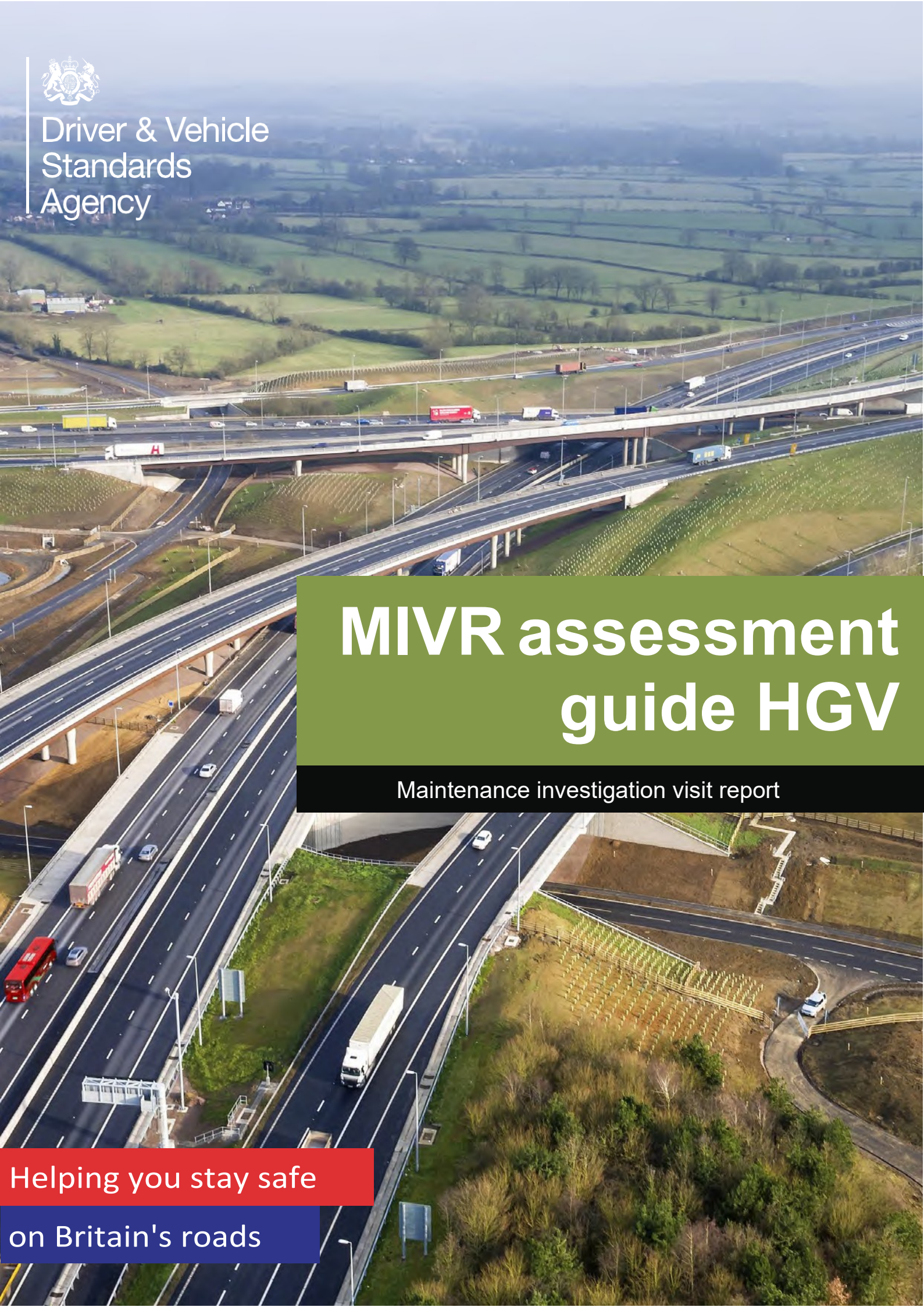
Driver & Vehicle Standards Agency



MIVR assessment guide HGV

Maintenance investigation visit report

Helping you stay safe on Britain's roads

Maintenance investigation visit report (MIVR) guidance document

Introduction

The Driver and Vehicle Standards Agency (DVSA), carry out maintenance investigations for operator licence holders.

The reason for the maintenance investigation is to establish if the operator has suitable systems, facilities and arrangements in place to maintain the authorised fleet of vehicles in a fit and serviceable condition.

Traffic commissioners issue and regulate the operator licence, the outcome of the maintenance investigation may be reported to the office of the traffic commissioner (OTC).

Included in the investigation will be conformation of the correct legal entity and whether there is suitable management control of the maintenance systems.

The questions used during the maintenance investigation are detailed in this guide, included are the question requirements and assessment criteria, there may also be additional instructions and further information for each question.

How to use this guide

The maintenance investigation visit report (MIVR) consists of 14 sections.

1. Operator legal entity
2. Condition of vehicles examined at the fleet check
3. Operating centre
4. Inspection & maintenance records
5. Driver defect reporting
6. Maintenance facilities and arrangements
7. Vehicle Emissions
8. Wheel & tyre management
9. Load security
10. Prohibition assessment
11. Security requirements
12. Previous reported shortcomings, conditions & undertakings
13. Transport manager / responsible person
14. Request for explanation response (where applicable)

Most sections have a number of questions. Guidance for each question is split into the following

- Section heading
- Question number and title
- Requirements for the question including links to additional information
- Assessment

There is a maximum of four assessment outcomes for a section.

- Satisfactory-No action required by the operator
- Mostly satisfactory-Advice is given to the operator
- Unsatisfactory-Operator action and explanation required
- Report to OTC-Operator action and explanation required

Investigation outcome

Satisfactory and mostly satisfactory: –

Do not require any action by the operator except to improve any systems or procedures where advice has been given.

Unsatisfactory: -

Will require an explanation from the operator to show what action they are going to take to address the issues.

Further action will depend on the response of the operator but could include, the case being closed, deferred checks by the DVSA Remote Enforcement Office, or reporting the MIVR together with any operator explanations to the office of the traffic commissioner (OTC).

Report to OTC: -

Will require an explanation from the operator to show what action they are going to take to address the issues. The MIVR together with any operator explanations will be reported to the office of the traffic commissioner.

MIVR Guidance Document

Q1 Operator Legal Entity

Q1 Is the legal entity correct?

Requirements

Legal entities include limited companies, charities, voluntary groups, partnerships, public authorities, or sole traders.

The operator must hold the licence under the correct legal entity and any changes to the legal entity must be notified to the Traffic Commissioner within 28 days.

Link to changing your business status

Assessment

Legal entity details and directors listed on Vehicle Operator Licensing system (VOL) should match the records on Companies House

Link to companies-house

In the case of sole trader or partnership entities, enquiries should be made with the operator to confirm that the legal entity is correct and up to date.

Satisfactory – if all the following apply:

- the legal entity registered at Companies House is as stated on VOL
- there is no mismatch of company directors or partners
- the sole trader or partnership is as stated on VOL

Mostly satisfactory – if:

- current directors or partners are correct but previous director/s or partners have not been removed from VOL

Unsatisfactory - if:

- current directors or partners have not been added to the licence

Report to OTC if

- the legal entity is incorrect

Further information

Note – Where it appears that the legal entity is incorrect the examiner must contact OTC to confirm if the operation can continue. The operator must be made aware they are operating illegally.

