



*CERTIFICATES OF PROFESSIONAL  
COMPETENCE FOR PROFESSIONAL  
LORRY AND BUS DRIVERS*

**REPORT ON CONSULTATION**

## **CERTIFICATE OF PROFESSIONAL COMPETENCE (CPC) FOR PROFESSIONAL LORRY AND BUS DRIVERS – REPORT ON CONSULTATION**

1. In November 2005, DSA and DVTA consulted interested parties about the implementation of Directive 2003/59/EC. This will introduce a requirement for professional drivers of lorries and buses to hold Certificates of Professional Competence (CPC), awarded by an Initial Qualification (for new drivers) and 5-yearly Periodic Training (for all drivers). Introduction is phased - no later than September 2008 for new bus and coach drivers, and September 2009 for new lorry drivers.

2. In line with Cabinet Office Guidance, we undertook extensive consultation with interested parties before we issued the Consultation Paper. We were therefore able to produce proposals in a way that took account of key concerns. In particular, we were able to design implementation solutions that maximised beneficial outcome, whilst minimising cost and process. We posted a consultation paper on our website and wrote to some 3,000 potential stakeholders.

3. In Great Britain, 90 responses were received. These included comments from 6 key industry stakeholders:

- the trade associations for the road goods and passenger transport sectors – the Road Haulage Association (RHA) the Freight Transport Association (FTA), and the Confederation of Passenger Transport (CPT).
- the Sector Skills Councils serving the two sectors, *Skills for Logistics* and *GoSkills*.
- Transport for London – London Buses.

In Northern Ireland there were 8 responses. Comments were also received from trainers, road safety officers and the police. The majority of responses were very supportive. Detailed comments are being fed to the relevant Implementation Project Working Groups.

### **Overview – Scope of the Directive**

4. There was general acceptance of the overall scope of the Directive, with the road safety benefits welcomed by the bulk of respondents. These included trainers, the police and representatives of industry. A minority were opposed due to concerns about cost and that the system may be over-complicated.

5. There were differing opinions about exemptions. Some made the point that the road safety implications of driving a category C or D vehicle were the same whatever the circumstances, especially where regularity of driving was infrequent, and they considered that there should be no exemptions.

6. Others felt the exemptions should be wider. Representatives of historic vehicle organisations were concerned that the rights of drivers of such vehicles should be protected. Some felt that the Directive's remit should be narrowed, including one local authority, which took the view that it should only apply to international drivers. Many welcomed acquired rights, whilst some sought clarification of "*incidental driver*". The charities sector asked for clarification about those driving under a Section 19 permit.

7. One respondent suggested that the CPC should be re-named "Drivers Professional Certificate" as CPC could be confusing as there are other schemes with this title.

8. There was general agreement that penalties and responsibilities for compliance should rest jointly with the driver and operator. However, some felt this should only apply to employers if they could check a driver's CPC status with DVLA. Penalties should follow those for driving licences, e.g. for driving without the correct entitlement.

9. In general, the bus, coach and logistics industries welcomed acquired rights. Those involved with the bus and coach industries questioned the need for exemptions, except for training and engineering purposes. They also sought clarification of "*incidental driver*".

10. The logistics industry expressed the view that liability should not be limited to employers/operators. Drivers should be liable in the same way as they currently are for failing to comply with driver licensing, working time and drivers hours and tachograph rules. Employers should not be liable when they have taken all reasonable steps to ensure compliance. They also asked for clarification of exemptions. Regulations would need to make it clear where the liabilities for compliance are in respect of drivers provided by an agency.

11. We will take forward implementation arrangements taking into account comments received. This will include the appropriateness of CPC for community transport drivers. We will also consider the operational implications of the exemptions.

### **Initial qualification**

12. We consulted on how drivers should qualify for the Initial CPC (the qualification required for new professional bus and coach drivers with effect from September 2008 and their lorry counterparts 12 months later). The Directive offered two routes. Option 1 is based on a highly regulated training regime of 280 hours followed by a test. Option 2 is a detailed assessment of competence. The paper recommended that the UK implement Option 2.

13. In GB there were 73 responses on this issue with 66 in favour and 7 opposed.

14. In Northern Ireland there were 4 responses on this issue. All were in favour.

15. The widely expressed view was that Option 1 would be too costly and inflexible. Of the key stakeholders, all the logistics industry representative bodies strongly supported Option 2. FTA felt that Option 2 was competence based rather than 'time based', ensuring that training would be delivered to meet the trainees' needs and validated by the assessment of competence. It would also allow trainees to access quality training provision from a variety of sources, whereas Option 1 could lead to long delays as candidates waited for places on regulated training courses. Option 2 would be more likely to attract new entrants to the sector.

16. Whilst the bus industry representative bodies had initially identified attractions in Option 1, they recognised that Option 2 was the most realistic. However, they questioned whether the consultation had over-emphasised the cost of Option 1 and the anticipated fuel efficiency savings and underestimated the training needed for Option 2.

