

# Vulnerable road users: An awareness guide for employers



# The context



One of the key claims trends we're starting to see in the commercial motor space is an unfortunate increase in incidents involving vulnerable road users. Due to the nature of these types of claims they are often complex with long life cycles, and they can have life-changing impacts for all involved.

A number of factors are contributing to this increase, which we'll explore in more detail in this guide, but the main message is key: it's vital for our commercial clients to understand the changes in road usage and, more importantly, for this to be communicated effectively to their drivers."

**Chris Hughes, Director of Commercial Claims, Aviva**

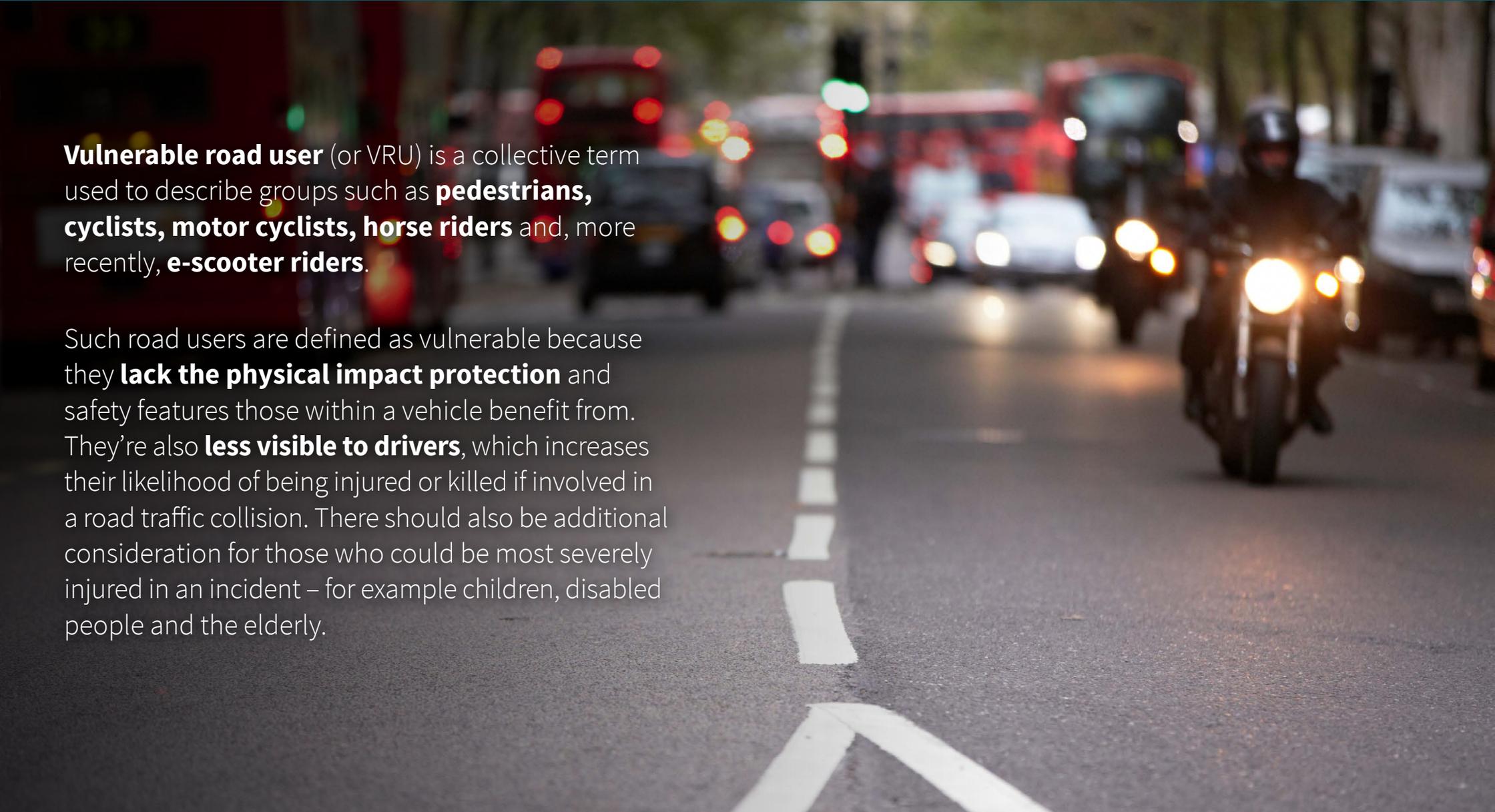


A number of changes to the legal position affecting all types of vulnerable road users, accompanied by changes in society affecting the use of transport, means that such claims are proportionately increasing. Unfortunately it is a fact that as well as being among the most traumatic claims for all parties, they also tend to be the most costly to resolve and can have an impact on commercial drivers' livelihoods."