Under these circumstances the investigation should continue, and all the facts reported to OTC.

MIVR Guidance Document

Q2 Condition of vehicles examined at the fleet check

2b. Were prohibitions issued at the fleet check?

Requirements

Where possible, carry out an unannounced inspection of the operator's vehicles and trailers* (*where applicable the term 'vehicles' should be considered to include trailers).

The purpose of the fleet check is to establish whether the operator's maintenance system is effective in ensuring vehicles are operated in roadworthy condition.

Enough vehicles need to be inspected to establish the general condition of the fleet.

The scope of the investigation may be limited to the fleet of vehicles and trailers operating from one centre or could involve several fleets from multiple centres operated on the same licence, or fleets from across multiple licences.

Vehicle inspections should be as detailed as possible (subject to the available inspection facilities).

Where possible the inspection should cover vehicles and trailers of a range of different types, of various ages, and at different stages in their inspection and annual test cycle.

Below is a guide to the minimum numbers of vehicles to inspect for various fleet sizes in the scope of an investigation.

Fleet Size (in possession)	Minimum number to inspect
1 – 5	1 to 3
6 – 20	3 to 5
21 – 100	5 to 10
>100	10 to 5% (whichever is greater)

If serious defects are found during the fleet inspection the vehicle examiner must be satisfied that the threat to road safety has been mitigated by the extent of the fleet check carried out.

Unavailable vehicles

If vehicles are unavailable for an unannounced inspection, a short-notice appointment should be made and where possible full inspection facilities used.

Out of use vehicles

Generally, vehicles undergoing repair, and those which are partially dismantled awaiting spare parts, should not be subject to inspection or prohibition. However, where it is clear that the extent of repair work is limited or is of a token nature only, and the vehicle's general appearance suggests it was last used on a road in a dangerous condition, an inspection may be carried out and prohibition action taken for all dangerous defects which existed prior to repair.

The fact that the vehicle was off the road and stated to be under repair should be made clear in the MIVR report and noted on the prohibition.

This also applies to any vehicle which the operator claims has been withdrawn from use pending disposal. (Cont.)

Out of scope vehicle types

Vehicles which are out of the scope of operator licensing (for example light goods, agricultural and/or small passenger carrying vehicles) but are controlled by the operator, may also be inspected where there is cause for concern, and the results reported to the traffic commissioner.

These vehicles are not specified against the operator licence but for recording purposes all notices (clear or prohibition) should be recorded against the operator licence number.

Any prohibition issued to a vehicle in the 'out of use' or 'out of scope' categories should be noted in Q10a of the MIVR report.

Vehicles that are out of scope will not be considered for the purposes of the operator compliance risk score.

Assessment

The fleet check table must show all vehicles and trailers inspected at the fleet check.

The vehicle inspection must be recorded against the most serious action level on the table making it clear whether the prohibition was S marked.

Note - Prohibitions issued at the fleet check will be assessed at Q10.

No vehicles examined: (explanation required on the MIVR)

- if no vehicles or trailers were inspected during the investigation

No - out of scope vehicle/s only checked

- if only vehicle/s that were out of scope were inspected – clear encounter

No:

- if no prohibitions issued were issued at the fleet check.

Yes:

- if any prohibition was issued at the fleet check, including X-endorsed prohibitions and those for out of scope vehicles.

MIVR Guidance Document

Q3 Operating Centre

Q3a Is the operating centre being used authorised on the licence?

Requirements

The operating centre is where authorised vehicles are normally kept when not in use. When applying for an operator's licence, the applicant gives the address of the proposed centre(s) and information about the numbers of trailers and vehicles that will be kept there.

The operator needs to show that the operating centre:

- is large enough for the authorised fleet of vehicles and trailers
- has safe access
- is in an environmentally acceptable location

Current operating centres need to be checked against authorised operating centres recorded on the vehicle operator licensing system (VOL), including a check of licence undertakings and conditions which may be relevant to the individual sites.

Note – Any breach of undertakings or conditions is assessed in Q12

Assessment

Satisfactory – if:

- operating centres on the licence are clearly being used as authorised

Mostly satisfactory – if:

- the operator has not updated VOL for any operating centres that are no longer used

Report to OTC - if:

- there is evidence of unauthorised operating centre/s in use

Further information

Link to being a goods vehicle operator – operating centres

MIVR Guidance Document

Q3 Operating Centre

Q3b Are the parking arrangements adequate?

Requirements

The operating centre is where authorised vehicles are normally kept when not in use. When applying for an operator's licence, the applicant gives the address of the proposed centre(s) and information about the numbers of trailers and vehicles that will be kept there.

The operator needs to show that the operating centre:

- is large enough for the authorised fleet of vehicles and trailers
- has safe access and egress for the types of vehicles and trailers operated from that centre

Current operating centre/s need to be checked against authorised operating centre/s recorded on the vehicle operator licensing system (VOL) and the vehicles authorised to be parked at that centre.

For third-party operating centres that are shared by several operators, the assessment should include checking that the operator has adequate parking arrangement in place with the owner of the premises or land.

Assessment

Satisfactory – if:

- parking arrangements are clearly adequate for the authorised fleet
- there is evidence that adequate agreements are in place for third-party sites

Mostly Satisfactory – if:

- no formal agreement is in place for a third-party site/s, but the parking facility appears adequate

Unsatisfactory – arrangements are inadequate if any of the following:

- there is evidence of insufficient parking for the authorised fleet
- there is a dispute over parking rights at a third-party site
- there is clear evidence of unsafe access or egress from the operating centre

MIVR Guidance Document

Q4 Inspection and maintenance records

Record Sampling

Record sampling must be representative of the fleet of vehicles included within the scope of the maintenance investigation, which may involve checking records from various operating centres.

The scope of the investigation may be limited to a fleet operating from one centre or could involve several fleets from multiple centres operated on the same licence, or fleets from across multiple licences.

Where possible, all files should be checked for encounters which have resulted in a prohibition notice and are included in the scope of the prohibition assessment (see Q10a). Detailed analysis of these records should be carried out to help establish the root cause of the prohibition defect/s.

The sample should also include records covering any different types of maintenance provider used by the operator and, where applicable, a range of vehicle or trailer types for example:

- manufacturers' approved workshops
- independent maintenance providers
- mobile maintenance
- in-house workshops
- articulated or rigid vehicles
- buses or coaches
- semi or drawbar trailers

Detailed record analysis should be shown using the safety inspection period calculator and analysis tool (SIPCAT), which will help to identify trends, strengths or weaknesses within the operator’s maintenance system.

If significant shortcomings are apparent, the sample size should be increased to establish whether there is a systemic issue or these are just isolated problems.

Below is a guide to the minimum numbers of vehicle files to sample depending on the size of fleet in the scope of an investigation.

A ‘file’ means all relevant maintenance documents for the vehicle or trailer covering up to 15 months history:

Fleet Size (in possession)	Minimum file sample guide
1 – 5	1 to 3
6 – 20	3 to 5
21 – 100	5 to 10
>100	10 to 5% (whichever is greater)

MIVR Guidance Document

Q4 Inspection and maintenance records

Q4a Are records suitable?

