

Loss Prevention Standards

Agency Drivers

Introduction

This guide is intended to be used in conjunction with, and complement, your motor fleet insurance policy documentation. Use the information to evaluate your current agency driver policies and procedures, to highlight any potential deficiencies in them.

Agency drivers play an important role in supporting businesses and their engagement is a necessity for many fleet operators. However, using agency staff to drive your vehicles can increase your exposure to collision potential if it is not sufficiently controlled. In nearly every area of road transport law, vehicle operators are as responsible for the actions of agency drivers when they are working under their control as they are for permanent drivers. [The Agency Workers Regulations 2010](#) gives agency workers the entitlement to the same or no less favourable treatment as comparable employees with respect to basic employment and working conditions (if and when they complete a qualifying period of 12 weeks in a particular job).



So what can a fleet operator do to reduce the risk of an undesirable outcome when taking on an agency driver, who is unfamiliar with an operation and unknown to them?

Agency Selection

When researching which agencies to use, there are a number of important factors to consider and in assessing the agencies working practices, it's important to investigate how the provider operates.

Examples of the key areas of questioning you may wish to put to potential suppliers of agency drivers in respect of their policies would be:

- Driver identification, legal status, address and history
- Driver licence checks
- Driver knowledge and competency checks
- Managing driver fatigue (working time and drivers' hours)
- Matching driver to organisation
- Driver capability to undertake the work activities
- Health and safety risk management (including work related road safety)
- Drivers hour's records management
- Auditing and monitoring

It is important to use an agency that takes safety and driver welfare seriously. As an operator you have a duty of care when operating vehicles, even when using sub-contracted labour. It is important that you check information on the agencies policies, including evidence that policies are properly implemented. In particular, how do they ensure that drivers comply with legislation such as driving hours, tachographs and Driver Certificate of Professional Competence (Driver CPC) training requirements?

The agency providers you work with should keep appropriate records of drivers that have been supplied to you, including past experience, qualifications and references, hours driven along with a copy of their passport, driving licence and driver qualification card.

Another key aspect of the suitability of an agency is the contract itself, which is usually embodied within the agency's terms and conditions of business. Make sure that you obtain a copy of the contract or terms and take time to read the entire document and question anything that you do not understand or are not happy with before you sign. Finally, ensure you satisfy yourself that the agency is properly insured, financially stable and undertake normal Use of Contractor checks before engagement; *refer to Aviva Loss Prevention Standard: Managing Contractors*.

Using the services of a driver agency that's a member of the [Recruitment and Employment Confederation \(REC\) Drivers Sector Group](#) is likely to be a good starting point. REC members should follow the code of practice drawn up by the REC Drivers Sector Group in conjunction with the [Freight Transport Association \(FTA\)](#) and the [Road Haulage Association \(RHA\)](#). This code of practice places obligations on both the driver agency and the firm that's engaging the services provided by the driver agency.

It is the responsibility of the organisation using agency drivers to ensure they are properly inducted, trained, monitored, and assessed to the same rigorous safety standards as permanently employed drivers.

Communication

Good communication with your agency is vital to ensure you have the number of drivers you require who meet your standards. Ensure you work with them to plan ahead by holding regular meetings to determine approximate driver requirements for the following weeks and months. Clearly communicate your requirements far enough in advance to ensure the agency has drivers available appropriate to your needs, and that they can prepare them with job-specific refresher training. The agency should provide proof they have done this.

If you issue regular safety alerts to internal staff then also send them to your agency providers; this will help the agency to update drivers with regards to safety and operational changes within your business, whilst also engaging them to feel part of the team.

Agency drivers should be required to attend site safety meetings along with your employed drivers. It will help them to understand and comply with your specific on-site safety regulations. Agency managers should be invited to attend your site safety meetings and sit in on a driver induction, to help them understand your safety and operational requirements and expectations, which in turn will help them to select the most appropriate drivers.

Policies and Procedures

Having your own internal policies and procedures on the use of agency drivers is important and working with agency providers that have a similar ethos in their policies will help lower the risk.

Your driving at work policy should document how you will address the risk of using agency labour and how you will assess and mitigate the risk. This should include the acceptable criteria for drivers working for you, such as:

- Driving experience
- Driving licence endorsements
- The selection and testing process you will use to ensure competence
- Performance monitoring
- Any remedial actions to be taken should they not meet the required standard
- Completion of the required company training courses/material

To ensure that the agency adheres to its internal policies and procedures, you should add them to your internal audit procedure and ensure the files are regularly checked by a member of your team.

Selection and Induction

Selecting the right agency staff to drive for you is crucial and you should expect the same safety standards, attitudes and behaviours as you do from permanently employed drivers. You should therefore have a comprehensive selection process as you do for your own staff. If an operator is unable to show that the driver has received adequate training then they could be at risk of paying compensation through a civil claim for injury and in addition, may leave themselves exposed to a prosecution for a breach of health and safety law.

Before engaging an agency driver, you should undertake a number of checks to ensure they are entitled to drive:

- Is the driver correctly licensed to operate the vehicle you intend him/her to use? (*see Aviva Loss Prevention Standard on Driver Licence Checking*)
- Carry out a basic eyesight check
- Test their knowledge and competence in drivers' hours and records rules, working time rules and routine vehicle defect checks.
- Undertake an on-road assessment to establish their competence and attitude. If this is not possible then an online behavioural assessment should be used
- Complete an agency driver questionnaire and download/verify the digital tachograph card

It is advisable to liaise with your agency providers in advance of your requirements, to ensure that suitable drivers are identified, in order to have a pool of available labour at times of demand.

Once you've hired a reliable agency driver, your organisation is responsible for inducting them to your fleet safety policies and procedures. You should have a set induction standard for agency drivers which may well be less detailed and shorter in length than for employed drivers, but still covers all the critical elements of your operation and the standards that you expect.

Driver induction should include the following:

- Driver responsibilities
- Vehicle familiarisation
- Vehicle checks and fault reporting
- Vehicle maintenance and servicing schedules
- Accident reporting procedure
- Vehicle security
- Breakdown and other emergency procedures
- Mobile phone usage
- Managing fatigue
- Risk assessments and safe systems of work for work activities to be undertaken

Further, in respect to commercial vehicles and depending on the driver's role, induction training should be extended to include the following:

- Load distribution and restraint
- Vehicle height
- Drivers hours regulations and tachograph operation
- Daily vehicle, trailer checks and defect reporting
- Tail-lift operation
- Ancillary hydraulic operation
- Training on activities pertinent to their role such as loading and unloading, delivery routes, hazardous goods, delivery site assessments, nil defect reporting, daily vehicle checks

Continued Agency Driver Management

Regular or long term agency drivers should be included in your driver management procedures in the same manner as a permanent employee would be.

This could include:

- Routine driving licence checks
- Tool box talks
- Driver CPC training (where applicable)
- Health screening
- Staff welfare initiatives

You should work with your agency providers to come up with a training plan for agency drivers and who will be responsible for delivering it.

Additional Information

[ACAS Guidance on Agency Workers](#)

[GOV.UK. – Agency Workers Regulations 2010: Guidance for Recruiters](#)

Further risk management information can be obtained from [Aviva Risk Management Solutions](#)

Please Note

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