**Charles Ashmore, Head of Major Injury, DWF**



# Who are **vulnerable road users**?



**Vulnerable road user** (or VRU) is a collective term used to describe groups such as **pedestrians, cyclists, motor cyclists, horse riders** and, more recently, **e-scooter riders**.

Such road users are defined as vulnerable because they **lack the physical impact protection** and safety features those within a vehicle benefit from. They're also **less visible to drivers**, which increases their likelihood of being injured or killed if involved in a road traffic collision. There should also be additional consideration for those who could be most severely injured in an incident – for example children, disabled people and the elderly.

# The facts

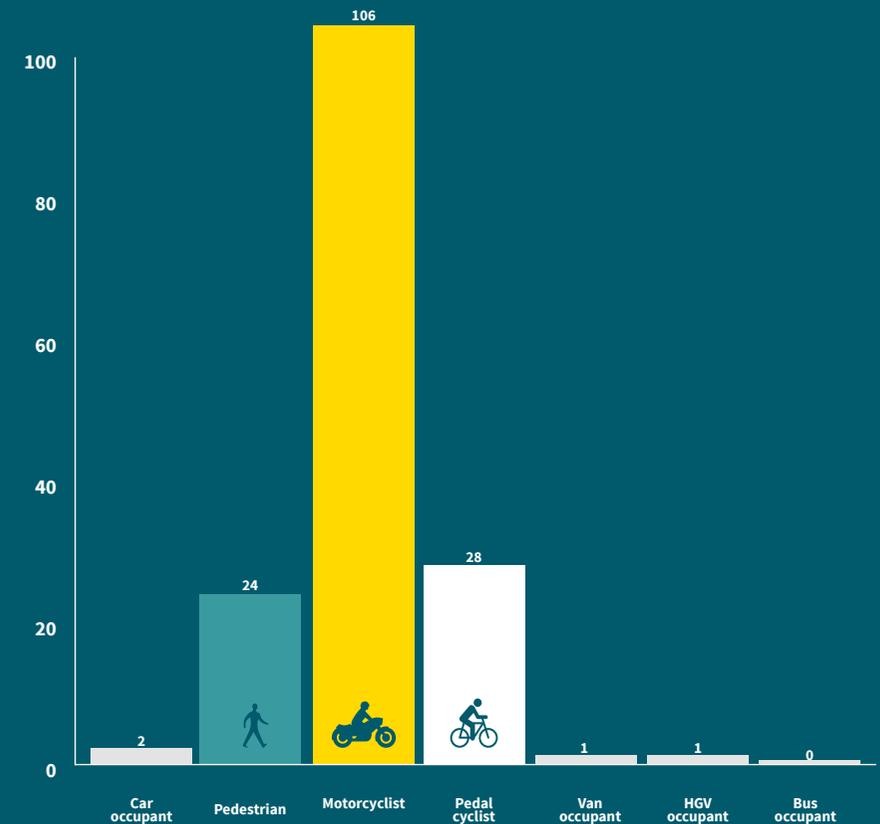
Unfortunately, vulnerable road users – **motorcyclists, pedal cyclists and pedestrians** – together accounted for **53% of road accident fatalities in 2020**. As the graph to the right shows, when compared to fatalities per billion passenger miles, these groups of road users had much higher fatality rates compared to other road users.<sup>1</sup>