Requirements

Inspection and maintenance records should be assessed against the recommendations in the guide to maintaining roadworthiness (GTMR).

The safety inspection record must include:

- name of owner/operator
- date of inspection
- vehicle identity (registration mark/trailer number)
- make and model
- odometer (mileage recorder) reading, if appropriate
- a list of all the manual items to be inspected
- an indication of the condition of each item inspected
- details of any defects
- name of inspector
- full details of any repair work and who did it
- a signed declaration that any defects have been repaired satisfactorily and the vehicle is now in a safe roadworthy condition
- all details should be legible

Additional requirements for electronic systems:

- hard copies of records should be available so that they can be produced on request
- the system must be tamper-proof (e.g. records can't be changed at a later date)
- it must be clear what's been checked and by whom
- there must be a clear end-to-end audit trail
- data files should cover all maintenance records for the fleet
- the system should meet data protection requirements (including the general data protection regulation)
- there should be a data back-up and disaster recovery system

Assessment on next page

Assessment

Satisfactory – if:

- records fully meet the recommendations in the GTMR

Mostly satisfactory - if:

- records mostly meet the recommendations in GTMR but with minor omissions, for example, missing model or incorrect inspection manual reference number.

Unsatisfactory - if any of the following:

- records have a major omission
- records clearly do not meet the GTMR recommendations

Report to OTC – if:

- no records are available

Further information

Link to guide to maintaining roadworthiness

MIVR Guidance Document

Q4 Inspection and maintenance records

Q4b Are records properly completed and available?

Requirements

Completion of inspection and maintenance records should be assessed against the recommendations in GTMR.

Safety inspections must include those items covered by the appropriate statutory annual test.

Any work carried out as a result of safety inspections must be recorded.

Records of safety inspections must be kept for at least 15 months for all vehicles, including vehicles that have been removed from the operator licence.

A safety inspection report must be **fully** completed for each safety inspection for both vehicles and trailers. If the safety inspection report is to be stored electronically a paper version does not need to be kept.

Important features of a computerised system:

- hard copies of records should be available so that they can be produced on request
- the system must be tamper-proof (e.g. records cannot be changed at a later date)
- it must be clear what is been checked and by whom
- there must be a complete audit trail
- data files should cover all maintenance records for the fleet
- the system should meet data protection requirements (including the general data protection regulation)
- there should be a data back-up and disaster recovery system.

The system can include -

- fully electronic inspection records
- a forward planning system
- drivers' walkaround checks and defect reporting
- a performance dashboard

Braking performance

As per the annual test, every safety inspection must assess the braking performance of the vehicle or trailer. GTMR advises on four methods of assessing braking performance at a safety inspection:

1. Roller brake test (laden where possible)
2. Decelerometer (rigid vehicles)
3. Electronic braking performance monitoring system (EBPMS) for trailers
4. Road test with brake temperature measurement.

The safety inspection must record how the braking performance was assessed. However, a road test to check the braking performance for all planned safety inspections will usually be inadequate. It is therefore normally expected that the vehicle or trailer should complete at least three successful brake efficiency tests spread throughout the year in addition to the annual MOT test.

Assessment on next page

Assessment

Satisfactory – if:

- there is a full set of correctly completed inspection records, which meets the recommendations in GTMR

Mostly satisfactory – if:

- records are generally fully completed but some minor issues are found, for example missing mileage or clerical errors.

Unsatisfactory - if any of the following:

- there are missing inspection record/s
- there are incorrectly completed record/s
- there are inadequate inspection procedures

Report to OTC – if:

- there is clear evidence of falsification or dishonesty

MIVR Guidance Document

Q4 Inspection and maintenance records

Q4c Are inspection intervals satisfactory?

Requirements

Operators must ensure that safety inspections are carried out at the stated intervals as specified on the operator licence and that the inspection intervals meet the operational needs of the vehicles being used.

The following factors should be considered when deciding how often to inspect a vehicle:

- the condition of the vehicle
- the age and type of vehicle
- the recommendations of the vehicle manufacturer
- the nature of its load, the equipment and fittings it carries or supports
- the type and range of operations on which it is likely to be engaged
- the type of terrain and the nature of the environment in which it operates or is likely to operate
- the distance and speeds at which it travels and the journey times

Operators need to monitor the results of safety inspections to ensure that the stated intervals are effective and that vehicles are used in a roadworthy condition.

First-use inspections are essential for operators who lease, hire or borrow vehicles. These are especially important where vehicles and trailers have been off the road for some time.

Safety inspection records must be kept for at least 15 months for all vehicles, including vehicles that have been removed from the operator licence.

Assessment

Satisfactory – if all the following:

- there is a well-managed system, which meets the statement of intent and operational requirements of the fleet.
- First-use inspections are carried out.

Mostly satisfactory – if:

- records show minor inconsistencies, for example occasional extension into the next ISO week or isolated missing first-use inspection record

Unsatisfactory - if any of the following

- the system is obviously not managed, with statement of intent clearly not being met
- there is consistent evidence of missing first use inspection records
- vehicle defects showing on inspection records clearly indicate that inspection intervals are too long

Additional information

Link to guide to maintaining roadworthiness

MIVR Guidance Document

Q4 Inspection and maintenance records

Q4d Effective forward planning system in use?

Requirements

The dates when safety inspections are due must be planned.

Manual systems can use a simple planner or wall chart to identify inspections, annual tests and calibration dates at least six months in advance.

Electronic systems should also contain this information and can also automatically schedule from the last inspection.

Assessment

Satisfactory – if:

- an effective forward planning system is in use

Mostly satisfactory – if:

- a forward planning system is in place but used inconsistently

Unsatisfactory - if any of the following:

- no forward planning system is in place
- the forward planning system is ineffective

MIVR Guidance Document

Q4 Inspection and maintenance records

Q4e Is there a robust vehicle off the road (VOR) system in place?

Requirements

When a vehicle is declared off the road (VOR) this must be recorded on the vehicle maintenance file, stating the date and reason.

A robust system must be in place to ensure vehicles with VOR status are not used; this is particularly important when the vehicle is unsafe.

If a vehicle is declared VOR this can suspend the safety inspection schedule if the period of VOR extends over the next planned safety inspection. This is commonly used for seasonal-use vehicles or vehicles requiring extensive repairs.

A vehicle that has been logged as VOR and has missed the scheduled safety inspection should only be brought back into service after a safety inspection confirms that it is roadworthy. The date of this inspection can be used to reschedule the regular inspections.

A sample check of VOR records should be made, comparing against records of actual vehicle usage, which could include tachograph records, vehicle telematics or vehicle schedules. It should be noted that a VOR vehicle could be moved legitimately before being brought back into service, for example for a journey to a maintenance facility, MOT inspection or road test after repair.

Assessment

VOR records, including removed vehicles, should be checked to establish the stated vehicle fleet and compared to the operator's records.

If no VOR records exist, the assessment needs to establish whether the operator is aware of the requirements and has a robust system in place.

