



Important News

10th January 2007

To: All BFFF Wholesale Members

CERTIFICATE OF PROFESSIONAL COMPETENCE (CPC) FOR PROFESSIONAL DRIVERS

Introduction

The European Directive 2003/59/EC 'Initial Qualification and periodic training for drivers of road vehicles for the carriage of goods or passengers' came into force on the 15th July 2003.

The UK implementation of this Directive will affect, amongst others, all companies that employ professional drivers of goods vehicles Category C1 and above. Category C1 relates to drivers of vehicles between 3.5 and 7.5 tonnes, hence the Directive will apply to professional drivers of **vehicles weighing 3.5 tonnes or more**. This will mean that drivers of large delivery vans and 7.5 tonne delivery vehicles will be included within the scope of the directive and as such, we estimate that this will affect the **majority** of our wholesale members. We have subsequently taken the opportunity to enclose a summary of the main elements of the Directive and how the UK implementation may affect our members.

UK Legislation to underpin the requirements of the Directive should have been in place by 10th September 2006. However, certain elements are still in discussion and the actual timescale for the Legislation has not been finalised as yet. Therefore this document states how the current interpretation of the Directive could affect the membership.

Overview

The directive will introduce a requirement for professional drivers of goods vehicles (category C1 and above), buses and coaches to hold a Driver Certificate of Professional Competence (CPC), awarded by an initial Qualification (for new drivers) and 5 yearly periodic training (for all drivers).

The introduction is phased – no later than 10th September 2009 for new drivers of goods vehicles category C1 and above, and 10th September 2008 for new drivers of buses and coaches.

It will be introduced across all European Union Member states and will be enforced on other EU drivers in the same way, as it will be on UK drivers.

Contd.

Scope

The Driver CPC applies to the majority of drivers of goods vehicles on the road who hold a vocational licence for category C1 and above. All of this category of drivers who are either:

- i. nationals of an EU member state or
- ii. nationals of a non-EU member state but who are employed or used by an organisation based in an EU member state will have to hold a Driver CPC if they wish to drive professionally from the implementation date.

Following the implementation date, a driver can drive a goods vehicle for category C1 and above from the age of 18 if they hold the appropriate licence and have a Drivers CPC.

Acquiring and Maintaining the Driver CPC

The drivers' personal circumstances will determine how he or she acquires the Driver CPC: -

- New Drivers acquiring an entitlement to drive vehicles category C1 and above, after the implementation date, will have to obtain an initial qualification.
- Existing Drivers who already hold a vocational licence on the implementation date will obtain the Driver CPC via 'acquired rights'.

Irrespective of when or how a driver obtains the Driver CPC, all professional drivers must undertake periodic training in order to maintain their Driver CPC.

Drivers who are deemed to hold a Driver CPC through acquired rights must complete their periodic training by 10th September 2014. Drivers who gain their Driver CPC by completing the initial qualification must complete their first cycle of periodic training within 5 years of the date they acquired their driver CPC.

Periodic Training

Drivers will have to complete a minimum of 35 hours of approved training every 5 years. Each training course must be a minimum length of 7 hours, with the 7 hours being defined as contact time with the trainer. Each training course must be delivered within a 24-hour period.

During the Driving Standards Agency's (DSA) consultation on periodic training, concerns were raised by the industry that a training session of 7 unbroken hours was impracticable. The DSA is currently considering whether to permit the 7 hours to be broken down further provided that the total time for each module is not less than 7 hours.

The Directive requires periodic training to be undertaken on a 5-year cycle. However, the Directive allows member states to use periods of 3 to 7 years for the first cycle post implementation to avoid dislocation and help smooth the introduction of the requirement for existing drivers. This is being considered at the moment on how to phase this in.

3.

There are also current discussions whether a requirement should be included within UK Legislation to state that the periodic training should be carried out in periods of 7 hours each year, rather than just 35 hours within 5 years. The thoughts behind this is to ensure that by 2014 there is not an influx of training requirements for the drivers who have obtained their Driver CPC through acquired rights. Likewise there is a potential issue if a driver joins a new employer and he/she has not been trained by his/her previous employer yearly, then their new employer will have the burden of the costs of providing the additional training required.

Although there are two main points still being discussed on the above, the general current advice is that businesses should plan to set their training schedule for 7 hours per driver per year. This plan should fall in line with the forthcoming legislation.