17. Both sectors expressed concern about the ability to service the demand for the practical element of the Initial CPC assessment regime. In connection with this, they suggested some relaxations of the delegated examiner arrangements that we are considering.

18. It was commented that the new theory tests need to be "fit-for-purpose" and designed to address the needs of each sector with the right content and requiring appropriate performance levels. We are addressing these points by inviting both sectors to provide subject matter experts for the working groups designing the new tests.

19. It was observed that the testing regime must not deter those seeking to become professional lorry, bus or coach drivers and testing must be spread over a period of time. The numeric and literacy levels of the assessments must be appropriate and they should be available in languages other than English and Welsh. The option of oral testing should also be considered. The case studies must be easily understood and accessible and tests should be relevant to the passenger transport sector. Sufficient time should be allowed for applicants, particularly those who are unfamiliar with electronic tests, to familiarise themselves with the equipment. The process, including pass marks, should be designed so as not to result in a lower percentage of successful candidates. It was also proposed that candidates should be able to bank elements (i.e. individual modules) and were in favour of the use of simulators.

20. Of the small number opposed to Option 2, one trainer questioned the value of an assessment-based qualification as opposed to training. A candidate could receive a full qualification based on a single assessment, which would not prove consistency of competence, and there would be no quality assurance of training. One respondent also suggested that we could add a course work assessment. Another felt it may suit companies with induction courses but would do little to improve standards. One felt that the status of the professional driver should only be achieved by development/training.

21. Another trainer observed that the scope of the assessments would make it essential to take comprehensive training. One large company felt that a mix of prescriptive and modular testing plus theory and practical test was best.

22. In view of the significant negative implications associated with Option 1 (particularly the regulatory burden and its consequential costs) and the expressed stakeholder support for Option 2, Ministers have decided to adopt Option 2 in the UK.

### **Modular format**

23. We consulted on the delivery of the Option 2 assessment regime in a modular format.

24. In Great Britain, there were 58 responses on this issue. In total 55 were in favour, with 3 opposed.

25. In Northern Ireland, there were 5 responses on this issue. All were in favour.

26. There was overwhelming support for this approach, particularly from the key stakeholders. A significant theme in responses was the need for candidates to be able to “bank” passes in individual modules. The ability to simultaneously acquire a vocational driving licence and the CPC, through the modular approach, was widely acknowledged as being a positive (and industry-friendly) way of implementing Option 2.

27. Respondents commented on the form of the assessments, with a number feeling that they must be focussed on the practical needs of industry and candidates, rather than being overly theoretical. Multiple-choice answers were felt to be preferable to written ones. One trainer commented that the assessment needed to be rigorous and should avoid candidates learning elements without the appropriate practical experience. One person suggested that the assessment should, for lorry drivers, be “body specific”.

28. A significant theme was that the modules should be manageable. It was felt that 1.5 hours should be the longest period for someone to undergo an individual assessment.

29. There were two further points:

- The tests to be passed for vocational driving licence acquisition must not be seen as a “soft option” undermining the standard required by the CPC.

- The new tests, particularly the new theory tests, required by the Initial Qualification should not cause a sudden shut-off in the supply of new drivers for these economically important sectors.

We are taking account of these in our introduction arrangements.

30. In view of the high level of support for a modular format, Ministers have decided to adopt this arrangement for the assessment regime in the UK.

### **National Vocational Training**

31. We consulted on the inclusion of a National Vocational Training arrangement in Option 2.

32. In GB, there were 67 responses on this issue of which 58 were in favour and 9 opposed.

33. In Northern Ireland, there were 5 responses on this issue. All were in favour.

34. There was widespread support for including a NVT arrangement. This included key stakeholders from both the logistics and the bus and coach industries.

35. The bus and coach industry commented that the content of the Directive's syllabus had already been mapped against new national occupational standards in PCV driving. There were opportunities to deliver the Directive's requirements alongside NVT units. It should be possible to use these as "evidence" towards achievement of NVT. Consideration will need to be given as to the order in which learning and assessment is undertaken.

36. Respondents commented that the Community Transport sector already has wide-ranging and appropriate training and assessment arrangements for drivers that could be incorporated into NVT.

37. Some concern was expressed about a NVT scheme being abused and used as a "loophole" to simply delay taking the CPC assessment for up to 3 years. One local authority suggested that once NVQ standard had been reached there should be no need for any other assessment of competence. Many respondents emphasised that a NVT scheme must be rigorously quality assured so as to ensure that it added value.

38. Ministers have noted the enthusiasm of respondents for a NVT arrangement and have decided to provide for this in the implementing legislation.

### **Accelerated initial training**

39. The Directive included an Accelerated Initial Training arrangement linked to Option 1. The consultation paper recommended that this was not required if Option 2 was adopted.

40. In GB, there were 61 responses on this issue with 60 were in favour and 1 opposed.

41. In Northern Ireland, there were 5 responses on this issue. All were in favour.

42. There was widespread support for the paper's recommendation. Stakeholders concurred with the view that there was no need to introduce this element.

