



# Right Agency Driver [Vetting]

Marine Risk Bulletin

In order to assist you to continue with the successful operation of your business, this best practice risk-control bulletin provides information and support in the area of agency driver selection.

**This guide makes reference to guidance and best practice published within the United Kingdom.**

## **Considerations before approaching an agency to engage drivers**

Users of the agency provider's services need to be familiar with various pieces of legislation including the Employees Agency Act 1973 [designed to protect those using agencies], Agency Workers Regulations 2010 [and changes to this legislation which came in to effect in April 2020.]

The Agency Workers Regulations set out the rights of agency workers, in conjunction with further legislation such as the National Minimum Wage Act, Equality Act, Working Time Regulations and Health & Safety at Work etc.

Further detailed guidance can be located on the following websites from both and employers and agency workers perspective:

<https://www.gov.uk/employment-status/worker>

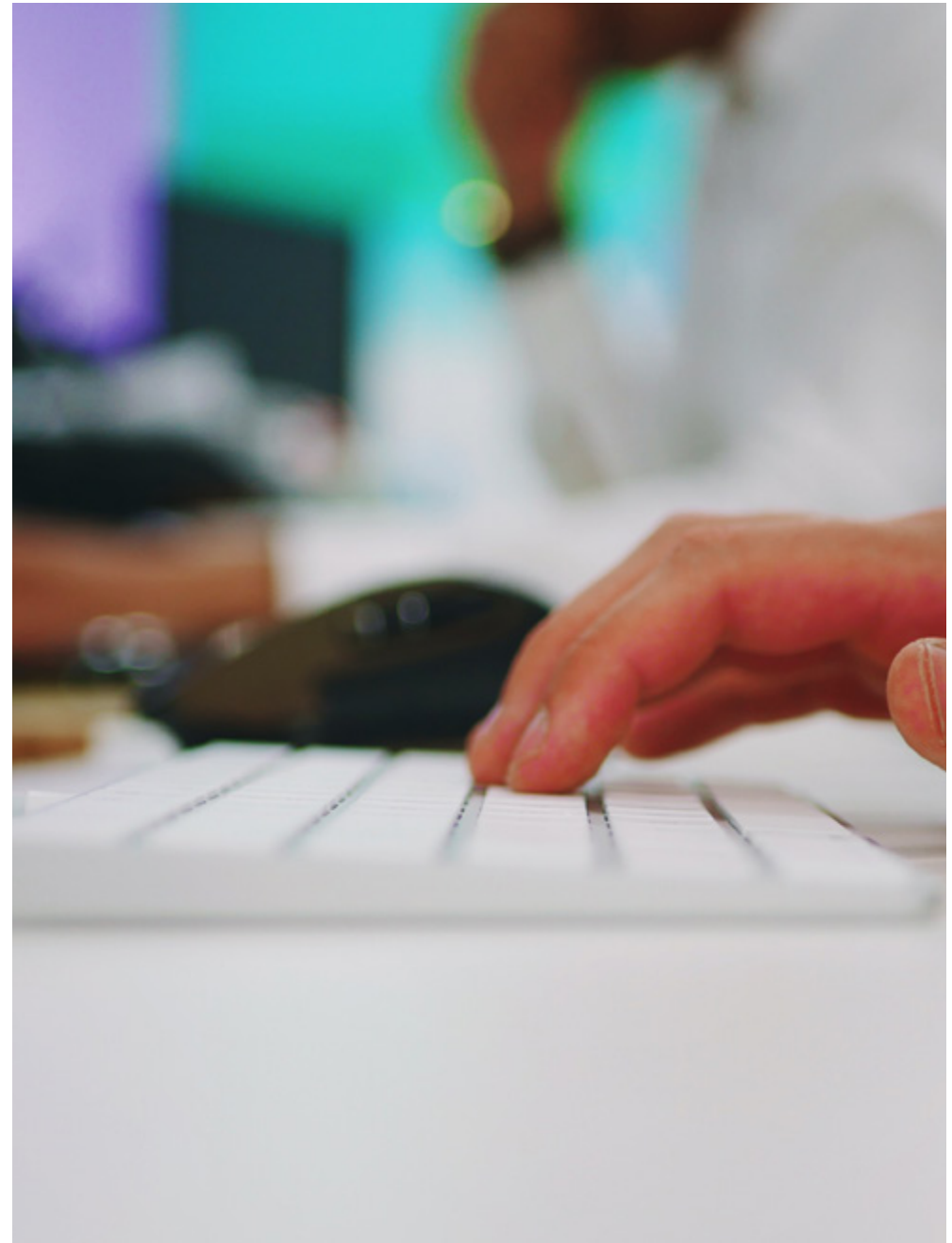
<https://www.citizensadvice.org.uk/work/rights-at-work/agency-workers/agency-workers-what-you-need-to-know/>

<https://www.gov.uk/using-a-recruitment-agency-to-find-staff>

<https://www.gov.uk/government/publications/agency-workers-regulations-2010-guidance-for-recruiters>

Using a small panel of agencies to work with is preferred. Then, as the user of the agency's services, ensure that all of the agencies on the panel are made aware of the following details and requirements of each job, such as the following:

- Core business and service objectives?
- Your 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, re-fuelling 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 you consider 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 to at your company?
- Which locations the agency staff will be operating from?
- Required training / induction procedures prior to commencing driving and how long is required for completion?



