



**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

### Introduction

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 buses, coaches and lorries to hold a 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 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 design implementation proposals to take account of key concerns. In particular, we proposed solutions to maximise beneficial outcome, whilst minimising cost and process. We sought views on matters where the Directive leaves choices available to Member States about how to implement, and more generally about how to introduce and operate the new arrangements.

3. We posted the Consultation Paper on our website and wrote to some 3,000 potential stakeholders. We continued with a programme of meetings with interested parties - including those arranged by the DfT Driver and Vehicle Operators Group and by Traffic Commissioners. This gave the opportunity for further awareness-raising, debate and consideration.

4. This Report presents a summary of the comments that we have received. Copies of written responses have been posted on the DSA website<sup>1</sup> unless the respondent objected. The Report also explains Ministers' decisions and how they propose to progress implementation and operation.

5. In Great Britain, we received 90 written responses, some representing a consolidation of an organisation's own internal consultation. The 90 responses 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.

Comments were also received from trainers, road safety officers and the police. In Northern Ireland there were 8 written responses.

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<sup>1</sup> [www.dsa.gov.uk](http://www.dsa.gov.uk)

6. The commentary on our proposals was generally very supportive. Detailed points have been passed to the relevant Implementation Project's Subject Expert Working Groups to help with their deliberations. We are grateful to everybody who participates in this important initiative, which will bring safety and economic benefits for the two important economic sectors of road goods and passenger carrying.

### **Overview - Scope of the Directive**

7. There was general acceptance of the overall scope of the Directive, in particular with the road safety benefits welcomed by the majority of respondents. These included trainers, the police and representatives of the industries. A minority were opposed - these were concerned about cost and that the system may be over-complicated.

8. There were differing opinions about exemptions. Some suggested that the road safety implications of driving a category C vehicle (goods) or category D vehicle (bus and coach) were the same whatever the circumstances, especially where regularity of driving was infrequent, and they considered that there should be no exemptions.

9. 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 less wide, including one local authority which took the view that it should only apply to international drivers. (This would not be compliant with the requirements of the Directive.)

10. Acquired Rights, which allow existing drivers to be awarded a CPC based on Periodic Training but without having to gain an Initial Qualification, were welcomed by many. Some sought clarification of "*incidental driver*". The charities sector asked for clarification about those driving under a Section 19 permit which, subject to certain conditions, allows drivers that do not hold a category D1 vocational licence to drive a minibus. Drivers working under a Section 19 permit are out of scope of the Directive.

11. In general, the bus, coach and logistics industries welcomed Acquired Rights. Some involved with the bus and coach industries questioned the need for exemptions, except for driver training and where vehicles were being road-tested.

12. We shall take forward implementation arrangements taking into account comments received. We shall also consider the operational implications of the exemptions.

### **Initial qualification**

13. 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 professional lorry drivers 12 months later).

14. The Directive offers two routes, reflecting the varying infrastructure and arrangements for training and testing in different Member States:

- Option 1 - which is based on a highly regulated training regime of a minimum 280 hours duration followed by a validating theory test.
- Option 2 - which is based on a detailed assessment of competence - 4 hours theory testing and 2 hours practical testing.

We proposed that the UK should implement Option 2.

15. The Option 2 proposal was generally supported by respondents, including the key stakeholders. In GB of 73 responses on this issue; 66 favoured Option 2, and 7 opposed. In Northern Ireland there were 4 responses on this issue; all favoured Option 2. The widely expressed view was that Option 1 would be too costly and inflexible.

16. All the logistics industry representative bodies strongly supported Option 2. It was felt that a competence-based approach was superior as the training would focus on a trainee's needs and be validated by the assessment of competence. Option 2 would 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.

17. Whilst the bus industry representative bodies had initially identified attractions in Option 1, they recognised that Option 2 was the most realistic. They questioned, however, whether the Consultation Paper had over-emphasised the cost of Option 1 and the potential for fuel savings, and underestimated the training needed for Option 2.

18. Both sectors expressed concern about DSA's ability to service the demand for the practical tests involved in the Initial Qualification, and they suggested some amendments would be required to the current delegated examiner arrangements.

19. Respondents provided a variety of comments to the effect that the new theory tests needed to be "fit-for-purpose", designed to address the needs of each sector with the right content and requiring appropriate performance levels. Delivery should be customer friendly, and would need to take account of the profile of the test-taker, in particular in relation to literacy and numeracy skills.

20. Of the small number opposed to Option 2, one trainer questioned the value of an assessment-based qualification as opposed to training, on the basis that a qualification based on a single assessment would not prove consistency of competence. One respondent suggested coursework assessment. One felt that the status of the professional driver should be achieved only by development/training.

21. We consulted on the basis that, at today's prices, the overall theory test fee and the overall practical test fee for the Initial Qualification tests seemed likely to be around £75 and £130 respectively, compared to the 1 April 2006 fees for vocational licence acquisition of £21.50 for the theory test and £89 for the practical test. These suggested fee levels drew almost no comment. No-one suggested that Option 1 represented a more cost-effective choice.

22. In view of the significant negative implications associated with Option 1 (particularly the regulatory burden and its consequential costs), and the stakeholder support for Option 2, Ministers have decided to adopt Option 2 in the UK. DSA will address the various comments relating to test details by inviting both the goods and passenger transport industries to nominate subject matter experts for the working groups designing the new theory and practical assessments. Interested parties will be consulted shortly about delegated examiner arrangements.

### **Modular and integrated assessments for licence acquisition and CPC**

23. We proposed the delivery of the Option 2 assessment regime in a modular format, which would allow for integrating vocational driving licence acquisition with the CPC Initial Qualification.

