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Heavy vehicle testing review: call for evidence

RoSPA's response to Department for Transport's call for evidence

June 2023



Response to Department for Transport's call for evidence: Heavy vehicle testing review

Introduction

This is the response of The Royal Society for the Prevention of Accidents (RoSPA) to the Department for Transport's call for evidence on heavy vehicle testing. It has been produced following consultation with RoSPA's National Road Safety Committee. We have no objection to our response being reproduced or attributed.

The consultation seeks views on options for changes to heavy vehicle testing for earned recognition (ER) operators.



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About you

Your name:

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Are you answering as an individual or providing an official response on behalf of an organisation?

Providing an official response on behalf of an organisation.

You are best described as:

A road safety organisation.



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Proposals

We are consulting on making potential improvements to heavy vehicle testing by altering the earned recognition (ER) scheme. We have suggested 4 ways this scheme could be altered and are seeking your views on these options offered as well as any alternative approaches you may prefer to see implemented.

The options given for ER operators are:

- option 1, to increase the time between tests
- option 2, delegated testing
- option 3: reduced test content
- option 4: improved service provision

To increase the time between tests

This would remove the requirement for ER operators to have their vehicles and trailers tested at the current 12 monthly intervals, extending the period to provide more flexibility. Initial consideration is that every other year (two yearly) would be an appropriate frequency. This option would require primary legislation and it could take considerable time to implement.

Delegated testing

This would involve allowing ER operators to test their own vehicles and trailers, by default retaining existing frequency (annual from year 1). There is consideration as to the extent to which those conducting the test would need to be able to demonstrate independence from those that are maintaining or repairing the vehicle.

Reduced test content

This would involve reducing the content of the annual test for ER operators' vehicles, such as by removing some items that are covered in routine inspections or, in the longer term, that can be shown to be effectively monitored by in-vehicle systems. However, the vehicle would still be required to be presented for assessment against the aspects that remain within the annual roadworthiness inspection, and existing in-use requirements for vehicle condition would remain across the whole range of items. This would require some legislative change, which would impact on implementation timescales.

Options 1 to 3 all propose significant change to the statutory basis of vehicle testing, aimed at reducing the burden on ER operators.



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Improved service provision

Option 4 proposes that DVSA could focus its service improvement efforts on those operators to minimise the testing burden which would not require legislative changes. Such an initiative could, for example, include:

- complete or greater guarantee of requested Authorised Testing Facility (ATF) slots for ER operators (and potentially those providers nominated by them)
- full move away from tracking tester utilisation, offset by different fee arrangements
- full flexibility around days or hours worked to match maintenance requirements so ER operators can get a test most suited to business needs

Do you believe that the existing testing regime for ER operators should be altered?

RoSPA response

Agree.

Why/Why not?

RoSPA response

RoSPA recognises that Earned Recognition (ER) operators are tasked with meeting very high standards and there should therefore be benefits of being an ER operator. Although we would not agree with changes to the testing regime that could impact on safety and lead to a higher risk of vehicles being involved in collisions where a vehicle defect is a contributory factor, we would support more flexibility and better customer service offerings for these operators.

Benefits could also incentivise other operators who are not yet members of the scheme to improve their standards and apply to be part of the scheme, alongside those highly competent operators who would meet the standards of the scheme but have not yet applied to join. This could have a positive effect on safety if operators are more compliant with safety rules.



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Option 1: increase the time between tests for Earned Recognition

This would remove the requirement for ER operators to have their vehicles and trailers tested at the current 12 monthly intervals, extending the period to provide more flexibility. Initial consideration is that every other year (two yearly) would be an appropriate frequency.

What advantages and disadvantages do you believe increasing the time between tests for ER would bring to an operator?

RoSPA response

As is the case with all options proposed as part of this call for evidence, RoSPA recognises that increasing the time between tests for Earned Recognition (ER) operators would reduce the burden for these operators. The benefit to these operators would be that there is less downtime for vehicles needing to await MOT appointments. There would also be savings in time and fuel if the vehicle must be taken to an authorised testing facility that is not on the premises.

If vehicles were tested less often, this would also free up DVSA testers, who would then be able to provide other services and be available to other Authorised Testing Facility Services (ATFs). The ATFs would also have more capacity, which would improve service for operators who are not part of the ER scheme.

RoSPA does not foresee any disadvantages for the ER operators, as this will reduce burden, time and fuel.