Satisfactory – if all the following:

- a robust VOR system is in place and effectively managed
- there are no records of illegitimate VOR vehicle usage
- safety inspections are completed as necessary for VOR vehicles returning to service

Mostly satisfactory – if:

- there is a VOR system in place, but some minor improvements are recommended

Unsatisfactory - if any of the following:

- there is no VOR system in place
- the VOR system is ineffectively managed
- there is unintentional use of a vehicle when declared VOR (except safety critical defect)

Report to OTC if:

- there is clear evidence of false VOR status being recorded to conceal vehicle usage
- a VOR vehicle is being used with a safety-critical defect

MIVR Guidance Document

Q4 Inspection and maintenance records

Q4f Is there an effectively managed safety defect and recall system in place?

Requirements

If operators receive notification of a safety recall for a vehicle from a manufacturer, it is important that they act promptly to ensure the rectification work is undertaken. This will remove the risk that the vehicle may become unroadworthy due to the potential defect identified by the manufacturer.

A vehicle safety recall notification and evidence of rectification must be recorded on the vehicle maintenance file.

A robust system must be in place to ensure vehicles do not have an outstanding vehicle safety recall and that rectification is arranged as soon as possible when a recall notification is received.

Normally it would be expected that safety recall rectification work should not extend past the next scheduled safety inspection; however, consideration should be given to the availability of necessary parts and lead-time for the manufacturer's workshop. If the notification indicates that the recall is urgent, which could mean the vehicle is dangerous to drive, then the vehicle should be immediately taken out of service until the safety recall is actioned. Advice should be sought in the first instance from the manufacturer regarding the nature and severity of the recall.

Operators should also be aware of how to report any potential safety defects to DVSA, and where necessary to provide evidence that safety defects have been identified, appropriately actioned and reported.

Assessment

If no safety recall records or defects exist, the assessment needs to establish whether the operator is aware of the safety recall requirements and has a robust safety defect system in place.

Satisfactory - if:

- an effectively managed safety defect and vehicle recall system is in –place.

Mostly satisfactory - if:

- there is evidence of a safety defect and recall system, but management of the system has minor inconsistencies, for example recalls are completed but not recorded on file

Unsatisfactory - if any of the following:

- no safety defect or recall management system is in place
- the safety recall system is ineffectively managed.

Report to OTC - if:

- any vehicles are being used with knowledge of outstanding urgent safety recall notifications

Additional information

Link to safety recall guidance and the safety recall checking application are available on Gov.uk

MIVR Guidance Document

Q5 Driver defect reporting

Q5a Are effective walkaround checks being carried out?

Requirements

A driver or responsible person must undertake a daily walkaround check, preferably immediately before a vehicle is used.

Drivers must be well-trained and given clear written instructions about their responsibilities

The driver is always legally responsible for the condition of the vehicle while in use. Therefore, conducting a daily walkaround check is an important part of a driver's job. Operators can allow the walkaround check to be completed by a responsible person. At least one walkaround check must be carried out in any 24-hour period of vehicle use.

It is good practice to have 'nil defect' reports as they are a useful means of checking that drivers are carrying out their duties and these forms can be used for audit purposes. A 'nil defect' reporting system demonstrates a check has been conducted and is a positive report that the vehicle is free from defects.

Note that operators may be required by Traffic Commissioner to give an undertaking that a 'nil defect' reporting system is being used (where applicable this should be assessed in Q12a).

Assessment

Satisfactory – if:

- Effective walkaround checks are being completed, which identify driver related defects

Mostly satisfactory – if:

- there is evidence that walkaround checks are being completed, but also occasional incident/s of inspection records showing defects which should have been reported by a driver, without a corresponding driver defect report

Unsatisfactory - if any of the following:

- there is little or no evidence that effective walkaround checks are being carried out
- the fleet check shows evidence of defects which should have been reported by drivers
- safety inspections regularly identify defects which should have been reported by a driver yet there is no corresponding driver defect report.
- Evidence of driver responsible prohibitions

Report to OTC – if:

- there is clear evidence of falsified records

Additional information

Link to carry out walkaround checks

MIVR Guidance Document

Q5 Driver defect reporting

Q5b Is a suitable system being used for drivers to report defects?

Requirements

Drivers must report promptly any defects or symptoms of defects that could adversely affect the safe operation of vehicles.

Any defects found during the daily walkaround check, while the vehicle is in use or on its return to base, must be the subject of a written report by the driver or some other person responsible for recording defects.

The details recorded should include:

- vehicle registration or identification mark
- date
- details of the defects or symptoms
- the reporter's name
- who the defect was reported to
- assessment of the defect
- rectification work
- date rectification work was completed

Electronic walkaround check system

The daily walkaround check can be done using a handheld device, and the results stored digitally. This can include devices like tablets or smartphones, which can be given to the driver or allocated to the vehicle.

The system should also include:

- a suitable method of digital signature
- secure data input and storage
- confirmation that the vehicle is in a roadworthy condition at the start of the journey
- the ability to complete forms by hand and then scan and save them digitally for
- easy access to any images captured, by date and vehicle.
- the ability to produce the current day's record, at a minimum, at the roadside
- effective date and time stamping to make sure data is reliable, including 'nil defect' reporting where it is included.

Assessment

Satisfactory – if:

- there is evidence that an effective driver defect reporting system is being used

Mostly satisfactory – if:

- there is evidence that a driver defect reporting system is in use, but minor improvements are recommended

Unsatisfactory - if any of the following:

- there is no driver defect reporting system in use
- a system is being used but it is clearly ineffective

MIVR Guidance Document

Q5 Driver defect reporting

Q5c Are defects appropriately assessed and repaired?

Requirements

All defect reports must be given to a responsible person with enough authority to take appropriate action, which may include removing the vehicle from service immediately.

If a defect does not need to be immediately repaired, a record of the assessment must be kept with the defect report.

Any manual or electronic report listing defects is part of the vehicle's maintenance record and must be kept for at least 15 months, together with details of the rectification work and repairer.

An owner-driver may not have anyone to report defects to; in these cases, defects and the repairs can simply be recorded at the time they are found and rectified. These records need to be kept for at least 15 months.

Assessment

Satisfactory – if:

- there is evidence that recorded driver defects are appropriately assessed and repaired

Mostly satisfactory – if:

- records are completed but with occasional instances where appropriate action has not been fully evidenced

Unsatisfactory - if any of the following:

- there is little or no evidence of a defect reporting system
- there is ineffective management of the reported defects

Report to OTC – if:

- there is clear evidence of falsified records

MIVR Guidance Document

Q6 Inspection facilities and maintenance arrangements

Q6a Are safety inspections carried out by the stated contractor/s and relevant maintenance contract/s in place?

Requirements

Operators are responsible for the condition of vehicles and trailers that are inspected and/or maintained for them by agents, contractors or hire companies.

Operators who have contracted out their safety inspections must draw up a formal written contract with an inspection agency or maintenance provider, and this must be retained on file.

It is essential to have a written contract that sets out the details of the vehicles covered, inspection interval and the work which will be carried out.

The current maintenance contractors must be up to date and match vehicle operator licensing system records.

Any changes by operators to arrangements for safety inspections must be updated on the vehicle operator licensing system (VOL).

