

Risk Control Guide RCG454

Agency Drivers and Subcontractors

This best practice risk control guide provides guidance for logistics service providers on the use of contractor and agency drivers.

Non-marine cargo sites with similar risks could also benefit from the guidance provided.

This guide refers to guidance and best practice published in the United Kingdom but can be applied to non UK locations.

General

Drivers are a key resource for ensuring that cargo is delivered safely and securely to the intended destination. It is therefore key that any business using agency drivers ensures that their staff are qualified, trained and trusted to move their cargo.

Each business should have its own procedures for recruiting and vetting their own staff. This guide seeks only to provide guidance and advice to enhance established procedures.

Agency Drivers

Initial considerations

Before approaching an agency to engage drivers, consider the following:

- Users of the agency provider's services need to be familiar with various pieces of legislation including the Employees Agency Act 1973, Agency Workers Regulations 2010 (and April 2020 changes).
- The Agency Workers Regulations set out the rights of agency workers, in conjunction with further legislation such as:
 - National Minimum Wage Act.
 - Equality Act, Working Time Regulations.
 - Health & Safety at Work, etc.

Further detailed guidance can be located on the following websites:

- [Employment status: Worker - GOV.UK](#)
- [Work - Citizens Advice](#)
- [Using a recruitment agency to find staff - GOV.UK](#)
- [Agency Workers Regulations 2010: guidance for recruiters - GOV.UK](#)

Agency Selection

Using a small panel of agencies to work with is preferred. It is important to ensure that the agency is right for those seeking to use their services. In order to understand the agency's driver selection process, obtain details of agency's driver selection process. For example, does it contain the following:

- A comprehensive application form, including details of previous employment and reasons for leaving.
- Knowledge, personality, attitude and behaviour assessments.
- Eyesight and medical assessments.
- A criminal record check.
- Checks on the status and compliance with driver Certificate of Professional Competence (CPC) training. Note that drivers must complete 35 hours of periodic training every 5 years to keep their CPC. ([Driver CPC training for qualified drivers: How much training you need to do - GOV.UK](#))
- Determine whose responsibility it will be to fulfil the above where not performed by the agency. Typically, this would be part of their normal services.
- Ensure selected agencies are made aware of the details and requirements for each job. So that appropriately qualified drivers are provided when required, such as the following:
 - Core business and service objectives.
 - The main customers and what are the goods involved.
 - The job description and hours of work.
 - The load securing requirements.
 - Any special security arrangements for the goods to be conveyed.
 - Size and type of vehicles will need to be driven.
 - Licence requirements.
 - Use of any specialist equipment.
 - Locations of the areas of collection/delivery and are nights away required.
 - Requirement for drivers to do other duties e.g. vehicle cleaning, refuelling etc.
 - Any minimum health requirements e.g. does the job involve lifting.
 - Any responsibilities for loading/unloading.
 - Requirement for any minimum levels of experience or standards of appearance.
 - What are considered to be acceptable / unacceptable licence endorsements.
 - Peak times during the year when agency staff will be required i.e. holiday periods, peak seasonal demand.

- Who should agency staff report when hired.
- Which locations the agency staff will be operating from.
- Required training / induction procedures prior to commencing driving, as well as how much time will be required for completion.

Further Agency Checks

Further checks to consider with each agency are:

- Does the agency take and verify a minimum of two years' worth of references.
- Does the agency check driving licences at least quarterly and do they verify them with the DVLA.
- What are the agencies previous experience policy for drivers.
- How does the agency confirm that any foreign nationals are eligible to work in the UK.
- What on-road driver assessments are undertaken.
- Are drivers trained in vehicle sympathy, fuel efficiency, safety and customer service.
- Do drivers have appropriate safety equipment.
- Does the agency issue drivers with proof of ID i.e. photo-identity cards.
- How does the agency ensure drivers are working within the law with regards:
 - Drivers' hours.
 - Rest.
 - Record keeping and tachographs (though this is also an obligation on the user / employer of the driver).
- What guarantees can the agency provide that drivers will meet required standards of skills, integrity and reliability.
- What examples can agencies provide of excellent customer service.
- What are the agencies Terms of Business.
- What liability insurance and fidelity bonds do the agency have and what are the limits.
- Is the agency a member of the Recruitment & Employment Confederation and do they follow / adhere to their guidance and standards.