Most VRU fatalities are linked to collisions with cars,<sup>1</sup> largely due to the volume of cars on the road compared to other vehicle types. However, unsurprisingly considering their size, HGVs present high rates of fatality risk when calculated on a per-mile basis – five times the likelihood of fatality when compared to car and van collisions.

More recent statistics for 2021<sup>2</sup> saw a **20% decrease in pedal cycle fatalities**, however the number of pedestrian and motorcycle fatalities increased, as did the number of e-scooter-related incidents.<sup>3</sup>

Data like this demonstrates the responsibility that sits with all drivers and employers to ensure appropriate controls are in place to protect all road users.

## Road user fatality rate per billion passenger miles



<sup>1</sup>Reported road user casualties Great Britain: road user risk, 2020 data, DfT, Sep 2021

<sup>2</sup>Reported road casualties Great Britain: provisional results: 2021, DfT, May 2022

<sup>3</sup>Reported road casualties Great Britain: e-scooter factsheet 2021 (provisional), DfT, May 2022

# Risk focus: Highway Code changes

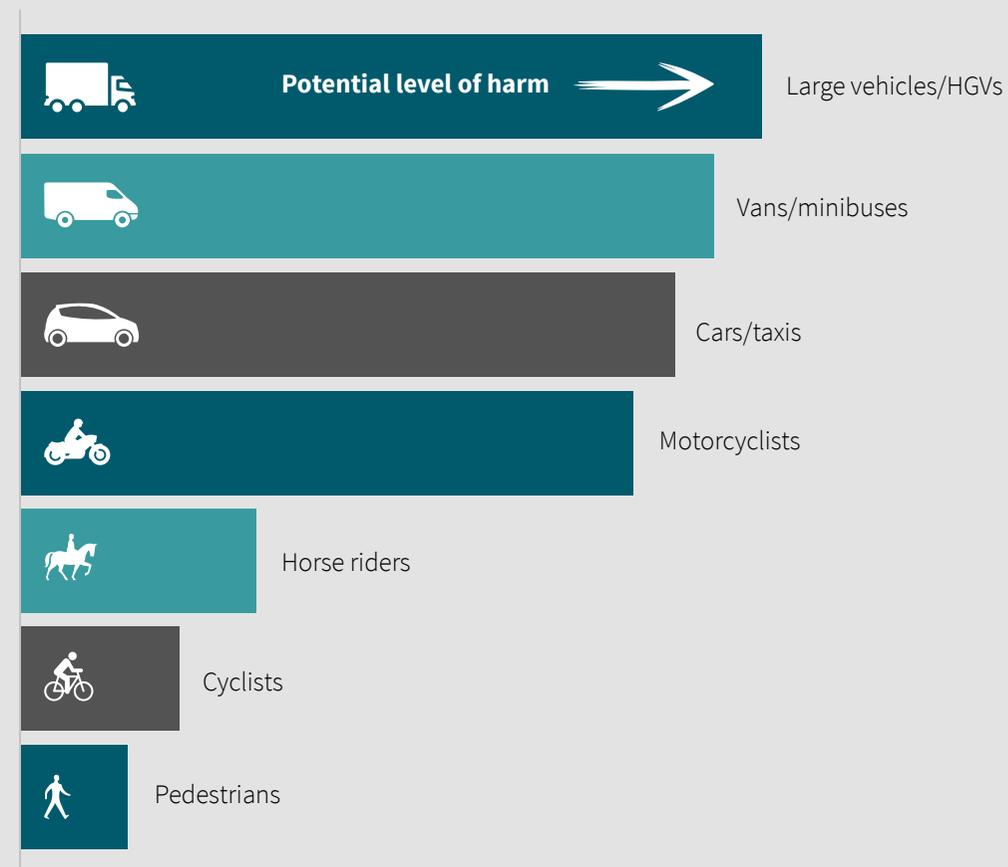
**Over 40 changes to the Highway Code** came into effect on 29 January 2022, with one of the most fundamental changes being the inclusion of a ‘hierarchy of road users’, designed to place road users in order of potential harm.<sup>4</sup>