Assessment

(N/A for solely in-house inspection and maintenance arrangements)

Satisfactory – if all the following:

- all relevant maintenance contract/s are in place
- safety inspections are carried out by stated maintenance contractor/s
- VOL records match current maintenance contractor/s

Mostly satisfactory – if:

- an expired contractor is not removed from the VOL record

Unsatisfactory - if any of the following:

- there is no evidence of a maintenance contract in place
- a contract is in place, but the VOL system is not updated by operator

Report to OTC

- There is clear evidence of a falsified maintenance contract

MIVR Guidance Document

Q6 Inspection facilities and maintenance arrangements

Q6b Are the maintenance arrangements / facilities satisfactory?

Requirements

In-house facilities

Operators who undertake their own safety inspections must have the right tools, facilities and staff for the size of the fleet and type of vehicles operated.

All operators should have access to a means of measuring brake efficiency and setting headlamp aim. For vehicles showing signs of visible exhaust smoke, a diesel smoke meter should be used to ensure that the level of smoke emission is within the legal requirements.

If operators provide their own safety inspection facilities for contracted inspections, they must ensure that they are suitable.

Contractor arrangements

Operators are responsible for the condition of vehicles and trailers that are inspected and/or maintained for them by agents, contractors or hire companies.

Care must be taken to ensure that the facilities used by the contractor are adequate and that the staff are competent. Operators can use the below list of facilities to check a contractor. They should make sure that the contractor uses up-to-date information and has suitable inspection sheets.

Operators should review maintenance records and have a means of regularly monitoring the quality of work provided by the contractor.

Facilities for both in-house and contracted maintenance should include:

- undercover accommodation for the largest vehicle in the fleet. This is required to ensure that safety checks can be conducted satisfactorily in all weathers (depending on fleet size the building may need room for more than one vehicle at a time)
- tools and equipment appropriate to the size and nature of the fleet
- an adequate under-vehicle inspection facility
- adequate lighting
- access to brake test equipment (e.g. a roller brake tester, decelerometer, temperature sensor) and arrangements for loading the vehicles and trailers
- access to headlamp test equipment
- access to emissions testing equipment
- access to steam or pressure under-vehicle washing facilities
- a safe working environment

Requirements continues next page

Safety Inspectors

A person undertaking safety inspections must be technically competent and aware of the standards that apply to the vehicles they examine.

They should have been trained in the techniques of vehicle examination, diagnosis and reporting, and have a sound working knowledge of the relevant inspection manuals produced by DVSA.

A safety inspector could prove technical competence by solely time served experience. However, with modern vehicle systems and working practices, it is strongly recommended that inspectors obtain relevant technical qualifications and achieve an automotive technical accreditation such as IRTEC (Inspection Technician Accreditation) or similar - meeting a recognised quality standard for the vehicles they inspect and having continuing professional development (CPD)

There must be adequate maintenance staff resource to inspect the fleet and maintain it t in a roadworthy condition.

A safety inspector should not be expected to carry out repair or servicing work during the examination.

Assessment

The assessment must establish whether the operator's maintenance facilities or arrangements are satisfactory. If it cannot be determined whether contracted maintenance arrangements are adequate, an unsatisfactory outcome should be recorded.

Satisfactory – if all the following:

- maintenance facilities and arrangements fully meet the requirements to maintain the fleet of vehicles.
- there is evidence of relevant training and CPD for maintenance staff

Mostly satisfactory – if any of the following:

- most facilities are available, but the arrangements do not fully meet all the requirements
- there is some minor concern over technical staff training, CPD or resource

Unsatisfactory - if any of the following:

- there is clear evidence that the maintenance facilities are inadequate
- there is clear evidence that the maintenance arrangements are inadequate
- there is clear evidence that the maintenance standards are inadequate
- there is clear evidence of under-resourcing of maintenance staff
- it is not possible to establish the arrangements for a contractor or contractors

MIVR Guidance Document

Q6 Inspection facilities and maintenance arrangements

Q6c Does test history indicate poor management or maintenance standards?

Requirements

Annual test results should be reviewed to establish whether maintenance standards are satisfactory. Failure of safety-critical defects, multiple failure items, multiple retests and repeated PRS failures would indicate poor maintenance standards.

If a vehicle or trailer has been operated without a statutory annual test or with the incorrect test class certificate this will be considered as unsatisfactory management. However, if it clear that a vehicle or trailer is deliberately used without the correct annual test certificate, this should be reported directly to OTC.

- **Final fail rate percentage is to be used for this assessment, removing PRS failures from initial test fail rate**
- **Prohibitions or variations are assessed in Q10a**

Assessment

Satisfactory – if:

- there is a good test history and the final fail rate is not above the national average

Mostly satisfactory – if any of the following:

- there are occasional failures due to non-safety-critical defects
- No record of test history is available – comments required on MIVR

Unsatisfactory - if any of the following:

- there is a trend of failures for safety-critical defects
- The test history is poor, due to inadequate maintenance standards
- there is poor management control

Report to OTC - if

- there is deliberate use of a vehicle/trailer without a statutory annual test
- there is deliberate operation of a vehicle/trailer with the incorrect test class

MIVR Guidance Document

Q7 Vehicle Emissions

Q7a Are maintenance and monitoring systems in place to ensure the correct operation of emissions control systems?

Requirements

The operator must ensure that any emissions control equipment fitted to the vehicles they operate meets the manufacturers' standards and is always in working condition. Unless approved, no other equipment may be fitted to the vehicle, nor may any equipment be removed, such as to reduce the effectiveness of the original fitted systems.

The operator should monitor fuel and AdBlue usage and ensure that manufacturers' recommended maintenance procedures are followed and that the systems are regularly checked to confirm they are functioning correctly.

Assessment

Satisfactory – if:

- there is evidence that effective maintenance and monitoring systems are in place to ensure all vehicles operated have correctly functioning emissions control systems.

Mostly Satisfactory – if:

- there is evidence of a system in place, but minor improvements are recommended

Unsatisfactory - if any of the following:

- there is a system but is ineffective
- there is no evidence to support the procedures

Report to OTC - if any of the following:

- there is clear evidence of a non-approved device fitted to a vehicle
- there is clear evidence of emissions control equipment being illegally removed

Additional information

Link to modifying your vehicles emissions the legal, safety and health implications

Link to road vehicles improving air quality and safety pdf

MIVR Guidance Document

Q8 Wheel and tyre management

Q8a Does the operator have an effective wheel security system in place?

Requirements

The operator must have systems in place to ensure wheel security is maintained. The system needs to include effective daily monitoring of wheel security and ensure correct wheel fitment maintenance and torqueing procedures are followed.

Assessment

Satisfactory – if:

- there is evidence of robust wheel security systems in place, which fully cover both in-service wheel security monitoring and correct wheel fixing procedures

Mostly Satisfactory – if:

- there is evidence of a wheel security system, but some areas of improvement are recommended

Unsatisfactory - if any of the following:

- there is an ineffective in-service wheel security monitoring system, or none
- inappropriate wheel securing methods or incorrect procedures are being used

Report to OTC - if:

- there is clear evidence of falsified wheel security maintenance records

Additional information

Link to careless-torque-costs-lives.pdf

MIVR Guidance Document

Q8 Wheel and tyre management

Q8b Does the operator have effective tyre management arrangements in place?