43. Accepting the views of stakeholders, Ministers have decided not to legislate for an Accelerated Initial Training arrangement

## **Periodic training**

44. We asked for comments on all aspects of the periodic training required for existing licence holders.

45. A strong theme from respondents, including key stakeholders, was that the 7-hour minimum training session specified in the Directive should be divided into more manageable parts of perhaps 3 and 4 hours. One driver-training organisation went further, feeling that a type of continuing professional development would be more beneficial.

46. The logistics industry considered that there should be arrangements for those drivers moving between companies to have their prior training recognised and verified. It was important to ensure that drivers did not unnecessarily receive the same training on more than one occasion. Drivers should not wait until the end of the five-year period to undertake training. It was important that it was presented to drivers and operators as an investment in skills and therefore efficiency.

47. The bus industry welcomed the intention to be flexible. They felt that operators would need guidance, but not over-prescription, on the content of training and that this should deal with the needs of both operators and individual drivers. They noted that there was no requirement for drivers to pass an assessment at the end of the course. They proposed that all approved courses should include an element of course evaluation so that operators and trainers were able to assess the effectiveness of individual programmes. There was a strong case for prior learning to be counted in the training undertaken for CPC.

48. Trainers generally felt that training should be practical and specific. There were several suggestions about what should be included in the syllabus. This could be obtained from a number of sources including driver training providers, magazines, online, vehicle manufacturers, or Safe and Fuel-Efficient Driving course providers. Current industry accredited courses should count where appropriate. First aid representatives suggested that there should be a split between compulsory and voluntary elements. There could be three modules for example, economical driving, safety and 'other'. All drivers should take the first two modules and it was suggested that a competent person could sign the training off. It was important to communicate details of the new arrangements properly.

49. One trainer felt that there could be cross recognition of company and internal trainers. External training should be directed at meeting company needs.

50. Whilst many recognised that non-introduction is not an option, there were differing views on the value of Periodic Training. One respondent queried where the providers would be found.

51. Some respondents expressed a concern about time lost to the employer, while others were concerned about cost. Several said it would be sensible to align the Periodic Training cycle with licence expiry.

52. In implementing the Periodic Training arrangements, DSA and DVTA will take account of the comments received, particularly in respect of the need for flexibility.

## **Regulation of periodic training provision**

53. We asked for comments on the regulation of periodic training provision.

54. It was considered that there were three elements for regulation – training centres, individual instructors and training programmes. It was important that the agencies involved in the process had a thorough understanding of all three elements. The Sector Skills Councils would be well equipped to undertake this role, although the view was also expressed that the competent authority must accredit training providers.

55. There were few external providers of training in the passenger transport sector. A regime that was not operator friendly would cause serious problems. DSA and DVTA would need to work closely with the sector skills council to ensure that adequate support was in place.

56. A period of “light touch” regulation was desirable, with provision of “grandfather rights” for existing trainers for an agreed period.

57. These elements were felt to be important:

- The driver’s detailed record of the number of training hours completed and the content
- The employer would need access to an individual driver’s training record
- The training provider would need to maintain a list of courses delivered and trainees
- A central database holding detailed training records was needed, possibly maintained by the two Sector Skills Councils (GoSkills and Skills for Logistics)
- A Government Agency will need a less detailed record of CPC status for driving licence purposes, perhaps DVLA
- The verification of the status of drivers new to the UK who claim to hold a valid CPC

58. Some felt that it should be relatively easy for any existing in-house courses to be adapted to meet the Periodic Training requirements. They also felt that employers should be able to check training completed against a central database.

59. It was felt that the training must be industry specific. Trainers would require adequate facilities and should be able to carry out in-house training. The means of accreditation should be straightforward.

60. These comments will be taken into account when implementing the regulatory regime for Periodic Training.

### **Evidencing CPC status**

61. We consulted on how a driver could evidence his status in respect of:

- CPC generally; and
- participation in a NVT scheme.

62. We recommended that they should be recorded by a code on the licence (with a Driver Qualification Card for those holding non-UK driving licences).

63. On evidencing CPC generally:

- In Great Britain, there were 58 responses with 51 in favour and 7 opposed.
- In Northern Ireland, there were 5 responses. All were in favour.

64. On evidencing participation in a NVT:

- In Great Britain, there were 44 responses. There were 35 were in favour and 9 opposed.
- In Northern Ireland, there were 2 responses. Both were in favour.

65. It was generally felt that a code displayed on the driving licence would operate well for CPC. However, respondents believed that there also needed to be a mechanism for checking what training drivers had undertaken. This meant that more thought needed given to the way a NVT system would operate. It was suggested that a drivers' logbook could be used.

66. Ministers have decided that the most efficient and effective way in which to record a driver's CPC status (including participation in a NVT arrangement) will be through a code on the driving licence. Where the driver holds a non-UK licence, his CPC status will be shown on a Driver Qualification Card.

### **Next Steps**

67. The Government will introduce legislation to transpose the Directive.

68. Further information will be published as the work to implement the Driver CPC arrangements progresses.