## Agency Selection

- To ensure that the agency is right for those seeking to use their services, obtain satisfactory answers from the agency to the following questions, and/or determine whose responsibility it will be to fulfil the following where not performed by the agency provider as part of their normal services, or where regulations / legislation changes dictate:
- What is the agency's driver selection process? Does it contain:
- 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, and/or the provision of, driver CPC training?

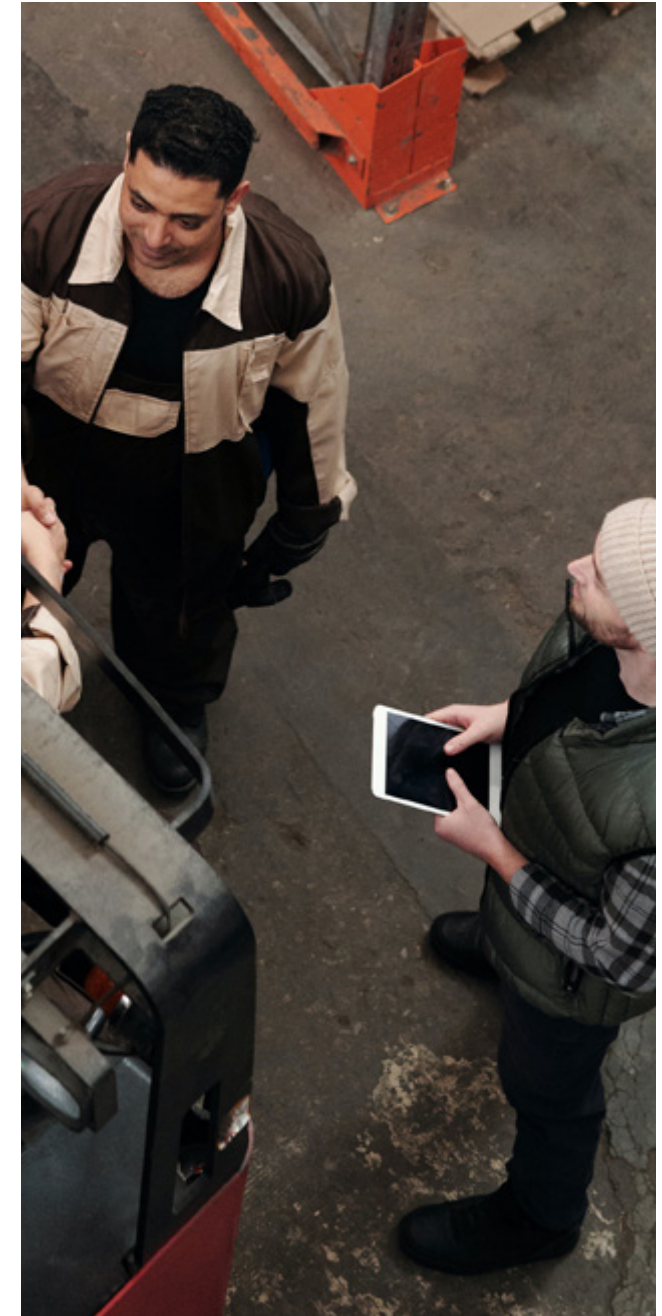
## Also check:

- 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 is 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 to drivers' hours, rest, record keeping and tachographs [though this is also an obligation on you, as 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 does 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** [available to corporate members of REC only]?

Agency drivers should be supplied with the following information when reporting for work; after firstly confirming the identity of the driver using all official means of identification [e.g. license, CPC card, tachograph card], ideally a formal induction process should take place to cover much of 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.
- Accident, emergency and breakdown procedures, including all relevant contact telephone 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, secure parking, use of identity cards, vehicle locking, load seal arrangements, keeping documentation secure, bogus official/consignee avoidance, reporting procedures if suspicious activities noticed.
- Specific customer requirements.
- Instructions regarding fuel.

Be aware that the user of agency's services can be penalised if an agency driver doesn't have the right licence or is out of hours, so check and photocopy the 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 2009 VOSA [now the DVSA] publication "Safe Operators Guide" within which is an example checklist document to be completed by the agency worker and the operator <https://www.rmt.org.uk/news/publications/vosa-safe-operators-guide/>





Members of the Fleet Operator Recognition Scheme FORS can also access guidance on the use of agency drivers provided on pages 33/34 of their publication “Effective Driver Management Industry Code of Practice”. Once an Agency Driver is With Your Business

- Give the driver assessments and include them on your continuing development programmes.
- Consider additional monitoring of the performance of agency drivers e.g. fuel economies, customer feedback, hours driven per accident and costs of accidents. This will allow you to compare performance against the permanent workforce and to implement remedial changes with the agency company where necessary.
- Commit to continuous dialogue with the agency, in order to refine operating procedures, driver training and best practice and to improve the quality of management of agency staff.
- Hold regular planning meetings with the agency to determine future driver supply requirements.

For further advice please speak with your normal insurance advisor.

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