

The time has come to regulate maintenance contractors in a far more effective manner

Setting the standards

It's that time of year when many of us are going or have been on holiday and we never give a second thought to the regulation of the airline industry. We all know that pilots are tightly regulated – but what about the people in overalls we see working around the plane? They too are regulated. Of course they are. Who wants someone with no experience or qualifications checking that an aeroplane is fit for service?

When I started as a traffic commissioner (TC) nearly 25 years ago, I asked one of the senior civil servants why maintenance contractors weren't regulated. They said there was no need because TCs could just take action against the operator. I thought that was neither fair nor appropriate.

Their idea was that it was up to the operator to police their maintenance contractor and TCs could just revoke the O-licence if they weren't up to scratch. This missed the point completely because the maintenance contractor could still carry on maintaining (often very poorly) other operators' vehicles.

Legal requirements

Literally anyone can set up as a commercial vehicle maintenance contractor with unqualified, inexperienced, incompetent and untrained staff. Legally there is nothing to prevent this. It is rather frightening that the DfT is passing the buck to licensed operators who are wholly at the mercy of their maintenance contractors. Don't get me wrong – there are many superb contractors out there doing a fantastic job keeping their customers' vehicles safe on the road. But there are very many who are not and, regrettably, many of them are large main dealers.

There are not enough column inches here to give every response I have heard from main dealers trying to explain away their substantial failings, but examples include "Don't be silly mate, you don't need to have laden roller-brake tests carried out either four times a year or at every safety inspection as that's just for Earned Recognition operators". Try getting that person to rock up at a public inquiry to say that.

As a regular LinkedIn contributor, I read with fascination the many posts about the standards



Photo: Simon Everett

of maintenance contractors. In my former life as a TC I kept away from social media, but as a consultant and trainer I follow it closely as it tells me a lot. Commercial vehicle operators deserve better. Why should they have to rely on maintenance contractors who deliver poor standards time after time? Or worse than that, arrogantly dismiss operators' legitimate complaints about poor work standards, downright incompetence and, in certain cases, gross negligence?

Yes, there is a positive duty on transport managers to interrogate the safety inspection reports and cross-refer them to the driver defect reports. But what about when the evidence that is so important to the operator is lost because the contractor can't be bothered to fill it in or doesn't even know

they have to? Great examples are tyre pressures, tyre tread depths, torque and retorquer records, and brake tests.

Raising the standards

What about the standard of the maintenance facilities themselves? When I first started in the industry as a transport solicitor, I stared in disbelief when I was told that some maintenance contractors thought it acceptable to put some wheels on a tea tray, shuffle under the vehicle, and then inspect and repair it. Sadly, 40 years later, this is still done by too many contractors.

The DVSA 'Guide to maintaining roadworthiness' states that the safety inspector must be "technically competent" and "operationally aware" of the safety standards that apply to the vehicles they

examine. Who judges who is technically competent? What does operationally aware mean? What are the sanctions? They are against the vehicle operator only and not against the maintenance contractor, who can carry on trading while the operator may have lost their business.

Rules and regulations

For years, I was told as a TC that we live in an age of deregulation. That's fine, and regulation must be proportionate and address the risk. I think it's time now to grasp the nettle and for the DfT to acknowledge that it is no longer acceptable to pass the buck to commercial vehicle operators.

It's time to regulate maintenance contractors and to regulate them effectively. There are many excellent voluntary schemes, but the key is in the word 'voluntary'. Irtec has its place, and it does a great job, but it doesn't have the sanctions needed for those who cannot, or will not, comply with the required standard.

So come on please, DfT. It's time to regulate commercial vehicle maintenance contractors – but who should do it?

Back to where I started. That first preflight check by a pilot came after a fatal crash in 1935. Your friendly TCs have been regulating since just before 1935 and they are perfectly placed to regulate the maintenance contractors. I bet they would soon sit up, take notice and up their game.

But it's not a game, is it? It's serious stuff, as failings mean innocent people are killed and seriously injured. And don't think this is only for the small independent contractors. In my and many operators' experience, the main dealers are some of the worst culprits.

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