What impact do you think increasing the time between tests would have to:

- **authorised testing facility services (ATFs)?**
- **Non-ER operators?**
- **Other areas?**

RoSPA response

For those operators who are not part of the earned recognition scheme, there may be some benefits in that as earned recognition scheme vehicles are being tested less often, this will free up testing capacity and improve the service and flexibility offered to non-earned recognition (non-ER) operators.

Despite this, there may be disadvantages for authorised testing facility services if the volume of work decreases too much, as this could make operation less viable. This could lead to job losses. This change could also cause a bi-annual peak and trough cycle, which may be inconvenient both for operators and ATFs.



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There may also be an increase in take-up of the earned recognition scheme, which could have a positive effect on safety if operators are more compliant with safety rules.

Do you believe there are risks to road safety if the increasing the time between tests option is implemented?

RoSPA response

Yes.

What risks and how could these be mitigated?

RoSPA response

Although we recognise the benefits for ER operators, we have some concerns about the safety of this option. Any change to the testing regime has the potential to increase risk. Our main concern is that if vehicles are tested less often, this could lead to an increased risk of heavy goods vehicles being involved in collisions in which a vehicle defect is a contributory factor. MOT testing can help to identify the failure of safety related components on vehicles. For us, any extension to the period before MOT testing would increase road risk. This change could affect around 25,000 HGVs, which is a significant number of vehicles.

One of the key advantages of the current system is road safety benefits. MOTs are part of the system that promotes road safety through measures that aim to make drivers, vehicles and roads safer. Safer vehicles play a key part as a pillar of the safe system. Road crashes and casualties in Britain have fallen substantially, and one of the reasons for this is the current MOT testing regime. For us, a reduction in testing could lead to an increase in road accidents. In 2021, 207 people were killed and 890 were seriously injured in collisions with HGVs. 4,423 people were injured in total. RoSPA cannot support any change that could lead to an increase in the number of people injured in collisions with HGVs.

RoSPA welcomed the introduction of the hierarchy of road users as part of the changes of the Highway Code, which introduces the concept that those in charge of vehicles that can cause the greatest harm in the event of a collision bear the greatest responsibility to take care and reduce the danger they pose to others. A measure which could increase the risk of large unsafe vehicles on our roads seems counterintuitive to the hierarchy of road users.

Despite the high standards that ER operators must meet, their vehicles are not immune to failing the MOT test. Testing of heavy vehicles annually is a very important part of the regulatory regime that supports public safety. Under the operator licensing rules, operators are required to conduct maintenance and inspections regularly to the standard of the annual test. We would be opposed to the annual test being scrapped as this is the only way to provide an external, independent check on the effectiveness of those systems. The annual test performs an important role in bringing all vehicles to the minimum standard at least once a year.



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RoSPA understands that vehicle maintenance for these vehicles is quite different from smaller and lighter vehicles, where the test is often used to pick up defects and is associated with annual servicing and maintenance. It is common practice for vehicle operators to choose to have one or more levels of pre-MOT prior to the formal MOT, alongside substantial test preparation. However, there is a risk that vehicle standards could slip if the DVSA has less sight of the vehicles, which could lead to an increase in the number of collisions where a vehicle defect is a contributory factor.

What are the practical considerations when increasing the time between tests for:

- **Vehicles changing operators?**
- **Correct recognition of vehicles and trailers?**
- **Transitional measures?**
- **Other areas not covered?**

RoSPA response

One of the main practical considerations is how to handle vehicles changing hands and whether it would be right for the longer vehicle test certificate to remain valid in those circumstances. If the other operator who takes the vehicle is not part of the earned recognition scheme, it seems wrong that they would benefit from the extended test period, given that they do not meet the requirements. However, it is difficult to understand how this would be dealt with.

As the UK is no longer in the European Union, there is more flexibility in regulation. However, if changes are to be made in the UK, many of these vehicles still travel across Europe, meaning the Department will need to ensure that any changes taken forward do not restrict their movement. This means that operators who travel outside of the UK are unlikely to see benefits.

You believe that tests should be:

RoSPA response

Retained at every year.

What, if anything, would you like to change in option 1 which increases the time between tests for ER operators?

RoSPA response

RoSPA does not agree with this option on safety grounds and therefore would not support it.



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Option 2: delegated testing for ER operators

We are proposing that this option would retain the existing year frequency testing requirement. There is consideration as to the extent to which those conducting the tests would need to be able to demonstrate independence from those that are maintaining or repairing the vehicle, and how this would be archived.

In your view, should ER operators be able to sub-delegate testing to their own maintenance providers?

RoSPA response

No.

