

Driving Standards Agency
Stanley House
56 Talbot Street
NOTTINGHAM NG1 5GU

switchboard: (0115) 901 2500
direct line: (0115) 901 5921
fax: (0115) 901 5910
email: policy@dsa.gsi.gov.uk
website: www.dsa.gov.uk

11 December 2006

Dear Sir

RECORDING AND MONITORING DRIVER CPC PERIODIC TRAINING

What is the issue?

1. The Certificate of Professional Competence (CPC) is being introduced for bus and coach drivers from September 2008 and lorry drivers from September 2009 as a result of Directive 2003/59 EC¹.
2. One of the requirements of the Directive is that all professional drivers must complete 35 hours of periodic training every five years, in periods of seven hours or more.

Will there be a central record of training completed by drivers?

3. All professional drivers within the scope of the Directive will, when the Directive is fully implemented, be required to hold a CPC in order to undertake their occupation. As an aid to effective enforcement, we have always envisaged that we would need to maintain a central record of persons who held CPC status following Initial Qualification or Periodic Training.
4. Representatives of the road haulage and passenger carrying sectors, who have been actively involved in shaping the implementation arrangements for the Driver CPC, have indicated that their industries would welcome a system that would in addition provide an arrangement for recording and monitoring a driver's progress with Periodic Training. We are, therefore, proposing to establish a more sophisticated central database which would provide this greater functionality.

¹ Directive 2003/59 of the European Parliament and Council on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers.

How would the system work?

5. We believe it would fit well with existing commercial business processes if Training Centres uploaded details of each individual's Periodic Training, using a web-based arrangement, after each approved course had been completed.

6. Drivers would be able to use web access to read their records and could also allow - with the driver's permission - employers (and potential employers) to do so. This would fit with the Government's approach for using e-enabled services and systems to support the citizen.

How will it be funded?

7. The system will need to be funded by users. We believe that a sensible charging point would be when the database is updated – ie whenever a driver completes an approved training course. We propose that a fee of around £5 will be payable by the training organisation on each such occasion.

What is the deadline for responses?

8. We are currently undertaking a consultation exercise on various CPC implementation issues (including fees) such as the approval of periodic training providers and training courses, and Driver Qualification Cards, for which the closing date is 11 January 2007². Ministers have agreed that the consultation on establishing and maintaining a central record of training should also close on that date.

9. I should be grateful, therefore, if you could submit your response (using the pro-forma at Annex C) by **11 January 2007**.

Will you publish a Response to Consultation document?

10. Your views will be taken into account in decisions taken by Ministers. We shall report results of this exercise early in 2007.

Yours faithfully

ROBIN MASSEY
Policy Unit

² *Service Improvements, Safety Related Measures and General Fee Increases* published by DSA 19 October 2006

DRAFT REGULATORY IMPACT ASSESSMENT

Development, building, support and maintenance of a Central Record for Periodic Training for the Driver Certificate of Professional Competence

PURPOSE AND INTENT OF THE PROPOSALS

1. This initial Regulatory Impact Assessment (RIA) considers the implications of creating a central record for Periodic Training undertaken by professional drivers of buses, coaches and lorries under the Certificate of Professional Competence (CPC) Directive - 2003/59 EC.
2. The database will be overseen by the Driving Standards Agency (DSA) as the part of the Department for Transport with lead responsibility for implementation and operation of the Directive within GB.

Impetus for change

3. The Certificate of Professional Competence (CPC) is being introduced for bus and coach drivers from September 2008 and lorry drivers from September 2009 as a result of Directive 2003/59 EC. One of the requirements of the Directive is for all professional drivers to undertake 35 hours Periodic Training every five years, in periods of seven hours or more.
4. As an aid to effective enforcement, we have always envisaged that we would need to maintain a central record of persons who hold CPC status following either Initial Qualification or Periodic Training.
5. Working groups are informing development of CPC in the UK and key stakeholders from the road freight and passenger carrying sector have played an important part in these groups. They have expressed concerns about relying solely on drivers keeping their own records of Periodic Training during the 5-yearly cycles. They have indicated they would welcome the creation of a centralised record for recording and monitoring a driver's progress with Periodic Training in order to provide convenience, transparency and security.
6. Such a system could enable:
 - drivers to check their progress with periodic training during each 5-yearly 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 DQCs when 35 hours periodic training has been completed.

7. The system would be accessible by the web and updated by Training Centres to upload records of Periodic Training as soon as it is completed. Such an arrangement fits with the Government's proposal for e-enabled services supporting customer service and compliance.

Alternative options

8. The main alternative options are:

- not to create and maintain a central record of Periodic Training as it is undertaken. Responsibility for keeping such records could be left with individual drivers, or put on employers or training centres. This would avoid the need to create such a sophisticated record. But it would not meet the requirements set out in paragraph 6 above.
- create and maintain a central record of Periodic Training as it is undertaken, but operate it as a centralised paper-based record relying on paper returns from drivers or Training Centres. But this would imply higher staffing levels to operate, greater running costs, and higher risk of fraud linked to the reliance on paper.