Requirements

The operator must have arrangements in place to ensure the vehicles' tyres are legal, safe and effectively managed.

The system needs to monitor that:

- drivers are properly trained and equipped to recognise and report tyre issues
- tyres are appropriate to the vehicle, axle position and operating conditions
- tyre age is monitored
- that tyre pressures are monitored and maintained
- vehicle tyres are regularly and closely examined for damage and wear, with mechanisms in place to address any identified issues
- processes exist to distribute best practice in tyre management throughout the fleet
- staff dealing with tyre management are properly trained and empowered to act with sufficient authority
- any technician dealing with tyre inspections or repairs is properly trained and qualified
- tyres are properly repaired to the British Standard, i.e. BS AU 159g
- any on-site tyres are properly stored

If an operator changes the tyres' size, load indices or whether they are fitted in single or twin formation this must be notified to DVSA using the appropriate form: VTG10s for HGV (see **VTG10 Guidance)** or VTP5 for PSVs (see **VTP5 Guidance**). If the tyre size change is on the drive axle, then you will also need to get the tachograph recalibrated.

Assessment & additional information next page

Assessment

The assessment should look for tyre management systems that are in place and assess their effectiveness by reviewing tyre failures and/or encounters resulting in tyre-related prohibitions.

Satisfactory – if:

- there is evidence of robust tyre management arrangements in place, which fully cover both effective in-service tyre monitoring and a tyre management system

Mostly Satisfactory – if:

- there is evidence of a tyre management system, but some areas of improvement are recommended

Unsatisfactory - if any of the following:

- there is an ineffective in-service tyre monitoring system, or none
- the tyre management system is inappropriate or ineffective

Report to OTC - if:

- there is clear evidence of falsified tyre management records

Additional information

Link to Guide to tyre management on heavy vehicles

MIVR Guidance Document

Q9 Load Security

Q9a Does the operator have appropriate load security arrangements in place?

Requirements

The operator needs to ensure that everybody in the transport chain is aware of the rules set out in the DfT code of practice: safety of loads on vehicles, and that appropriate load security arrangements are in place for all vehicle types and goods carried.

These arrangements need to include: -

- keeping up to date with load security requirements and staff training
- complying with Health and Safety regulations
- ensuring responsibilities for the loading, transportation and unloading of vehicles are clearly identified in contracts of work
- having appropriate and up to date risk assessments in place
- where possible, involving drivers in the loading process
- ensuring there is adequate staff supervision and quality checks are carried out
- effective reporting procedures and action taken for load shifts
- ensuring all types of loads are appropriately secured with the correct methods
- using vehicles that are appropriate for the load being transported
- ensuring that load security equipment is regularly checked and is fit for purpose
- consistently using loading plans.

Assessment

Satisfactory – if:

- there is evidence of robust load security arrangements in place, which fully cover the DfT Code of Practice

Mostly Satisfactory – If:

- there is evidence of load security arrangements, but some areas of improvement are needed to fully meet the Code of Practice

Unsatisfactory - if any of the following:

- there are ineffective load security arrangements in place
- load security equipment is inappropriate or in poor condition
- there is inadequate management of load security systems

Report to OTC - if:

- there is clear evidence of deliberate inappropriate load security instructions or policy

Additional information

Link to operator guidance for load security

MIVR Guidance Document

Q9 Load Security

Q9b Are drivers and other relevant staff appropriately trained?

Requirements

Drivers and any staff who are involved with the loading, transportation or unloading of the vehicle should be appropriately trained for the types of loads, securing systems and vehicles used.

The training needs to include: -

- correct use of load restraining equipment
- awareness of correct loading and unloading procedures for different vehicle types and goods carried by the operator
- awareness of the correct load transportation procedures for the goods carried
- awareness of load plans and their use
- awareness of load weight and correct distribution of load
- awareness and understanding of load security risk assessments

Assessment

Satisfactory – if:

- there is evidence of appropriate load security training in place for drivers and other relevant staff

Mostly Satisfactory – if:

- there is evidence of training, but it is not fully implemented across all relevant members of staff

Unsatisfactory - if any of the following:

- there is little or no evidence of appropriate training
- training is inadequate

Report to OTC - if:

- there is clear evidence that training records are false or do not exist.

MIVR Guidance Document

Q10 Prohibition Assessment

10a. Do any of the prohibitions issued to the operator during the required sample period demonstrate a weakness or significant failing of the maintenance system?

Requirements

All roadworthiness prohibitions issued during the sample period must be assessed.

These include the operator's roadside enforcement encounters, the current fleet check and prohibitions issued at annual test.

Sample Period

The sample period is either:

- the period since the last Public Inquiry where roadworthiness prohibitions were considered, or
- the period since the last maintenance investigation fleet check, or
- the last 5 years' history of encounters and tests

Whichever of the above is the most current should be used for the sample period and recorded in Q10b.

Prohibitions and records reviewed by a desk-based assessment by the DVSA remote enforcement office need to be included in this investigation's prohibition assessment.

Prohibition Endorsement (Initial encounter)

Against each defect, it is necessary to categorise its significance in terms of roadworthiness compliance and maintenance as follows:

- 'S' for significant failure of roadworthiness compliance
- (Blank) for defects which may or may not be attributable to poor maintenance
- 'X' where the defect is no reflection on the maintenance system.

Roadworthiness prohibitions, both immediate and delayed, should be endorsed 'S' if, in the examiner's opinion, any of the defects which led to the prohibition were an indicator that there is significant failure of roadworthiness compliance. These are defects that the operator and/or driver should have been aware of through any or all of the following circumstances:

- it is a long-standing defect that should have been detected and repaired at the last safety check
- the defect or issue should have been detected at the first use/daily walk round check
- performance, handling and/or warning systems would have made the defect obvious to the driver
- poor workmanship should have been apparent to the repairer
- the nature of the defect(s) observed at annual test was such that they should have been found before the vehicle was presented for test
- the number and nature of defects present on this notice indicate a significant failure in maintenance

Requirements continued next page

The ‘X’ category, for defects(s) NOT considered to be maintenance related, is appropriate for defects of an entirely random failure nature such as a lighting bulb failure or a new fracture in a road spring leaf, where it is also apparent that it would not have been noticed by the driver.

The defect is not endorsed when it is not possible to determine whether a defect is attributable to poor maintenance and whether or not the operator, driver or the maintenance arrangements are at fault. **Most Serious Infringement (MSI)**

An investigation generated from a roadworthiness MSI must be reported to OTC, regardless of the MIVR outcome.

A roadworthiness MSI is a penalty or conviction incurred by the transport manager or operator as a result of using a vehicle with a dangerous defect associated with either brakes, steering, wheels, tyres or suspension. A category 1 ‘S’ endorsed prohibition would generate an MSI investigation.

Assessment

Prohibitions which have been endorsed either ‘S’ or ‘X’ must be confirmed by the assessment of the operator’s records and maintenance system.

Prohibitions which have not been endorsed can be given an appropriate endorsement assessment (S or X), with supporting evidence from a review of the operator’s maintenance records and system during this investigation.

Details of any confirmed prohibition endorsement, or amendment to the endorsement marking, should be detailed in the comments on the MIVR (Q10a).

