
To: LEADERSHIP BOARD

On: 29 MARCH 2016

**Report by: JOINT REPORT BY DIRECTOR OF COMMUNITY RESOURCES AND
DIRECTOR OF FINANCE & RESOURCES**

**Heading: THE GLASGOW BIN LORRY CRASH – INTERIM 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 Leadership Board on progress of the action plan following on from the release of the determination of the Fatal Accident Inquiry 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 so 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 considered and approved by the Leadership Board on 17 February 2016. This was the first available opportunity for the Council to consider this matter and the Leadership Board acknowledged 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.

- 1.3 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. Therefore, the task team's key focus has been on this aspect of the inquiry.
- 1.4 It was also agreed that a further report would be submitted to the next scheduled meeting of the Leadership Board on Tuesday 29 March 2016 detailing the Council's referenced action plan, including any financial implications (where known at this stage).
- 1.5 Work undertaken so far by the task group has confirmed that the Council's recruitment process was already robust in a number of areas which are relevant to the Sherriff's recommendations. However, some 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 heavy goods vehicles and public service vehicles will undergo an interview with the Council's occupational health provider to confirm fitness to drive.
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2 Recommendations

It is recommended that the Leadership Board notes:

- 2.1 The progress of action plan and the measures which were immediately put in place concerning driver recruitment,
- 2.2 That the task team will continue to progress the implementation of the FAI findings and will actively research and develop areas that are continuing to evolve, in particular 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 so 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.
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4 Progress of Action Plan Relating to the Findings of the FAI.

- 4.1 The short term task team have now met on several occasions and have been involved in gathering supporting information from Renfrewshire Council's current processes and procedures. In addition, they have looked at best practice and recommendations made by other Councils in response to the determination to assist the group in recommending appropriate actions for inclusion within Renfrewshire Council's action plan. They have also spoken to vehicle manufacturers and the Freight Transport Association to seek specialist technical advice on some of the issues raised by the enquiry.
- 4.2 The short term task team have been making progress in the specific areas noted below:-
- implications for HR policies and procedures associated with recruitment and employment health checks,

- training for employees and risk assessments for waste collection routes,
- implications of any legislative changes such as increased vehicle specification and the consequent cost and operational issues for the Council,
- the potential impact on the wider Council LGV and PCV fleet and any associated implications for policies and operating procedures,
- the implications for private sector operators of heavy goods vehicles operating in and around town centres and the role that the Council may play with respect to managing risk (recognising that the Council has a statutory duty to ensure that arrangements are in place for the removal of trade waste),
- implications for procurement of employees or services

4.3 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 and have been concluded as a priority.

4.4 Human Resources

Recommendation	Action
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.	This has formally been incorporated into the arrangements with the Council's current Occupational Health provider.
No employment of a driver should commence before references have been received.	This process was already included in the Council's recruitment procedure.

<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>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 PCV 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 will commence 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>

Other actions which are underway are as follows:-

4.5

Vehicle Specification

Recommendation	Action
<p>Local Authorities which collect refuse should seek to have autonomous emergency breaking systems (AEBS) fitted to those vehicles wherever it is reasonably practical to do so.</p>	<p>All new refuse collection vehicles will have AEBS 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 is underway to determine if current technology is advanced enough to</p>

	warrant acceleration of the Council's vehicle replacement programme, for refuse collection and other heavy vehicles.
Councils should explore the possibility of retrofitting large goods vehicles collecting refuse with AEBS.	It is not possible to retrofit the current refuse collection vehicle fleet with AEBS as they are Euro 5 specification. Current refuse collection vehicles are Euro 6 specification.

4.6 Operations

Recommendation	Action
Basic training should be provided to operatives to familiarise them with steering and breaking systems.	Awareness raising sessions will be carried out with all waste employees, followed by tool box talks on ensuring employees are familiar with steering and breaking systems in vehicles.
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.	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.

4.7 An action plan has been attached as Appendix 1 to this document listing the findings of the Sheriff, recommended actions and responsible officers. The action plan covers the following key areas for consideration:-

- Vehicle specification
- Human resources
- Operations
- Procurement

4.8 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 which is cascaded to all occupational drivers and management to reduce corporate risk of this activity.
 - Council contracts and framework agreements for temporary and agency staff will be revised to ensure that any drivers recruited comply with the same due diligence as the Council's employees.
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Implications of the Report

1. **Financial** – Financial Implications will result from increased vehicle specifications when procuring new heavy vehicles. There will be increased costs from fees and charges which will arise in relation to recruitment and other HR / employee processes/increased GP and OHS referrals. Further additional costs may arise due to increased tender/service costs to suppliers due to the above additions to contracts.
2. **HR & Organisational Development** – in the development of the action plan the task group have considered current recruitment and employment processes and employee training in relation to the recommendations arising from the Fatal Accident Inquiry.
3. **Community Planning** – none
4. **Legal** – note that future legislative changes may result, following the recommendations of the Fatal Accident Inquiry.
5. **Property/Assets** – none.
6. **Information Technology** – none.