Consultation

9. The consultation exercise closes **11 January 2007** and this RIA will be revised in the light of it. Ministers have agreed that it should run concurrently with another exercise on various issues, including those related to CPC, and that this one - in view of the need to lay regulations quickly and its specialist nature - should be shorter. These exercises will feed into the making of regulations early in 2007.

Public Sector savings/costs

10. The costs of developing of the system will depend on the contractual arrangements under which the system is provided. Any public sector costs may initially be borne by DSA, though costs will be recovered over time from those using the service.

Private Sector savings/costs

11. The system will need to be funded by those using the service. We believe that a convenient charging point would be when each record is updated. We therefore propose that a fee of £5 is payable by the training organisation accessing the system record on each occasion that the driver's record is changed. For example, if a training organisation delivers a course to ten drivers, the fee for updating the records will total £50. We propose, however, that it would be possible for the Secretary of State to waive all or part of the fee in some circumstances. This might be used, for instance, to encourage training centres to make bulk data transfers.

Small firms impact test

12. A small business is defined ¹ as one with:

- Fewer than 50 employees;
- No more than 25% of the business owned by another enterprise (which is not a small business);
- Less than £4.44 million annual turnover;
- Less than £3.18 million annual balance sheet total;

13. We expect that the majority of those using the service will be small businesses. Each of these will need access to the database and be in a position to update it. Availability of internet access over recent years has grown considerably. The Office of the e-envoy advises that 95% of businesses have internet access². We therefore do not foresee this as a problem.

14. The £5 fee for updating the database will need to be paid upfront by the training centre. However, it is expected that, this fee will be recovered from the trainee or his or her employer as part of the charges made by the training centre for the training course (assuming the training course is provided by a commercial training provider).

Competition assessment

15. The proposed new regulations would apply equally to all affected parties. We do not therefore consider that the proposals will have any adverse effect on competition.

Equality Impact Issues

16. The individuals affected will be those working in the LGV and PCV industries. DVLA estimates that there are 433,000 working in the LGV sector and 166,000 in the PCV sector. All will need to take periodic training and have this recorded on the database.

17. There are clear indications of the background and demographics of the individuals in the industry. Both the PCV and LGV sectors are male dominated with, female and ethnic groups under-represented, particularly in the logistics sector, although within the PCV sector we are seeing increasing numbers of drivers from ethnic groups. Whilst the existence of a database will not in itself address this point, it supports the infrastructure underpinning the implementation of the Directive, one of the aims of which is to make the profession more attractive as a result of a professional qualification and greater requirement for training.

18. The cost of the database will be payable by drivers and trainers. The cost to the industry of updating the database will be £5 for each course per driver. It will be paid by one of three parties - the driver, the training organisation or the employer. This is in comparison with a cost to the driver or the employer of some £300 for the course itself.

¹ Better Policy Making: A Guide to Regulatory Impact Assessments. Cabinet Office January 2003

² Office of the e-envoy

19. Some drivers may take one seven hour course a year, with a resultant cost of £25 over five years for updating their database record. Others may take the full training as a single course, which will reduce the cost of updating the database to £5 over five years.

20. We consider the reality will be between these two extremes. Assuming on average each driver took three courses over five years, the cost to industry would be £1,797,000 per annum. This would be equivalent to £3 per annum per driver.

21. The involvement of stakeholders in development of policy has been helpful. The key stakeholders from the road freight and passenger carrying industries - the trade associations, the trade unions and the Sector Skills Councils - are our partners in the Driver CPC implementation project. They have asked us to develop a database so they can determine what training a driver has undertaken.

22. In the light of the foregoing, we have been unable to identify any negative impact on any group of people following implementation of the proposal based on:

- Minority Ethnic Groups (including colour, nationality and ethnic origin);
- Religious /Personal beliefs;
- Sexual orientation;
- Age;
- Gender (including gender reassigned people);
- Disabled people;
- Social status and origin;
- Marital status;
- Caring responsibilities;
- Working patterns.

23. We should welcome your views on whether you consider this assessment is correct.

Environmental Issues

24. We do not consider that the proposals would have any significant environmental impact. Conversely, the use of an electronic system for updating the training record is likely to be less damaging to the environment than a manual system which would require a large degree of paper record keeping.

Application within the United Kingdom

25. The Secretary of State for Transport has responsibility for driver training and testing in Great Britain. Driver training and testing are matters reserved to Westminster as regards Scotland and Wales. Legislative responsibility within Northern Ireland is devolved to the Northern Ireland Assembly under the Northern Ireland Act 1998.

CONSULTATION LIST

We have written to the following drawing their attention to this consultation exercise -

Traffic Commissioners
Freight Transport Association
Road Haulage Association
Confederation of Passenger Transport
GoSkills
Skills for Logistics
Motor Schools Association
Driving Instructors Association
British School of Motoring
AA The Driving School
ADI National Joint Council
ADI Scottish Council
Driving Instructors Democratic Union
950 Trainers on the DSA Voluntary Register of LGV Trainers

We will make the paper available on request and on our website www.dsa.gov.uk

QUESTIONNAIRE

Database for periodic training						
Name of organisation:						
Issue	In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed	
1. The costs associated with the central database for periodic training should be recovered by a fee levied on training providers.						
2. The fee should be £5 per update of a driver's record after a course has been completed.						

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