

Driver Agency Guidance

The selection and management of agency drivers is a challenging area of road transport operations. The vehicle operator is responsible for the actions of the driver and therefore it is their reputation at stake. It is vital that you can trust your agency to provide drivers that are competent, fully compliant, and reliable.

What questions should you ask your agency provider?

When choosing an agency, check to see if they are a member of an organisation that helps maintain standards such as the Recruitment and Employment Confederation, Driver Agency Excellence and the RHA.

Ask a potential agency:

- 1 What do they know about your business?
- 2 What driver licensing checks are in place?
- 3 How do they check driver knowledge and competency?
- 4 What systems/training is in place to ensure the road transport knowledge of agency staff is up to date?
- 5 How will they match the right driver to your requirements?

Once you have chosen your provider/s, it is important to have internal procedures in place to ensure standards are maintained.

Step-by-step guide when taking on agency drivers

- 1 **Only use agencies you have approved**
- 2 **Set expectations with the driver:** Exchange key information regarding your expectations and what guidance and support you will offer the driver whilst with you
- 3 **Tacho card:** Agree systems for ensuring drivers either download their digital tacho card before completing their shift with you, or make arrangements for guaranteeing that analogue charts are copied and left with your staff
- 4 **Correct documentation:** Make it clear that any driver who attends without their driver's licence, driver's qualification card and digital tacho card where required will be turned away without compensation
- 5 **Provide instructions:** Ensure a member of staff will be available to welcome and instruct the driver on arrival on the first day with you. Checks to be made to ensure that the driver has the appropriate PPE available and is made aware of vehicle specifications i.e. height
- 6 **Check documentation:** Check the detail and take copies of both sides of the driver's licence before departure. Check Driver's Licence, Digital card and Drivers Qualification Card where required
- 7 **Check driver's hours.** A check should be undertaken of their drivers' hours compliance prior to driving one of your vehicles, including ensuring that the driver has taken a sufficient daily or weekly rest prior to starting work for you
- 8 **Sign a statement:** Get the driver to sign a brief statement confirming that they are knowledgeable of driver's hours, have taken the appropriate rest periods before commencing work and have sufficient driving hours to complete the planned work
- 9 **Emergency contact details.** Ensure the driver has contact details for your organisation and a means of contacting you in an emergency along with guidance of what to do in an emergency
- 10 **Complete a debrief.** When the driver returns complete a debrief and where necessary, adjust systems
- 11 **Return equipment.** If the driver is not returning to your operation ensure that all documents, equipment or uniform are returned and that tachograph and working time records are kept by your organisation

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Try out the agency. Wherever practical, it helps to try out a potential agency driver before allowing them out on the road in a vehicle. Professional agencies will be pleased to discuss a plan which includes such a trial, but this isn't always achievable in practice, particularly in an emergency situation, such as unexpected illness.

You should have regular reviews to enable feedback. You can also request to audit their procedures to ensure that they're maintaining agreed service levels and regulatory compliance.

Driver status. If your operation meets the definition of a medium and large business and therefore needs to comply with IR35 legislation, you should also seek to understand how the agency engages its drivers and undertake a status determination process.

Make sure you know what you're paying for. Agree what the agency will be doing for the fee and what they will expect of you, the operator. It's important to read the full terms and conditions within the contract.

Additional information

Informing agencies of your requirements

It is essential to inform agencies (in writing) of your requirements. This will include:

- Any minimum levels of experience in driving LGVs, or age restrictions
- Any maximum number of penalty points which affect insurance cover
- Written confirmation of the driver's training record, including securing of loads
- Information regarding the agency's DCPC training programmes
- A need for confirmation that the agency request written references covering at least the previous two years
- A description of the agency's licence checking system
- Arrangements for provision of any PPE specified by your organisation or your customers
- Familiarity with any specific vehicle or equipment types used in your activities
- A clear and accurate job description and any dress code which applies
- Arrangements for driver's hours records, any costs incurred (tolls, etc) and fuelling arrangements
- Vehicle defect reporting procedures
- Accident and emergency procedures
- Breakdown procedure including emergency telephone number
- Site rules in relation to operator's premises and those of the customers that the agency driver will be visiting, including traffic management plans
- Arrangements for return of any company documentation or PPE/equipment issued. Ask for signed confirmation of receipt of these requirements
- Details of agency employee training to maintain knowledge of road transport regulations such as the RHA Transport Administrator course

You will also need to be aware of your responsibilities under the Agency Workers Regulations when an agency worker completes 12 weeks in the job. These cover equal rights regarding:

- The level of basic pay
- Rules regarding overtime/shift payments
- Any bonus schemes operated
- Annual leave entitlement

Underlying these requirements is the fact that the Operator Licensing system is based on the operator being responsible for the "user" of the vehicle. Therefore, although the agency driver is not strictly an "employee", you will be held responsible for their activities whilst driving your vehicle(s).



For more information contact

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RHA Policy

August 2022