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** – in the development of the action plan that task group will consider the specifications of vehicles in relation to the recommendations arising from the Fatal Accident Inquiry.
10. **Risk** – In the development of the action plan the task group have considered risks and any potential additions to the Council's Risk Management Plan. In the development of the action plan, the task group will identify and consider any associated risks and ensure these are included within relevant risk registers, for appropriate management and monitoring.
11. **Privacy Impact** – none.

Authors Shona MacDougall, Director of Community Resources
 Alan Russell, Director of Finance & Resources

APPENDIX 1

Glasgow Bin Lorry Crash FAI Findings – (Draft) Action Plan				
Findings	Recommended Actions	Status	Responsible Officer	
1 Local Authorities and any other organisations which collect refuse, when sourcing and purchasing refuse collection vehicles which are large goods vehicles, should seek to have autonomous emergency braking system (AEBS) fitted to those vehicles wherever it is reasonably practicable to do so.	<p>AEBS is fitted as standard on all large vehicles after October 2015. Refuse collection vehicles are exempt from this as they are deemed as a specialised vehicle. All new refuse collection vehicles will have enhanced specifications determined at tender stage to include AEBS. All large Council vehicles will be fitted with AEBS as they are replaced due to the legislative change in safety features.</p> <p>AEBS Technology- Discussions have taken place with vehicle manufacturers and they have advised that this type of technology is very much a work in progress and it is recommended that this matter is researched further before a decision is taken on whether the vehicle replacement programme for refuse collection vehicles should be accelerated.</p> <p>Better technology will become available as demand and competition amongst manufacturers and suppliers increases.</p>	Ongoing	Vehicle Maintenance and Fleet Manager	
FAI Recommendation 5.6				
2 Local Authorities and any other organisations which collect refuse and which currently have large goods vehicles without AEBS but to which AEBS could be retrofitted, should explore the possibility of retrofitting with the respective manufacturer.	<p>The Council's Current manufacturer is advising that this is not possible as our existing refuse collection vehicles are Euro 5 compliant and new vehicles are Euro 6 compliant. The different vehicle types have non- compatible wiring systems.</p> <p><i>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."</i></p>	Closed	Vehicle Maintenance and Fleet Manager	
FAI Recommendation 5.7				

Glasgow Bin Lorry Crash FAI Findings – (Draft) Action Plan				
Findings	Recommended Actions	Status	Responsible Officer	
<p>3</p> <p>Sheriff Beckett stated in the future a type of pedestrian protection sensor, which is available on some cars, could provide a more reliable protection than AEBS alone. He also intimated that some form of "facial recognition" technology could be integrated with AEBS at some stage in the future.</p> <p><u>Not a recommendation</u></p>	<p>Transport Manager has spoken to vehicle suppliers and has been advised that technology has not sufficiently evolved to be fitted to RCV's. The Transport Manager will continue to look at any advances in technology and will include this or any other subsequent safety features deemed appropriate in future vehicle specifications.</p> <p><i>Specialist technical advice provided to the FAI confirmed that it would be technically possible to combine facial recognition technology with AEBS so as to bring a vehicle with an unconscious driver to a halt. The specialist also confirmed that this was for the future.</i></p>	Ongoing	Vehicle Maintenance and Fleet Manager	
Human Resources				
<p>4</p> <p>When a doctor is advising an organisation employing a driver as to that driver's fitness to drive following a medical incident whilst driving, that organisation should provide all available information about the incident to the doctor and the doctor should insist on having it prior to giving advice to the organisation and the driver.</p> <p>FAI Recommendation 5.2</p>	<p>If an incident is reported to Renfrewshire Council the employee would be referred to our Occupational Health Service who would be required to seek further advice from the employee's own GP and if applicable the employee should notify DVLA. This has been agreed with our current occupational health service providers.</p> <p>If a driver did fail the medical the Council would offer the employee support through the supporting attendance framework and through the employees own GP. The Council would also be requires to suspend an employee from driving duties until medical clarification had been received in relation to fitness to drive.</p> <p>If the employee remained unfit to return to driving then redeployment would be considered.</p>	Action Completed	Principle HR Adviser	