The updated text states 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’.<sup>5</sup>

With vans and HGVs at the top end of this hierarchy, there’s additional emphasis on the responsibility that sits with the drivers of these vehicles in maintaining safe practices on the roads – something that employers should ensure they communicate to their staff.

## **NEW:** Hierarchy of road users

Those road users who can cause the greatest harm have the greatest responsibility to reduce the danger they pose to other vulnerable road users (VRUs).



<sup>4</sup>[The Highway Code: 8 changes you need to know from 29 January 2022, DfT, January 2022](#)

<sup>5</sup>[The Highway Code Introduction, DfT, updated March 2022](#)

# Risk focus: Highway Code changes

## Other key changes

Together with DWF, we've summarised the other key changes relevant to our commercial clients in relation to vulnerable road users in this [visual guide](#). Some of the key changes include:

**NEW:** Those road users who can cause the greatest harm have the greatest responsibility to reduce the danger they pose to other vulnerable road users (VRUs).

**NEW:** Priority for pedestrians at junctions. When turning into or out of a junction, give way to pedestrians crossing or waiting to cross the road.

**NEW:** Wait behind the motorcyclist, cyclist, horse rider, horse-drawn vehicle or pedestrian, and do not overtake if it is unsafe or not possible to meet the clearance distances outlined in the visual guide.

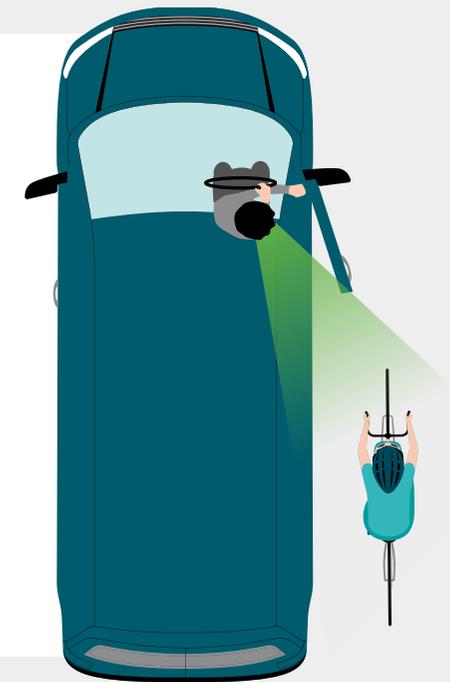
**NEW:** Give way to cyclists and pedestrians. In slow-moving traffic you should allow cyclists and pedestrians to cross in front of you.

**NEW:** You should not cut across cyclists going ahead when turning into or out of a junction or changing direction or lane.