How, in your view, should ER operators demonstrate independence of testing from vehicle maintenance and operation?

RoSPA response

RoSPA is not in a position to comment.

What advantages and disadvantages do you believe delegated testing would bring to an operator?

RoSPA response

As is the case with option 1, this option is likely to benefit ER operators as there would be less downtime for vehicles needing to await and travel to DVSA test appointments. There would also be savings in fuel and staff time if the vehicle currently needs to travel to an ATF that is not on the operator premises as tests could be performed elsewhere. However, the same equipment would be needed for the test, so not all operators would see these benefits.

What impact do you think delegated testing would have to:

- authorised testing facility services (ATFs)?
- Non-ER operators?
- Other areas?



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RoSPA response

RoSPA expects that this option would free up DVSA testers, allowing for a more flexible service to other ATFs, which in turn would be beneficial for non-ER operators, allowing them better access to appointments.

Do you believe there are risks to road safety if delegated testing is implemented?

RoSPA response

Yes.

What risks and how could these be mitigated?

RoSPA response

RoSPA is unclear on the benefits of this option and whether they outweigh the risks.

In the case of many new vehicles, the fact that they are maintained by the manufacturers' means that they would need to be tested by the DVSA. After this period, they could be tested by the operator if this option was implemented. However, the older a vehicle gets, the more likely it is to have faults, meaning this option seems counterintuitive.

The DVSA would also have no direct oversight of the vehicle, and RoSPA is concerned that this means that standards could slip. As is the case with option 1, if vehicle standards fall, there could be an increase in collisions involving heavy vehicles in which a vehicle defect is a contributory factor.

What are the practical considerations when delegating testing for:

- **Approvals to be required for the person to be deemed as competent for testing vehicles?**
- **Transitional measures?**
- **Other practical considerations not covered?**

RoSPA response

As the paper states, consideration will need to be given to independence of testing from maintenance. This could be non-structurally, as it is with the car MOT, where there is a requirement within the guide that those testing vehicles should not be the person who has repaired it, or a more formal separation could be required, for example, some element of structural requirement in how the testing is delivered. This is a fine balance- if this



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requirement is made too rigid, then the benefits of this option could be lost, but if too light, public confidence and road safety benefits of testing may be undermined.

There will also need to be consideration of the systems needed and approvals required for someone to be assured as competent for delegated testing.

Do you believe there will be challenges finding the additional tester capacity within the industry necessary to implement our delegated testing proposal?

RoSPA response

Don't know. Although some businesses will have spare capacity, in other cases, there may be a need to recruit.

What, if anything, would you like to change in option 2 the delegated testing for ER operators?

RoSPA response

RoSPA believes that the benefits of this option are less clear and are outweighed by the risks presented to road safety.



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Option 3: reduced test content

Reducing the content of the annual test for ER operators' vehicles would, for example by removing some of the items currently required in routine inspections or, in the longer term, that can be shown to be effectively monitored by in-vehicle systems.

The vehicle would still be required to be presented for assessment against any aspects that remain within the annual roadworthiness inspection and existing in-use requirements for vehicle condition would also remain across the whole range of items.

What advantages and disadvantages do you believe less burdensome testing would bring to an operator?

RoSPA response

In the short-term, the benefits of this option for operators are not as clear as some of the other options. There could potentially be a slightly shorter test time and some cost reductions, although it is expected that this would be minimal. In the longer-term, if more components can be monitored by the vehicle systems, the test times could become shorter and the test cheaper.

The Department and DVSA's research suggests that operators are more concerned about the downtime of their vehicle awaiting an appointment than the time it actually takes to test it, so it is unclear how beneficial this would be to operators.

What impact do you think less burdensome testing would have to:

- **ATFs?**
- **Non-ER operators?**
- **Other areas?**

RoSPA response

RoSPA believes that as the cost reduction is likely to be small and it is not yet clear how much shorter the test will be, there will be minimal effects for non-ER operators. It is unlikely that this option would encourage take up of the ER scheme.

We believe that the effects will also be minimal for ATFs, although in the longer term, if the test became much shorter and cheaper, this could make operation less viable.



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Do you believe there are risks to road safety if option 3 is implemented?

RoSPA response

Yes.

What risks and how could these be mitigated?

RoSPA response

Any changes to the testing regime could result in road risk. By less components of the vehicles being tested during the MOT test, it becomes more likely that a component may have failed and will not be noticed during the test. This, in turn, could lead to a higher risk of collisions involving HGVs that have a vehicle defect as a contributory factor.