Use of Agency Drivers

After appropriate documentation and license checks, agency drivers should be subject to established induction processes. This should include the following:

- Health and Safety policies and procedures.
- Anticipated length of employment.
- Nights away and break requirements.
- Vehicle registration number and instructions for the keys.
- Explanation of the paperwork requirements.
- Vehicle and equipment defect reporting procedures.
- Instructions for using special equipment (if experienced / qualified to do so).
- Loading / unloading requirements.
- Tachograph arrangements.
- Emergency and breakdown procedures, including all contact numbers.
- Details of special requirements e.g. specific routing, ferry connections, pallet returns, parking instructions, mobile phone policy.
- Full journey details, including delivery / collection times and reporting in procedures.
- Specific security instructions e.g. vehicle alarm setting, tracker use and secure Parking. Further instructions may include:
 - The use of identity cards
 - Vehicle locking.
 - Load seal arrangements
 - Keeping documentation secure.
 - Bogus official/consignee avoidance.
 - Reporting procedures if suspicious activities noticed.
 - Any specific customer requirements.
 - Instructions regarding fuel.

Ongoing Use of Agency Drivers

It is important to monitor the performance and progress of agency drivers. It's also important to maintain the well-being and development of agency drivers themselves. The following are good practice measures to help maintain this:

- Include drivers on established business development programmes.
- Consider additional monitoring of the performance of agency drivers e.g. fuel economies and customer feedback. As well as hours driven per accident and costs of

accidents. This will allow you to compare performance with the permanent workforce. And to implement remedial changes with the agency where necessary.

- Commit to continuous dialogue with the agency. This is in order to refine operating procedures, driver training and best practice. This will help to improve the quality management of agency staff.
- Hold regular planning meetings with the agency to determine future driver supply requirements. Be aware that the user of agency's services can be penalised if an agency driver doesn't have the correct licence or is driving out of allotted hours.

Check and photocopy each driver's licence and check the driver's tachograph charts / digital driver card (current fixed week and last day of previous working week) every time the driver is employed.

To assist with this process the RMT Union also provides access to the comprehensive VOSA publication "Safe Operators Guide". Within which, is an example checklist document to be completed by the agency worker and the operator – see here:

[VOSA safe operators guide - rmt](#)

Members of the Fleet Operator Recognition Scheme (FORS) can also access guidance on the use of agency drivers. Provided in the FORS publication "Effective Driver Management Industry Code of Practice" – here:

[Effective Driver Management – An Industry Code of Practice](#) .

Use of Subcontractors

General Points

General points for Logistics Service Providers to consider:

- Keep a file on each Subcontractor with all the details obtained about them.
- Establish a panel of pre-approved subcontractors and arrange to have your own business put on any similar list operated by other carriers or cargo owners.
- There should be a preference to using an approved panel of contractors instead of freight exchange sites.
- If there is no alternative to using freight exchange sites then as a logistics provider you should complete due diligence / company checks as described above. This will help to ensure the contractor is legitimate, before releasing any cargo into their custody. Do not solely rely on any checks completed by the exchange site(s).

- If possible, do not subcontract high value or theft attractive cargo. If such cargo is subcontracted, then you should agree adequate security procedures with the subcontractor that are appropriate to the nature of the cargo.
- If Hazardous Goods are to be carried. Confirmation should be obtained that the subcontractors' drivers have been suitably trained. And hold the correct ADR vocational training certificate for the goods in question (tanks or packaged goods). As well as obtaining details of the nominated DGSA (Dangerous Goods Safety Advisor). These should be obtained prior to any movements taking place.

Checks

Subcontractors should not be used without first ensuring they are who they say they are by carrying out the following checks:

- Verify the authenticity of the subcontractors' address and telephone numbers provided.
- Obtain references from current or previous companies the subcontractor has worked for.
- Obtain a copy of their Operators License or obtain their O-License number and check the details in the operator search facility of the DVSA / GOV UK website:
 - [Find lorry or bus operators - GOV.UK](#)
- Avoid any Subcontractor who does not have a valid O-License.
- For UK limited companies, check the subcontractors' details on-line using the Companies House / GOV UK website:
 - [Get information about a company - GOV.UK](#)
- If a European Economic Area (EEA) registered company, obtain the company number and tax number.
- Periodically (at least annually) re-check all relevant documents. Such as driving licences and O-Licences, to ensure they are still valid.
- Ensure the subcontractor has the relevant experience and vehicles / equipment to undertake the traffic they will handle.

Owner Driver Operators

If the Subcontractor is an owner-driver. Or provides vehicles and/or drivers that work exclusively for you (as a logistics service provider and / or as their principal under a contract

of carriage). And take their work instructions from directly from you, then the following processes should be used:

- Check, scan / photocopy and retain driving licences and relevant vocational certificates. For example, CPC, ADR (dangerous goods qualification) and digital tachograph cards.
- For foreign nationals, obtain documents that prove their entitlement to work in the UK.
- Treat such drivers as your own employees for the purposes of training. Also provide them with the same written instructions and / or manuals as issued to your own drivers.
- Provide the subcontractor with instructions regarding the safety and security of the load. For example, parking, vehicle/trailer defects procedures, loading & stowage instructions etc.
- Provide the subcontractor with relevant contact numbers / details e.g. your Traffic Office. This is to use in instances such as delay, breakdown or accident.

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