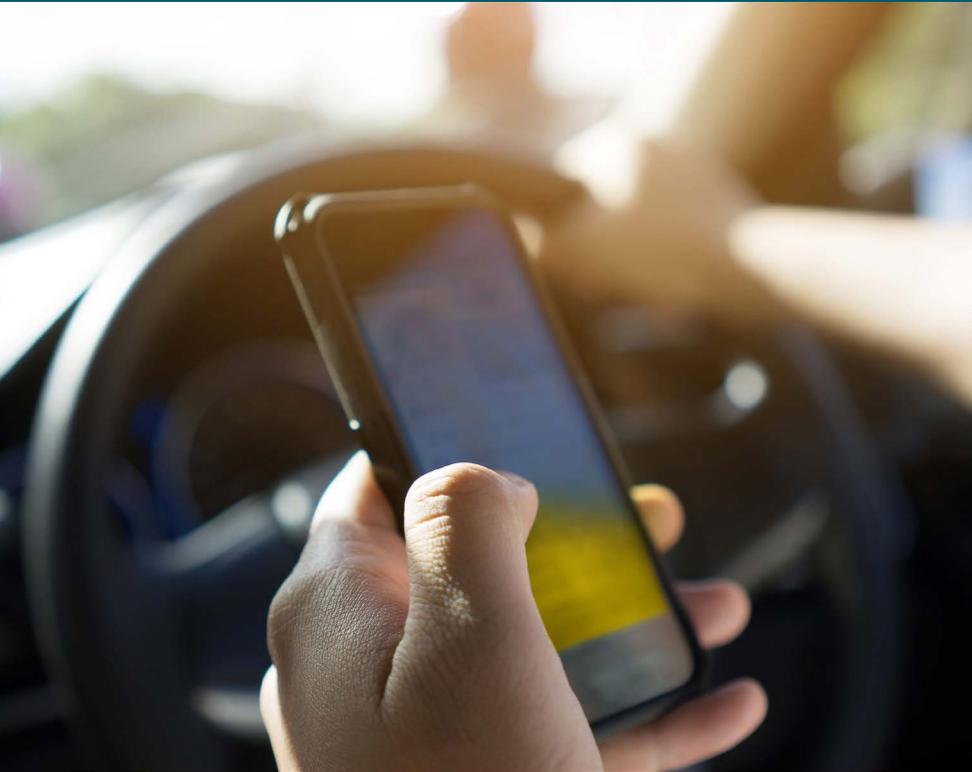
## **NEW:** Use the 'Dutch Reach' method

When opening the door of parked vehicles, use the 'Dutch Reach' method to avoid injury to cyclists, motorcyclists and/or pedestrians.

Open your vehicle door using your hand that's furthest from it, reaching across your chest to do so. This movement forces your body and head to turn, allowing you to check over your shoulder into your blind spot so you can see if it's safe before opening your door – this should be done in addition to scanning your rear-view mirror and side mirror.



# Risk focus: A change in the law



“Too many deaths and injuries occur while mobile phones are being held. By making it easier to prosecute people illegally using their phone at the wheel, we are ensuring the law is brought into the 21st century while further protecting all road users.”<sup>6</sup>

Grant Shapps, Transport Secretary

In addition to the Highway Code updates, a change in the law came into effect on 29 March 2022 which means that it's now illegal to use a handheld mobile device while driving.<sup>6</sup> Previously the law applied to 'interactive communication' – i.e. making a call – but now applies to using a phone in almost any circumstance, including scrolling through playlists, texting or taking photos.

It's important to note that **the law still applies when stopped at traffic lights or queuing in traffic** and anyone caught using their device while behind the wheel could face fines of up to £2,500 and 6 points on their licence or a full driving ban.

One exception is that a device may still be used 'hands free' if it's secured in a cradle, allowing motorists to use their phone as a sat nav.

Despite this, it's important that drivers maintain their focus on driving. If they become distracted or unable to control their vehicle they could become liable for offences such as careless driving (driving without due care and attention) which could result in an on-the-spot fine of £100 and 3 penalty points on their licence. Careless driving is discussed further in the following section.

**This infographic helps explain the updates and highlights when phones can and can't be used when behind the wheel.**



<sup>6</sup>[Transport Secretary declares zero tolerance for phone use behind the wheel as law changes today, DfT, 2022](#)

# Risk focus: Causing Serious Injury by Careless Driving

Another significant update also on the horizon in 2022 is the introduction of a new driving offence – Causing Serious Injury by Careless Driving – punishable with an obligatory disqualification from driving and up to two years in prison.