What are the practical considerations of less burdensome testing for:

- **Operation of vehicles abroad (compliance with other countries regulation)?**
- **Transitional measures?**
- **Other practical considerations not covered?**

RoSPA response

As is the case with the other options, consideration would need to be given to whether this option is compliant with other countries' regimes, as many vehicles travel across Europe. If it is not, it is unlikely that operators who have vehicles driving internationally would see any benefit of this option.

What, if anything, would you like to change in option 3 the streamlined test for ER operators?

RoSPA response

RoSPA has no further comment.



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Option 4: improved service provision for ER operators

Improved service provision proposes that Driver and Vehicle Standards Agency (DVSA) focuses its service improvement efforts on ER operators in order to minimise other testing burdens beyond those mentioned in our other proposed options and which would not require legislative changes to implement. Such initiatives could, for example, include:

- complete or greater guarantee of requested ATF slots for ER operators (and potentially those providers nominated by them)
- full move away from tracking tester utilisation, offset by different fee arrangements
- full flexibility around days or hours worked to match maintenance requirements

What advantages and disadvantages do you believe improved service provision would bring to an operator?

RoSPA response

The key benefit of this option is that ER operators would have increased flexibility to get a test most suited to business need. This would reduce the amount of time awaiting a test appointment.

However, satisfaction survey results showed that the majority of operators can get test slots readily and when convenient. The necessary planned nature of vehicle operation means maintenance and the annual tests must be scheduled well in advance.

Despite this, as the paper states, operators need to ensure vehicles are kept in service and at times have to make significant efforts to do this, with consequent costs. This includes having administrative staff contact multiple testing facilities seeking, vehicles being tested at times of the week when fleet availability for service should be maximised and some vehicles travelling significant distances to test. Having this improved flexibility would be helpful in these cases.

What impact do you think improved service provision would have to:

- ATFs?
- Non-ER operators?
- Other areas?

RoSPA response

In cases where non-ER operators need to book urgent slots, it could become more difficult to secure a slot for these operators if ER operators are given priority.



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Do you believe there are risks to road safety if improved service provision is implemented?

RoSPA response

No, RoSPA sees minimal risks to road safety.

What are the practical considerations of improved service provision for:

- DVSA staffing levels?
- The potential adjustments to the minimum fee levels currently set in ATF contracts?
- Transitional measures?
- Other practical considerations not covered?

RoSPA response

RoSPA believes that this proposal will be heavily dependent upon DVSA being able to recruit testing staff across the country to enable this.

As the paper states, there may also be a need to adjust the minimum fee set in ATF contracts to reflect the lower productivity that this option could result in.

In your view:

	All operators?	ER operators only?
The greater guarantee of requested ATF slots should apply to:	X	
Fully moving away from tracking tester 'utilisation' offset by different fee arrangements should apply to:	X	
Full flexibility around days and hours worked to match maintenance requirements should apply to:	X	

Why?



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RoSPA response

If possible, ideally, RoSPA would like to see this improved service provision offered to all operators. This would bring many of the benefits of the other options, such as more flexibility and less downtime awaiting appointments that some of the other options would, but without the more substantial road safety risks that the other options pose.

What, if anything, would you like to change in option 4 the improved service provision?

RoSPA response

RoSPA has no further comment.



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Implementation

Would you like any other additional changes to be made to the ER scheme?

RoSPA response

Yes.

What additional changes would you like and why?

RoSPA response

Although RoSPA does not support options one, two and three, we have real concerns that the DVSA will have little or no direct oversight of the vehicles if these options are implemented. We therefore believe that if these options are implemented, the system will need to be much more robust, and could include more robust audits of systems.

Option preference

We are asking not only the options you would like to have implemented but also the order in which those, as it may be different to our own, options should be implemented and why.

Our options are:

- option 1: increase the time between tests for ER operators
- option 2: delegated testing for ER operators
- option 3: reduced test content
- option 4: improved service provision for ER operators



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With regards to implementation of our 4 options your preferred approach to implement:

RoSPA response

One of the four options.

The options are:

- **option 1: increase the time between tests for ER operators**
- **option 2: delegated testing for ER operators**
- **option 3: reduced test content**
- **option 4: improved service provision for ER operators**

Your preferred approach is to have only implement option:

RoSPA response

4 implemented.



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Risks

Any change to the vehicle testing regime has the potential to increase risk, particularly if there are fewer tests. It would be critical to ensure the rigour of the test is not compromised and is sufficiently comprehensive, as well as ensuring testers have sufficient independence. For all options, careful consideration will be given to any potential impacts on road safety or air quality.