National Vocational Training

The Directive allows member states to adopt arrangements whereby trainees can work as drivers for up to 3 years whilst preparing for the initial qualification if they are undertaking National Vocational Training (NVT) of at least 6 months duration. In these circumstances, the exemption from Driver CPC will apply for 12 months from the date of licence acquisition or the date of signing onto the NVT.

A driver may only use the exemption once.

Training centres

All training must be taken with an approved training centre and on an approved training course.

All approved training centres and training courses will be subject to audit and approval. This approval process is still being determined.

Any organisation will be able to apply to become an 'approved training centre' provided they are certified as meeting the specified standards. Likewise the training course would also need to be approved.

This means an in house division, provided they are an 'approved training centre', can carry out Driver CPC related training both for initial qualification and periodic training.

Trainers

Trainers are not required to be formally approved, but training centres will have to certify that anyone used to deliver periodic training is suitably experienced, both in the subject matter and in teaching methods.

Training Courses

The DSA are proposing, as far as possible, a local and flexible approach concerning the content and mode of training undertaken by individual drivers. There is an approved syllabus on which both the initial qualification and periodic training will be based.

Contd.

4.

The syllabus has three main subject areas. These are:

1. Advanced training in rational driving based on safety regulations
2. Application of regulations
3. Health, road and environmental safety, service, logistics which includes fuel efficiency

The DSA is aiming for companies to be able to revise and expand on the subjects from within the syllabus for the periodic training in order to suit the needs of the driver at that time. Courses should also be designed to deliver the subject in the most appropriate method. This could be classroom based, vehicle based etc and no tests are required following the periodic training.

With the flexibility stated above it is proposed that it will be possible for a company to design their own training program as long as the elements are within the syllabus. It will even be possible for a company to train their drivers on the same element each year if they find this appropriate.

Evidencing CPC status

Drivers CPC will be evidenced by issuing drivers with a Driver Qualification Card (DQC) similar to the driving licence. The DQC will be issued by DVLA.

It will be mandatory for drivers to carry evidence that they hold Driver CPC when they are driving professionally.

Drivers with acquired rights will not be issued with a DQC until they have completed their first 5 years of periodic training. They will be able to show they have acquired rights by the date on their driving licence showing when they acquired their vocational driving licence.

Central Record for Periodic Training for the Driver CPC

The DSA is considering the implications of creating a web based central record for periodic training, which will be overseen by the DSA.

Such a system could enable:

- Drivers to check their progress with periodic training during each 5 year cycle
- Employers - with the permission of drivers - to check the periodic training status of potential employees.
- Robust record - keeping to avoid fraudulent activity, supporting the issue of DQC's when 35 hours periodic training has been completed

The system would have to be funded by those using the service. The DSA are proposing a fee of £5.00 payable by the training organisation assessing the system record on each occasion that the drivers record is changed.

The method of recording and monitoring driver CPC periodic training is currently out for consultation for which the closing date is the 11th January 2007. Full consultation documents are available from the DSA web site

<http://www.dsa.gov.uk/Consultation.asp?id=13598>

Contd.

Enforcement and Penalties

The Drivers CPC will be enforced in a similar way to the enforcement of holding a driving licence. The Police or VOSA will be able to ask for proof that a driver has CPC status and issue appropriate penalties if the driver cannot prove this.

There will also be penalties for operators who cause or permit a driver to drive without a CPC.

Conclusion

The DSA states that 'the Driver CPC is being introduced to improve the knowledge and skills of lorry, bus and coach drivers which in turn will;

- improve road safety
- support the road freight and passenger transport industries by providing savings through more fuel efficient and defensive driving and help the industries with staff recruitment and retention
- raise the profile of the driving profession through maintaining skills levels, improving career opportunities and enhancing the image of drivers as 'professionals'
- help the environment through reduced fuel consumption and vehicle wear and tear'

Although the UK Legislation to implement the Directive has not been finalised, it is believed that there will only be minor changes to the current interpretation as detailed within this document. So it is anticipated that there will be a flexible approach relating to the contents of the Periodic Training required. This should allow companies to tailor the training to their advantage and specific needs and subsequently reduce the impact of this legislation.

We will continue to keep you updated with the future progress of this matter. Please feel free to contact Joanna Hancock on 01476 515300 or joannahancock@bfff.co.uk should you wish to discuss any of the above.

BFFF

January 2007