Previously, offences for causing serious injury were specific to **dangerous driving** and **driving when disqualified**. This leaves a gap in the law that fails to recognise the harm caused where drivers cause serious injury by their **careless driving**. The creation of this new offence is intended to adequately punish the serious and potentially life-changing injuries that can result from careless driving.

This means there is the increased risk of a custodial sentence – up to two years' imprisonment – and loss of driving licence for even a minor lapse of concentration. “Serious injuries” are much more likely to occur in accidents involving vulnerable road users, particularly where they come into contact with large commercial vehicles. Employers therefore have a responsibility to ensure their drivers fully understand this personal liability and stay vigilant to the risk they pose to vulnerable road users when behind the wheel.



# Risk focus: Changes in mobility



## Increase in cycle traffic

The pandemic changed the way many of us travelled, and some of those changes have remained since the lifting of lockdown. TfL reported an increase in cycling levels from **21% of Londoners in 2019/20** to **27% in 2020/21** and found that one in five people who don't currently cycle are actively considering it.<sup>7</sup>

TfL also saw a million individual customers and **10.9 million bike hires** as part of its cycle hire scheme in 2021, with the mass 'return to the office' after the summer helping to clock up a million hires a month during September and October.<sup>7</sup>

## Increase in pedestrians

Their research also showed a **43% increase** in the proportion of journeys made on foot during 2020, with **30% of people** saying they are likely to walk more following the pandemic.<sup>8</sup>

It's worth noting that with the recent rise in fuel prices, we may start to see even more people leaving the car in the driveway in favour of cycling or walking as alternative, cheaper modes of transport, leading to a further increase in VRU traffic.

## Increase in commercial vehicles

In addition to the above, data has also shown that since the start of the pandemic, the number of light and heavy commercial vehicles on the road has also increased. With more VRUs and more commercial vehicles on the road, the likelihood of incidents increases.

<sup>7</sup>2021 saw highest ever use of Santander Cycles, TfL, gov.uk, January 2022

<sup>8</sup>New TfL data shows huge increase in the proportion of journeys made on foot and by cycle during the pandemic, TfL, gov.uk, December 2021

# Risk focus: Changes in mobility

## Use of e-scooters

E-scooters are also growing in popularity, with rental schemes currently running in many UK cities. As a micro-mobility solution designed to reduce traffic and improve the environment, their usage is only likely to increase. However, there have been concerns about the number of accidents. Unfortunately, according to DWF, they've fast become a focus of concern, with flagged issues including the legality of where they can be driven, and the lack of training, safety helmets and insurance.<sup>9</sup> The latest provisional data from the DfT indicates that in 2021 there were **1,359 casualties in collisions involving e-scooters**, up from 484 in 2020, with nine riders killed compared to one in 2020.<sup>10</sup>

[A Parliamentary report](#) in March 2022 noted that while 23,000 e-scooters in 31 areas are part of official schemes being monitored by DfT, there are an estimated 750,000 private e-scooters which may now be in use. As, technically, riding them in a public place is illegal under current legislation, there is no regulation of private e-scooters in the way that there is for those in the trials. According to the report, all nine people who died in 2021 were using private e-scooters. Thankfully the government has noted the research and now intends to introduce regulation.

While the use of more eco-friendly modes of transport may have environmental benefits and form a part of the Government's Future of Mobility vision,<sup>11</sup> the increase in vulnerable road user traffic is something commercial clients and their drivers should be aware of.

<sup>9</sup>[E-scooters: an eco-transport solution or accident waiting to happen? Dwfgroup.com, July 2020](#)

<sup>10</sup>[Reported road casualties Great Britain: e-scooter factsheet 2021 \(provisional\), DfT, May 2022](#)

<sup>11</sup>[Future of mobility: Urban Strategy, DfT, March 2019](#)



“The majority of accidents involving e-scooters arise from use outside of the regulated pilot schemes. The news that the government intends to regulate the use of private e-scooters rather than pretend they're not in use is very welcome.”

