrofit the part of the current vehicle fleet with AEBS as they are Euro 5 specification. New vehicles are Euro 6 specification.</p> <p>Update- action completed</p>

4.8 Operations

Recommendation	Action
<p>Basic training should be provided to operatives to familiarise them with steering and breaking systems.</p>	<p>Awareness raising sessions will be carried out with all waste employees, followed by tool box talks on ensuring employees are familiar with steering and braking systems in vehicles.</p> <p>Update- action completed Awareness raising sessions have been completed for all waste employees.</p> <p>Following further discussions with health and safety, other Local Authorities, vehicle manufacturers and industry bodies it is being intimated that a familiarisation course on steering and braking for those employees who are crew members is not considered appropriate due to further potential risks that could be introduced during an incident.</p>

<p>The Council shall seek to identify routes between refuse collection points which minimise the number of people who would be at risk should control be lost of a vehicle. The presence of exceptional numbers of pedestrians should be considered in route risk assessments.</p>	<p>There are existing measures in place to ensure that refuse collection routes avoid pedestrian and congestion risks of particular premises such as schools during peak times. Refuse collection vehicles do not service Town Centres during events. The Council is seeking to introduce refuse collection time windows to Paisley Town Centre. A consultation has been prepared for local businesses in relation to proposed times for waste presentation.</p> <p>Update- action completed Dynamic risk assessments are in place for all drivers. There are currently restrictions in place within Paisley Town Centre to limit the times of vehicle access to the pedestrianised areas.</p>
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Implications of the Report

1. **Financial** – Additional revenue costs will be incurred from fees and charges which will arise in relation to recruitment, HR and enhanced medical examination process. The financial costs to the Council of the initial annual medicals including letters from GP's have been in the region of £15,000. Costs have been applied to the service areas where the drivers are employed. The financial implications of accelerating the refuse vehicle replacement have been taken into account through the vehicle replacement programme.
2. **HR & Organisational Development** – recruitment processes have been amended.
3. **Community Planning**

Our Renfrewshire is safe – Implementation of the key actions will help to mitigate the risk of such an event taking place in Renfrewshire.
4. **Legal** – note that future legislative changes may result, following the recommendations of the Fatal Accident Inquiry.
5. **Property/Assets** – none.
6. **Information Technology** – All new refuse collection vehicles will have AEBS and lane departure systems specified as vehicles are replaced.

7. **Equality & Human Rights** – in the development of the action plan the task group will consider current health & safety processes and requirements (public, employee and vehicle related) in relation to the recommendations arising from the Fatal Accident Inquiry.
 8. **Health & Safety** – This report supports and demonstrates the council's commitment to ensuring effective health and safety management.
 9. **Procurement** – Where appropriate, vehicle specifications have been amended in relation to the recommendations arising from the Fatal Accident Inquiry.
 10. **Risk** – The task group have considered risks and any potential additions to the Council's Risk Management Plan.
 11. **Privacy Impact** – none.
 12. **CoSLA Policy Position** – None
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Authors Shona MacDougall, Director of Environment & Communities
Alan Russell, Director of Finance & Resources