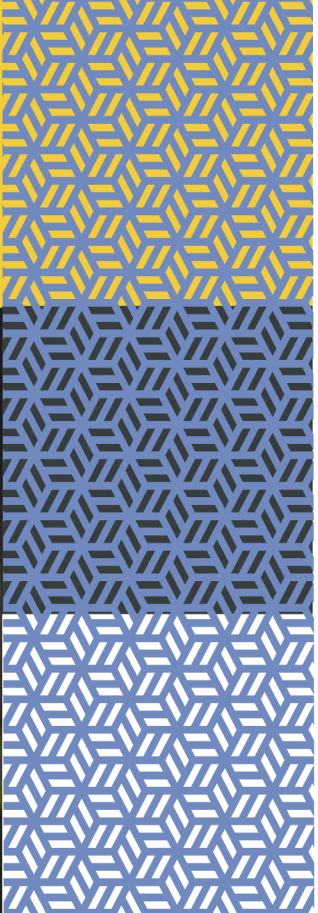
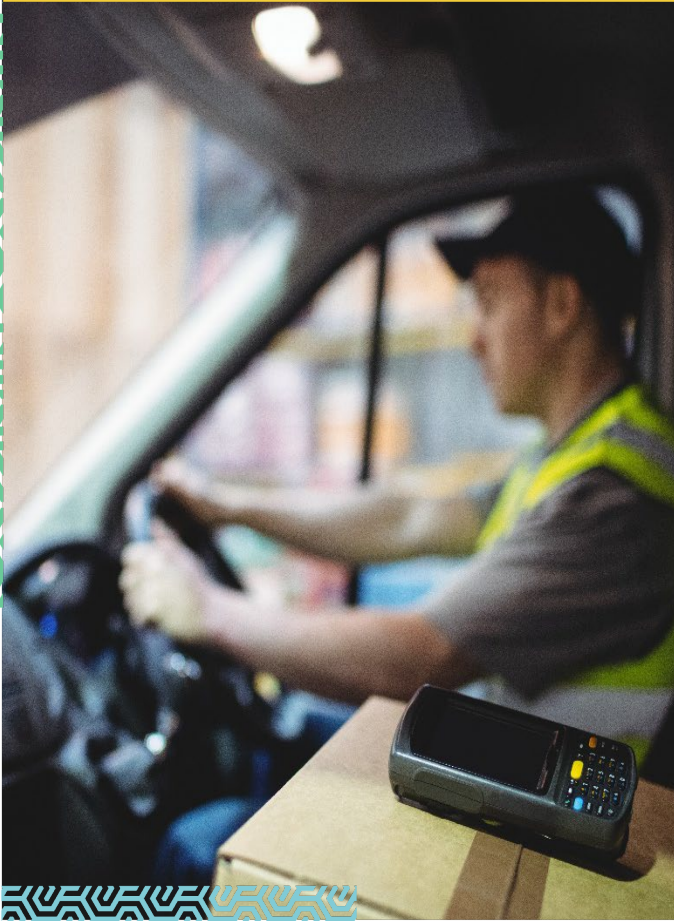
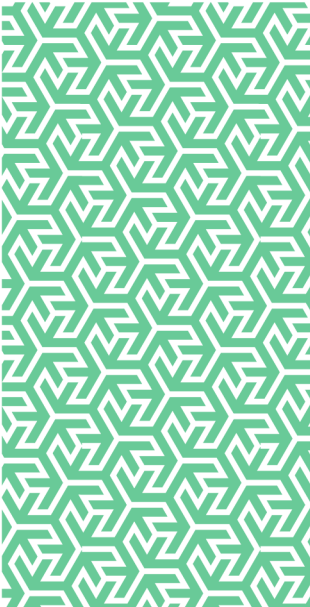
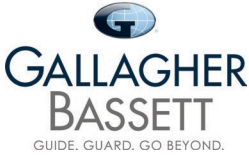


rmp

Risk control
Managing Agency Drivers



In partnership with



Managing Agency Drivers

Introduction

The decline in professional drivers is well documented and has been slowly happening with the peak occurring from the perfect storm created by Brexit and COVID. Organisations still have to operate their vehicles to meet service demands so may find they are relying increasingly on temporary or agency drivers. This could be created by additional seasonal demands, and consumers wanting everything quickly delivered direct to their homes.

Advantages

Flexibility

Organisations are able to be flexible and more responsive to meeting fluctuations in demand. Drivers can be provided at short notice due to increased demand, a particular project or to cover absenteeism. This ensures there is minimal interruption to service supply. It also allows greater scalability allowing the business to grow over time.

Costs

Hiring full time staff is expensive when considering inductions, training, benefits, time off and Insurance cover. Agency staff provide a cost effective solution in the short term, as they do not incur any of these costs.

Those recruited as agency drivers may have specialised skills such as ADR or abnormal load carriage. As such, the organisation does not have to invest in training and the upskilling that would otherwise be needed with employed drivers.

Administration

Agency drivers will be contracted to run driver shifts with the responsibility of HR management remaining with the supplying agency. This allows the hiring organisation to focus on its core competencies and the business task in hand.

Agency drivers will have been checked by their agency so that they meet legal and regulatory compliance such as the correct driving licence and that these are maintained to the required standard.