**Nigel Teasdale, Commercial Director for Insurance, DWF**

# Risk focus: Whiplash reforms



In 2021 the UK Government introduced the long-awaited Whiplash Reform Programme, designed to tackle the way whiplash claims are managed.<sup>12</sup> The aim is to transform the motor compensation culture and reduce the number of opportunistic minor injury claims which have contributed to the increased costs of motor insurance over the years. Aviva have played a key role in [campaigning for this change](#) to reduce ‘crash for cash’ claims and bring about a fairer system for honest customers.

“Because VRUs are exempt from the whiplash reforms, such claims still present a way for claims management companies to recover substantial damages, making VRU claims proportionately much more ‘valuable’. It also means there is the opportunity for fraudulent and exaggerated claims to be made, so drivers should be wary of any suspicious behaviour they encounter on the roads and report any incidents as soon as possible.”

**Lorraine Carolan, Head of Counter Fraud, DWF**

This [video](#) demonstrates the importance of early notification in managing the cost of a claim and helping to reduce the opportunity for fraud.

<sup>12</sup>[Whiplash Reform Programme: Information and FAQ, MoJ, April 2021](#)

# Preventative measures

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At Aviva, our prevention-first approach means we work closely with brokers and clients to help them effectively assess and manage their risks. In relation to VRUs, there are practical steps that can be taken by motor fleet operators to reduce the likelihood of a collision. These include:

- a thorough **risk assessment** to establish the hazards associated with driving for work, including how to protect VRUs
- **selecting the correct vehicle** for your drivers, and giving consideration to technological advancements and improved safety features as they become available
- **identifying blind spots** and assessing if additional mirrors, cameras or devices are required
- **in-vehicle cameras** and **scanning devices** to minimise collisions with VRUs
- **driver awareness training** on sharing the road space
- **actively monitoring driver behaviour** using in-vehicle technology.

“With the recent changes to the law and to Government guidance around road usage, employers should take the opportunity to promote wider safety messages with their drivers. This guide may be used as a helpful tool to support this conversation; raising awareness of vulnerable road users and ensuring drivers, particularly those of vans and HGVs, are contributing to making the roads a safer place.”

**Gill Milner, Technical Practice Leader, Casualty at Aviva**



# Preventative measures



Our [Protecting Vulnerable Road Users loss prevention standards](#) contain further detail on these points, as well as helpful resources and a checklist which clients may find useful.

We actively encourage clients to engage with central road safety charities or in road safety partnerships with local authorities as part of their corporate social responsibility approach. A large number of our clients are already doing this, helping to educate the next generation of road users by promoting the road safety message in the community, for example in schools and colleges.

We also work with Specialist Partners who can provide appropriate solutions for clients' motor risk, including in-vehicle technology and driver training, coaching and wellbeing solutions.

**Visit our [Risk Management website](#) for more information.**

# Working together

While we're focusing on the safety of VRUs, it's important not to forget that employers also have a responsibility to ensure the mental and physical wellbeing of their drivers.

Driving commercial vehicles can often involve travelling long distances and spending periods of time alone, so it's perhaps unsurprising to learn that **41% of work-related illnesses** within transport and storage are attributed to stress, anxiety or depression.<sup>13</sup> Employers should also be mindful of the additional risks associated with young, inexperienced drivers or those new to the role or particular routes.

Alongside our broker partners, we can support our commercial clients in effectively managing motor risks as well as offering guidance on managing driver training and wellbeing. We have a wealth of material to assist you in communicating these key safety messages to your drivers. This guide should prove a useful resource in ensuring employers and drivers are fully informed and aware of their responsibilities in relation to VRUs, especially given the elements of personal liability discussed.

Ultimately, our aim is to work together to keep the roads safer for everyone.



<sup>13</sup>[HSE Transportation and Storage Statistics 2021](#)

# Thank you

For additional risk management advice, please speak to your insurance broker, your Aviva contact, or visit our **[Risk Management Solutions website](#)**

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