Glasgow Bin Lorry Crash FAI Findings – (Draft) Action Plan				
	Findings	Recommended Actions	Status	Responsible Officer
5	<p>The Council (Glasgow) should not allow employment of a driver to start before references have been received.</p> <p>FAI Recommendation 5.3</p> <p>Councils and other operators of large vehicles should put in place systems to make sure drivers are fit to drive on appointment, and that they remain so for the duration of their employment.</p> <p><u>Not a recommendation</u></p>	<p>Current practice is that employees are not allowed to commence employment until references have been received and this would also include any clarification as to any medical issues that would impact on fitness to drive.</p> <p>The recruitment procedure has been amended to ensure that any new starts have medical confirmation from their GP about fitness to drive. Job specific questionnaires are now given to potential candidates. These include two additional questions that have been added to the form are-</p> <p>(1) Please advise on medical conditions/symptoms which are either confirmed or under investigation which will prevent the patient from driving a vehicle for Renfrewshire Council LGV and PCV.</p> <p>(2) Please advise if you are aware on any condition or incident that you have advised your patient to declare to the DVLA.</p> <p>An initial face to face medical will be undertaken with all PSV and LGV drivers.</p>	Action Completed	Principle HR Adviser
			Action Completed	
	<p>The Council (Glasgow) should carry out an internal review of its employment processes with a view to ascertaining potential areas for improvement in relation to checking medical and sickness absence information provided by applicants, for example by having focussed health</p>	<p>In addition a medical questionnaire going to applicant's doctors to access relevant GP notes. It is recommended that an annual medical is undertaken for PSV and LGV drivers to ensure that where possible drivers remain fit to drive.</p>	Medicals scheduled to be completed by the end of May 2016	

Glasgow Bin Lorry Crash FAI Findings – (Draft) Action Plan				
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<p>questions within reference requests for drivers and obtaining medical reports in relation to health related driving issues from applicants' GPs. From the age of 45, a group 2 licence only has to be renewed every five years and much could change in a driver's state of health in that time. Annual medicals should be considered.</p> <p><u>Not a recommendation</u></p>	<p>Cost of additional medicals estimated at £18,000 per annum. (approximately 300 drivers employed at present). Average cost per medical £60.</p>			
<p>6</p> <p>The Council (Glasgow) should provide its refuse collection operators with some basic training to familiarise them with the steering and braking mechanisms of the vehicles in which they work.</p> <p>FAI recommendation 5.5</p>	<p>There are ongoing discussions with FTA and our vehicle manufacturer to determine the safest and most suitable form of training appropriate for employees which continues to reduce risk. Tool box talks will be undertaken with all waste employees giving detail of the incident and to discuss what could have prevented the accident.</p>	<p>Planning and training will be completed by June 2016</p>	<p>Vehicle Maintenance and Fleet Manager</p>	
<p>Glasgow City Council should seek to identify routes between refuse collection points which, so far as is reasonably practicable, minimise the number of people who would be at risk should control be lost of a refuse collection lorry.</p> <p>FAI recommendation 5.8</p>	<p>There are 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.</p> <p>The Council is seeking to introduce refuse collection time windows to Paisley Town Centre.</p>	<p>Action Completed</p> <p>Planning is underway completion by July 2016</p>	<p>Amenity Services Manager (Waste)</p>	

Glasgow Bin Lorry Crash FAI Findings – (Draft) Action Plan				
Findings	Recommended Actions	Status	Responsible Officer	
<p>The potential for the presence of exceptional numbers of pedestrians at particular times should be taken account of as part of route risk assessment in refuse collection.</p> <p>FAI recommendation 5.9</p>	<p>There are 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.</p>	Action Completed		
<u>Procurement</u>				
<p>7</p> <p>Enforce that agency staff and service providers to comply with the same rigorous medical checks and provide transport with equivalent safety measures.</p> <p>Additional measure being considered by the Council</p>	<p>Tenders and framework agreements for agency staff will be amended to include the same medical checks and assurances that the Council use to ensure drivers are fit and remain fit to drive.</p>	Work has commenced. To be completed by May 2016	Procurement Specialist	
<u>Affecting Local Health Partnerships – Legislative and Non Legislative</u>				
<p>8</p> <p>Occupational Health Doctors acting on behalf of employers may choose to seek independent confirmation from the applicant's GPs of the accuracy of what an applicant for a drivers post (LGV) tells them. This would increase the burden on GPs and might involve duplication, so a better system should be developed.</p>	<p>Assess the impact of this on local GP's.</p>	CHP to advise	Community Health Partnership	

Glasgow Bin Lorry Crash FAI Findings – (Draft) Action Plan				
Findings		Recommended Actions	Status	Responsible Officer
9	Doctors generally should make sure medical notes are kept in a way which maximises their ability to identify repeated episodes of loss of consciousness in the case of patients who are drivers.	Assess the impact of this on local GP's.	CHP to advise	Community Health Partnership
10	When a doctor is advising an organisation employing a driver as to that driver's fitness to drive following a medical incident while driving, that organisation should provide all available information about the incident to the doctor and the doctor should insist on having it prior to giving advice to the organisation and the driver.	Assess the impact of this on local GP's.	CHP to advise	Community Health Partnership