Confirmed Trends

Following the review of the prohibition history over the sample period, it can be confirmed that prohibitions have been issued on multiple occasions for safety critical defects.

Satisfactory - if any of the following:

- a review of prohibitions identifies no vehicle defects which can be attributed to a fault with the operator’s maintenance system*** (See note)**
- there have been no prohibition encounters

Unsatisfactory- If the following

- if the review of prohibitions shows vehicle defects which indicate some weaknesses of the maintenance system. (Weaknesses should be detailed on the MIVR)

Report to OTC - if any of the following

- the investigation identifies any prohibition defect which demonstrates a significant failing in the operator’s maintenance system
- the investigation confirms any trends of prohibitions due to safety-critical defects.

***Note: – Where prohibitions have been assessed and the result is satisfactory, justification comments must be recorded on the MIVR.**

MIVR Guidance Document

Q11 Security Requirements

Q11a Does the operator have appropriate vehicle and site security procedures in place?

Requirements

Goods vehicles on UK roads could be targeted or stolen by individuals for use in an act of terrorism.

The operator should have procedures in place to help keep vehicles and premises secure.

The procedures need to include:

- site security – including vehicle access and operating centres
- vehicle security – including checking vehicles and what to do if a vehicle is taken.

Site Security

Effective security measures at operating centres and maintenance facilities can help to create a controlled environment which will encourage positive security behaviours amongst staff and act as a deterrent, protecting the facilities and assets from theft and other potential criminal activity.

Basic security measures can help prevent unauthorised access to a vehicle when it is left unattended at unsecured premises, for example maintenance workshops or operating centres. Having clear signage in place can discourage unwanted access by vehicles and people. Security measures can include:

- fitting locks or tamper-proof seals to lockers and equipment boxes.
- controlling access to operating centres with appropriate security arrangements i.e. fences, gates, security codes.
- storing vehicle keys in a secure locker with security codes. Keys should not be left in vehicles or on hooks in the office easily accessible to anyone

Vehicle Security

Drivers should visually check their vehicle at the beginning and end of their journey. Also, whenever they leave or return to their vehicle, they should look for any signs that something has been concealed or the vehicle tampered with.

This can be included as part of the required roadworthiness ‘walk around’ check.

Assessment – This question is for advice only

Satisfactory – if:

- there is evidence of effective vehicle security procedures in place

Advice – if:

- there is evidence of vehicle security procedures, but some improvements are needed

Action required - if any of the following:

- vehicle security procedures are ineffective
- there are no, or very few, vehicle security procedures in place

Additional information

Security tips for Goods Vehicle Drivers

1. Avoid talking about loads or routes with unauthorised persons (including over radios and telephones). Do not post information about your route or location on social media, be aware of your 'digital footprint', and take care to avoid unwitting disclosure of routes/locations through mobile phone security settings and geolocation of pictures. Discuss high-risk routes with your transport office.
2. Lock and secure your vehicle whenever you leave the cab and keep the keys secure, including when unloading and loading; always follow company security policies and instructions.
3. Carry out visual walk around checks when leaving and returning to the vehicle to make sure it has not been tampered with. Report any irregularity in loading, locking, sealing or documentation to your company.
4. When conducting walk around checks, think security as well as safety.
5. Never carry goods for anyone, other than the authorised load.
6. If you are forced to change your route, inform your Transport Office immediately.
7. If someone is acting suspiciously or something 'doesn't feel right' either at the depot or on the road, report it to counter-terrorism police by calling 0800 789 321 or online at **https://act.campaign.gov.uk/** and contact your company.
8. Do not allow unauthorised passengers into the cab.
9. Keep your phone fully charged and on you at all times. Store important phone numbers.
10. Be mindful of your personal security. Keep ID documentation and wallets secure and out of sight.
11. Beware of attempts to deceive, such as by bogus police and DVSA officers; stay vigilant always.

Link to security guidance for goods vehicle operators and drivers

MIVR Guidance Document

Q11 Security Requirements

Q11b Does the operator have suitable workplace security procedures in place?

Requirements

Goods vehicles on UK roads could be targeted or stolen by individuals for use in an attack.

The operator should have procedures in place to promote a good security culture in their organisation and help keep employees safe.

Security Culture

A security culture is 'a set of values, shared by everyone in an organisation, that determine how people are expected to think about and approach security'.

Robust pre-employment checks for all employees can help mitigate the 'insider' threat.

Company Security Plan

A security plan is the cornerstone of a secure goods vehicle operation and sets the basis for strong security behaviours, culture and practice. A company security plan, which can take the form of a risk assessment, should cover the items listed in the guide referenced below.

Assessment – This question is for advice only

Satisfactory – if:

- there is evidence of an effective security plan and procedures in place for recruitment and to identify unusual behaviour

Advice – if:

- there is evidence of security procedures, but some improvements are needed

Action required - if any of the following:

- security procedures are ineffective
- there is little or nothing in place in terms of a security plan or procedures

Additional information

Link to security guidance for goods vehicle operators and drivers

MIVR Guidance Document

Q12 Previously reported shortcomings, conditions and undertakings

Q12a Have previously reported shortcomings been identified during this investigation, including any breach of conditions or undertakings?

Requirements

Any conditions or undertakings on the licence need to be checked.

There should be a review of the last public inquiry or previous maintenance investigation report (MIR) or remote enforcement desk-based assessment (DBA), **within the past 5 years,** to establish whether the operator has previously been made aware of any of the current shortcomings identified in this investigation.

The review should look at any assurances given by the operator to address the issue/s raised and check that and any undertakings or conditions on the licence are being complied with.

Assessment should be made of any written decisions from a public inquiry and any responses by the operator to requests for explanation (RFE) resulting from previous maintenance investigation reports or remote enforcement desk-based assessments.

Assessment

N/A – No previous investigations or PI

Satisfactory – if:

- no previously reported shortcomings have been identified at the current investigation

Mostly Satisfactory – if:

- shortcomings identified have been found in previous maintenance inspection reports or desk-based assessments, but compliance has significantly improved.

Unsatisfactory - if any of the following:

- shortcomings identified have been found in a previous public enquiry, but compliance has significantly improved.

Report to OTC - if any of the following:

- shortcomings are identified that have been reported previously, with no improved compliance
- there is no evidence of assurances that have been given by the operator being fulfilled
- there is any breach of licence conditions or undertakings

MIVR Guidance Document

Q13 Transport manager / responsible person

Q13 a Is the transport manager correctly specified?

Requirements

For standard licences there is a requirement to use a transport manager (TM) who has a certificate of professional competence (CPC), acquired rights or other qualifications accepted by the traffic commissioner.

The transport manager must be correctly specified on the operator's licence.

There should be a genuine link with the operator and the TM should be senior enough within the operation to make decisions relating to their responsibility.

Part-time certificate of professional competence (CPC) holders should devote the required number of hours to the operation.

Assessment

N/A for restricted licence

YES (Satisfactory) - if any of the following:

- the transport manager is correctly specified
- the Traffic Commissioner has agreed a period of grace following the death or resignation of the pervious transport manager and the visit is within that period of grace**.
- there is clear evidence that the current transport manager is not specified through an Office of the Traffic Commissioner (OTC) error**.

