

Please find notes below for Part 3 of the Driver Divisional Meeting, due to data protection we have omitted content relating the case study mentioned at the beginning of this session, however we have included the key learnings below.

1. Agency Driver Compliance Challenges:

- Traffic commissioners face a recurring issue with operators using sham agency arrangements to avoid direct employment obligations, often motivated by cost-cutting.
- In some cases, operators falsely label longstanding drivers as agency workers to avoid providing employee benefits and to sidestep regulatory responsibilities, which can lead to license revocation and loss of trust with traffic commissioners.

2. Case Example and Consequences:

- An illustrative case involved an operator who pledged to make drivers employees but later reclassified them as agency workers. This lack of compliance resulted in a revoked license due to repeated breaches and eroded trust.
- This case underscores the importance of transparency and genuine agency arrangements, as attempts to obscure true employment relationships are likely to fail under scrutiny.

3. Ensuring Proper Control and Documentation:

- Operators must work closely with agencies to align their procedures, especially regarding driver training, safety, and compliance. This includes clear contractual arrangements, well-documented driver records, and mutual cooperation to fulfil the commitments of an operator's license.
- Proper control requires an operator to monitor all drivers, including agency hires, to ensure they meet safety and operational standards. Operators are advised to maintain rigorous oversight on agency drivers, similar to direct employees, covering areas such as licensing, tachograph data, and vehicle safety checks.

4. High Standards for Agency Driver Integration:

- Operators are encouraged to choose reputable agencies and establish approved, trained driver pools to ensure all drivers meet the necessary standards. This involves integrating agency drivers into the company's safety and training protocols, mirroring the standards applied to directly employed drivers.
- Mismanagement of agency drivers, such as insufficient induction and lack of regular checks, can place both the operator's license and public safety at risk.

5. Traffic Commissioner and HMRC Collaboration:

- Traffic commissioners can publicly name and, in some cases, alert HMRC to non-compliant operators. Naming and shaming has proven effective, drawing attention to regulatory breaches and encouraging operators to comply with standards.
- Commissioners emphasise that outsourcing responsibilities to agencies does not exempt operators from legal obligations, underscoring that

operators retain ultimate accountability for driver conduct and compliance.

6. Broader Compliance and Safety Risks:

- Compliance lapses with agency drivers, especially regarding safety checks and working hours, can have serious legal and financial repercussions. Instances of agency drivers causing accidents due to unregulated practices highlight the potential liability for both the agency and the operator.
- Traffic commissioners expect continuous, effective management of all drivers, including agency hires, with strict adherence to safety and licensing standards to avoid regulatory action and protect public safety.

This summary highlights the need for operators to establish solid compliance frameworks when using agency drivers, maintain transparency, and work proactively to ensure all driver arrangements align with legal and safety requirements.