Disadvantages

Quality

It is possible that the agency may not understand the specific needs of the organisation and as a result send a driver who is not as qualified or experienced as they could be. Inconsistent skills can lead to an increase in risk and a worsening safety record. Those assigned are less likely to be familiar with the company requirements, procedures,

geography or routes which can lead to reliability and reputation issues.

Driver Turnover

The nature of agency drivers means that they will not be embedded in the business for a long period of time which can make it more difficult to create a cohesive team and meet performance KPI's. They can find it more difficult to fit with the company values, leading to poor customer interactions and lower overall commitment to the goals of the business. Agency drivers are often paid by the hour and this could be higher than the equivalent rate received by those employed causing a disgruntled workforce and added business costs.

Do Agency and self-employed drivers have more collisions?

There is very little information on whether more collisions occur, as each organisation will collect its own data¹. The vast majority of information is anecdotal. Some formal research has found that, of those surveyed, 42% of self-employed drivers have reported that their vehicle has been damaged whilst at work². Part of this may be due to increased pressures to accept work in strict time periods causing stress and fatigue. Additionally, drivers may take more risks such as speeding or running red lights to simply get the job completed on time without a financial penalty. Driving for Better Business report³ than van use has increased by 27% over the 8 years to 2019 and it is likely the rapid gig economy growth post Covid has done nothing to slow that. A report in 2020 found that 39% of pedestrian fatalities were from a collision with a working driver.

Whilst those who drive larger commercial vehicles are under strict regulation, van drivers are not subject to the same compliance. When employed they are protected under the Health and Safety at Work Act (1974), and Working Time Directive but currently fall out of scope of the operator licence and drivers hours rules.

As previously mentioned agency drivers can often be recruited at short notice leaving little time for training or an induction that employed driver counterparts receive. Due to the lack of intervention following a collision a company may simply decide that they will not use that driver who are then free to move onto the next company with no meaningful intervention having taken place. Companies will not wish to add these drivers to their own insurance due to the effect it may have on their claims history so Agency's cover this risk under Drivers Negligence Insurance in conjunction with Public and Employers Liability Insurance. It provides cover for minor accidental damage but not for third party property damage or injury to persons, as this would be covered through the Motor policy itself⁴.

Agency driver rights

Those who are working as agency drivers have the same rights as an employed worker from the start under employment law. This means the right to annual leave, a minimum rate of pay and protection against discrimination. Once they have completed 12 weeks, working on the same job with the same organisation for more than 12 weeks then additional rights are afforded with the same pay, sick pay, working hours and parental time off as someone who is employed.

Agencies will provide time sheets and this is even more important with those who are driving a commercial vehicle under the EU drivers hours rules. This is a highly regulated area and states how many hours a driver can drive in a day (9 hours), week (56 hours) and fortnight (90 hours). Therefore, the company must ask the driver if they are working elsewhere so that the hours can be managed.

How do you manage the risks?

1. Choose a reputable agency who understands the specific needs of your organisation. As an organisation ensure that the information given to the agency is accurate so that they can match the right driver to your requirements.
2. Ensure the agency complete the appropriate checks and ask the right questions. This can include driving licence checks, competency, full management of drivers hours, and take up references where possible. It is important that due diligence is followed as not all drivers are the same quality or have a professional outlook.
3. Check the agency driver is legally allowed to drive the vehicle, and holds an up to date driving licence category with current CPC in place if applicable. CPC is for any commercial driver who is driving a vehicle over 3.5T. All commercial drivers must hold a driver DQC and carry the card when driving. Under the Road Traffic Act it is an offence to cause or permit another person to drive without holding the correct licence so it would be prudent to carry out your own checks when they arrive on site.
4. For specialist work such as lorry loaders, refrigerated vehicles and plant have the certificates been verified and are they still in date? Many expired during COVID with individuals struggling to renew them with face-to-face training companies who then faced huge backlogs.
5. Has the driver an in date tachograph (drivers) card? This should be physically checked to ensure it is the driver's card, and not borrowed from someone else. It can also be confirmed as in date using the DVLA licence checking service.
6. All agency drivers should receive a site and company induction. This could be a lighter version than given to employed staff but they should be able to understand the safety rules on site, specific issues relating to access or one way systems, emergency procedures, PPE, defect reporting and vehicle checks, the use of specialist equipment such as tail lifts, vehicle familiarisation, and what to do in the event of an incident whilst completing a job. This will clearly take time that many organisations do not feel they have, when there is pressure to get out and deliver goods or services but the time taken at the start could prevent bigger issues down the line.
7. Speak to other organisations as they may have experience of different agencies and consult with the trade bodies for best practice⁵.
8. Agency drivers support the shortfall to help organisations grow or meet demands but should not be considered a long-term solution. Is it possible to upskill existing staff using schemes such as 'warehouse to wheels'? This provides funded training to staff to gain HGV licences and maybe progress in to management roles in the future such as completing their Transport Manager CPC exams.

Conclusion

Agency drivers can bring huge benefits to an organisation and are a valuable resource but, if not managed correctly, can also cause problems with collisions, reputation and poor customer service. Having a good relationship with the Agency and with regular checks can help to reduce the risks as far as possible.

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Further information

For access to further RMP Resources you may find helpful in reducing your organisation's cost of risk, please access the RMP Resources or RMP Articles pages on our website. To join the debate follow us on our LinkedIn page.

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