****Checks would have to be made with OTC before 'yes' is chosen.**

NO (Report to OTC) - if any of the following:

- the transport manager is in position but not specified.
- there is no transport manager is position or no period of grace has been sought.
- the transport manager, whether employed full time or part-time, is not devoting enough hours to the management of the operation.

Additional information

Link to Senior traffic commissioner statutory document 3 transport managers

MIVR Guidance Document

Q13 Transport manager / responsible person

Q13 b Does the transport manager / responsible person have relevant continuing professional development (CPD)?

Requirements

In addition to the requirement for a certificate of professional competence (CPC) or acquired rights the transport manager should undertake CPD.

The 'responsible person' should also undertake CPD to ensure they are able to carry out their duties effectively, such as operator licence awareness training.

CPD can take many forms such as training courses, workshops, attending transport conferences and events, e-learning programmes, etc.

For CPC holders, if it has been more than 5 years since the last CPD was undertaken the starting point for evidence would be the completion of a 2 day transport manager CPC refresher course, run by a trade association (FTA/ RHA/ BAR/ CPT), a professional body (IoTA/ CILT/ SOE/ IRTE) or an approved exam centre offering the relevant transport manager CPC qualification for the type of licence held.

The following have been identified when a transport manager should expect to provide evidence of their capacity to meet the statutory duty through continuing professional development:

- on initial application when a transport manager has not been specified as such within the previous five years.
- on initial application when a transport manager's qualification is more than 10 years old.
- on application when a transport manager is proposing to be on more than one licence or when the proposed hours are less than the starting point.
- on renewal of an operator's licence.

For a 'responsible person', if there is no evidence of CPD within the last 5 years, there is a need to attend a suitable course such as example operator licence awareness training.

Any CPD should be proved by the transport manager or responsible person and evidence should be available.

Assessment

FULL DEMONSTRATION (Satisfactory) if any of the following:

- there is evidence of CPD with certificates and other documentation showing that the transport manager / responsible person has met the requirements over the last 5-year period
- the CPC has been passed within the last 5 years and there is evidence that the transport manager is actively involved with some form of CPD described above

PARTIAL DEMONSTRATION (Mostly Satisfactory) if any of the following:

- the transport manager has passed the CPC within the last 5 years but there is no evidence of CPD
- the transport manager / responsible person has not met the 5-year requirement but appears to be well-informed.

NO EVIDENCE (Unsatisfactory) if any of the following

- the transport manager has held a CPC for more than 5 years, there is no evidence of CPD and there is a lack of current knowledge
- the responsible person appears to lack any experience or knowledge.

Additional Information

Link to Senior traffic commissioner statutory document 3 transport managers

MIVR Guidance Document

Q13 Transport manager / responsible person

Q13c Does the transport manager / responsible person demonstrate effective control?

Requirements

The transport manager must effectively and continuously manage the operation.

A 'responsible person' should have a position in the business which enables them to manage the operation effectively in the same way as a transport manager

The role should include the following responsibilities to ensure vehicles are safe to drive:

General

- to manage, audit and review compliance systems to ensure that they are effective
- to review any shortcomings such as prohibitions and/or annual test failures
- to ensure that relevant changes are notified in accordance with operator licence requirements
- to keep up to date on relevant changes in standards and legislation

Drivers – management

- to ensure that drivers are properly trained and capable to operate all relevant vehicles and equipment
- to contribute to relevant training and follow corrective action as required

Drivers – operations

- to ensure that drivers are completing walk around checks and reporting any defects in writing

Vehicle – administration

- to ensure that vehicle maintenance records are retained for a period of no less than 15 months and are made available upon request
- to ensure that vehicles are specified as required and operator licence discs are displayed correctly
- to ensure the role is covered for any periods of absence
- to ensure that vehicles are not overloaded, height indicators are fitted where required, and tachograph calibrations are up to date
- to ensure that a suitable maintenance planner is used, setting preventative maintenance inspection dates in advance, including the annual test, other inspections or calibrations

Vehicle – management

- to ensure that vehicles and trailers are kept in a fit and roadworthy condition and have a current annual test certificate
- to ensure that reported defects are repaired promptly
- to ensure that unroadworthy vehicles and trailers are not used
- to ensure that vehicles and trailers are available for safety inspections, service, repair and statutory testing
- to ensure that safety inspections are carried out within the stated O-licence intervals
- to ensure that contracted maintenance suppliers deliver a quality service.

Assessment

The transport manager / responsible person assessment should be made once a full review of the maintenance system has been carried out.

FULL CONTROL (Satisfactory) if any of the following:

- there is evidence that the transport manager / responsible person is effectively carrying out all of their duties.
- the transport manager / responsible person is in full control of their duties and where tasks have been delegated, the members of staff concerned have the appropriate supervision and experience to complete those tasks effectively.

PARTIAL CONTROL (Mostly Satisfactory) if any of the following:

- the transport manager / responsible person is carrying out most of their duties effectively but there is evidence that one or more of the tasks or systems used require improvement.

INEFFECTIVE CONTROL (Unsatisfactory) if any of the following

- the transport manager or responsible person is not made available either on the day or a subsequent appointment
- systems are in place, but the transport manager or responsible person is only partially aware of their operation
- delegated tasks have been given to an inexperienced member of staff, with little or no supervision
- obvious problems are being ignored by the transport manager / responsible person

NO CONTROL (Report to OTC) if any of the following

- there is no transport manager or responsible person in place
- the Transport Manager or responsible person lacks relevant experience or knowledge
- systems are in place, but the transport manager / responsible person is not aware of their operation

Additional information

Link to Senior traffic commissioner statutory document 3 transport managers

MIVR Guidance Document

Request for Explanation (RFE) Response

Does the response received to a request for information (RFE) satisfactorily address the reported shortcomings?

Requirements

The RFE response should be received within 14 days from the date the maintenance inspection visit report was provided to the operator. Exceptionally, a further 7-day extension may be allowed for the operator to respond but justification will need to be detailed in the MIVR.

The assessment will be made on the detailed content of the operator's reply; however, within the RFE response timescales the operator may not be able to provide evidence of the solutions to all the noted shortcomings. Suitable assurances will be accepted and where required confirmed at a later date.

Examples of suitable RFE evidence

- operator provides an updated and signed maintenance contract
- operator produces missing safety inspection record
- operator produces evidence of TM CPD refresher training

Examples of suitable RFE assurances

- operator to implement monthly quality checks to monitor and improve driver defect reporting
- operator to carry out laden roller brake test at every safety inspection, which is confirmed by an updated statement from the maintenance provider
- improved electronic forward-planning system to be introduced to address extended safety inspection intervals
- transport manager's 2-day refresher training CPD course to be completed within the next 2 months

Assessment*

Satisfactory – if:

- the RFE response fully addresses the reported shortcomings and evidences the solutions

Mostly Satisfactory (Refer to the remote enforcement office) – if:

- the RFE response fully addresses the reported shortcomings and provides assurance that corrective action will be applied.

Report to OTC - if any of the following:

- there is an unsatisfactory response
- no response is received

*** Note**: If the visit assessment outcome is 'report to OTC', a satisfactory RFE response received subsequently will not change the recommended action of report to OTC.

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