In your view what risks, if any, to air quality does option:

- 1 pose?
- 2 pose?
- 3 pose?
- 4 pose?

RoSPA response

RoSPA expects that options 1 and 3 could pose some risks to air quality. The testing regime has some benefits for air quality as the testing of components of the vehicle ensures that the vehicle is compliant and meeting emissions standards. If the test is performed less often, or tests fewer components of the vehicle, there is a risk that a component defect which has impacts on air quality could be missed, or unnoticed for a longer period.

RoSPA does not believe that options 2 and 4 pose any risk to air quality.

Do you believe there are other risks that need to be considered?

RoSPA response

No.



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Other considerations

In your view what, if any, other changes need to be made in order to ensure public confidence in road safety controls if any of our options to vehicle testing were implemented for:

- Non-ER operators?
- ER operators?

RoSPA response

RoSPA does not support options 1, 2 and 3 and therefore cannot comment. We do not believe that any changes would be required for option 4.

We currently collect as part of the application of for the ER scheme require applicants to supply key performance indicators (KPIs) on the areas of:

maintenance

driving activity

We are researching your view towards if these KPIs should only be sent electronically to us.

Do you agree or disagree that ER key performance indicator data should only be supplied to us electronically?

RoSPA response

Agree.

Would you support any of our proposed option alterations being applied beyond ER operators to all heavy goods vehicles and public service vehicle operators instead?

RoSPA response

Yes.



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You would support:

- **All of the options being applied to all heavy goods vehicles and public service vehicle operators?**
- **Some of the options being applied to all heavy goods vehicles and public service vehicle operators?**

RoSPA response

Some of the options being applied to all heavy goods vehicles and public service vehicle operators.

You would support option:

- **1 being applied to all heavy goods vehicles and public service vehicle operators?**
- **2 being applied to all heavy goods vehicles and public service vehicle operators?**
- **3 being applied to all heavy goods vehicles and public service vehicle operators?**
- **4 being applied to all heavy goods vehicles and public service vehicle operators?**

RoSPA response

4 being applied to all heavy goods vehicles and public service vehicle operators.



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Changes applied

Driver and Vehicle Standards Agency (DVSA) currently commits to not routinely stopping ER operator vehicles as part of its roadside enforcement activities.

However we will need to consider if a structural change in how enforcement is funded, or other fee changes, would need to be implemented with any change to testing for ER operators. Examples of new approaches could include a fee for ER or increases in test fees for those that still need tests.

How would you expect DVSA to determine compliance if any of these options were implemented?

RoSPA response

One of RoSPA's main concerns with option 2 in particular and to some extent options 1 and 3 is that the DVSA will have little or no direct oversight of the vehicle, which could mean that standards could slip, posing risks to safety. RoSPA does not have any suggestions of how compliance can be determined, but more robust audits of systems could be considered.

In your view what barriers, if any, exist for smaller operators that may prevent them from joining the ER scheme?

RoSPA response

RoSPA is not in a position to comment.

What, if any, views do you have on the practical arrangements relating to these changes to testing for operators:

- Leaving the ER scheme?
- Being removed from the ER scheme?

RoSPA response

RoSPA has some concerns about how to deal with operators leaving or being removed from the ER scheme. In particular, we are unsure what will happen with the extended test interval and certificate if option 1 is implemented. If the operator is no longer part of the scheme, it seems unfair that this extended certificate would remain valid, especially for those who have not been meeting standards and have been removed from the scheme. However, it is difficult to understand how this can be revoked.



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We expect that there would be an increase in administration for option 4 for those leaving or being removed from the scheme if this is implemented only for ER operators, as each time an operator leaves the scheme records would need to be updated so that these operators do not receive the improved customer service provision.

What views, if any, do you have on the practicalities of identifying vehicles that would be in scope of our changes to the heavy vehicle test?

RoSPA response

RoSPA is not in a position to comment.

Do you think different arrangements need to be made to ensure trailers are identified separately to heavy goods vehicles?

RoSPA response

Don't know.

How, in your view, do you think the loss of funding for DVSA enforcement might be mitigated?

RoSPA response

RoSPA has no further comment.

Do you believe there should be an application fee for ER membership?

RoSPA response

No. This could discourage smaller operators from being able to be recognised and join the scheme.

Any other comments?



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RoSPA response

RoSPA has no further comments to make on the consultation process, other than to thank Department for Transport for the opportunity to comment. We have no objection to our response being reproduced or attributed.