24. There was overwhelming support for this approach, particularly from the key stakeholders. In Great Britain, of 57 responses on this issue, 54 favoured this proposal, with 3 opposed. In Northern Ireland, there were 5 responses on this issue, all favoured the proposal.

25. An ability to acquire simultaneously a vocational driving licence and the CPC through the modular approach was widely acknowledged as being positive and industry-friendly. A significant theme in responses was for each module to have its own pass event (as is currently the case for the theory and practical tests taken for licence acquisition).

26. Two points have emerged as important in light of the consultation:

- the tests to be passed for the vocational driving licence acquisition modules must not be, or 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 must not cause a sudden disruption in the supply of new drivers for these economically important sectors.

27. Having regard to the high level of support for the proposed modular format, Ministers have decided to adopt this arrangement for the assessment regime in the UK.

28. The CPC implementation strategy addresses both of the points in paragraph 26:

- the test modules for vocational driving licence acquisition (more thorough multiple-choice questions and HPT for the theory test, and driving skills in the practical test) will ensure drivers have the essential knowledge and skills to drive buses, coaches and lorries safely. The additional modules for the CPC (case studies for the theory test, and vehicle safety issues for the practical test) will focus on the additional knowledge which is relevant to the professional driver operating in the 21<sup>st</sup> century.
- the longer multiple-choice knowledge tests to be taken by all drivers of buses, coaches and lorries as part of vocational licence acquisition will be phased-in before the introduction of the Initial Qualification for bus and coach drivers in September 2008. This will help mitigate the risk of a drop in pass-rates affecting the flow of new drivers when the CPC is introduced, or test demand bow-wave effects around implementation.

29. Our transitional strategy for the theory test envisages that the current 35 question multiple-choice question test will increase to 60 questions in April 2007 and 100 questions in April 2008. There will be commensurate changes to the time candidates are allowed to undertake the test (currently normally 40 minutes) and the pass-mark (currently 30 correct of 35 questions). Our estimate for the fee implication is that the theory test fee will increase to £32 in April 2007 and to £45 in April 2008.

### **National Vocational Training**

30. 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. Although we recognised that participation in such NVT arrangements in GB was comparatively low (below 20%) we proposed that such a National Vocational Training arrangement would be allowed here.

31. There was widespread support for including a NVT arrangement. This included key stakeholders from both the logistics and the bus and coach industries. In GB, of the 68 responses on this issue, 60 were in favour, with 8 opposed. In Northern Ireland, there were 5 responses on this issue, and all were in favour.

32. 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. They considered there were opportunities to deliver training for the Directive's requirements alongside NVT units, and they saw possibilities for using the Initial Qualification as evidence towards achievement of NVT.

33. Some expressed concern about an NVT arrangement being abused and used as a "loophole" simply to delay taking the CPC assessment for up to 3 years, and that the overall arrangement would need to ensure this did not happen. Many respondents emphasised that any eligible NVT scheme must be rigorously quality-assured so as to ensure that it added value.

34. Ministers consider that it should be possible to design NVT arrangements with adequate safeguards to prevent the CPC being undermined and they wish to respond positively to those who would find such arrangements helpful. They have therefore decided to provide for the possibility of an NVT arrangement in the implementing legislation.

### **Accelerated Initial Training**

35. The Directive allows States to consider an Accelerated Initial Training (AIT) arrangement for the Initial Qualification. The rules for AIT would be similar to Option 1 though with shorter mandatory training periods. Participation would involve restrictions based on the driver's age and the size of vehicles that could be driven. We suggested that AIT was an unhelpful complication if Option 2 was adopted.

36. There was almost universal support for this view, including from key stakeholders. In GB, of 62 responses on this issue, 61 were in favour, with 1 opposed. In Northern Ireland, there were 5 responses on this issue, and all were in favour.

37. In view of the lack of support for AIT, and its inappropriateness where a State adopts Option 2 for the Initial Qualification, Ministers have decided not to provide for it in UK implementation arrangements.

### **Periodic training**

38. The Directive requires Member States to put in place regulatory arrangements to quality assurance the provision of Periodic Training - training organisations, training centres, individual instructors and training programmes. The Directive does not allow Member States choices concerning the implementation arrangements for Periodic Training in the way that it does for the Initial Qualification. We proposed that our approach should be as far as possible to allow local flexibility concerning the content and mode of training undertaken by individual drivers.

39. The general message from respondents was that Periodic Training should address the needs of operators and individual drivers and not attempt to be over-prescriptive. There were a variety of suggestions about what should constitute appropriate content, varying from Safe and Fuel-Efficient Driving to first aid. Views were also expressed about a need to allow flexibility in sourcing training - in-house, out-sourced and e-learning – to suit all learning styles and to fit with operational considerations. Flexibility in process was requested, so that drivers did not wait until the end of the 5 year period to undertake training and to recognise that drivers move between companies.

40. A number of respondents had concerns that insensitive regulation could have adverse affects on the availability of sufficient training capacity. There were concerns that the new statutory provisions should recognise and support current good practice and should serve to generalise it.

41. In implementing the Periodic Training arrangements, we shall take account of the comments received, particularly in respect of the need for subject relevance and operational flexibility.

42. Sector Skills Councils are the industry-led bodies with responsibility for national occupational standards for their sectors. The relevant two Sector Skills Councils, *Skills for Logistics* and *GoSkills*, have been invited to take a lead role in the quality assurance arrangements for Periodic Training, as well as their general involvement in the implementation project.

43. The Directive requires a minimum 35 hours of training to be undertaken every 5 years in periods of not less than 7 hours duration. A strong theme from respondents, including key stakeholders, was that a training session lasting 7 unbroken hours was impracticable, and that it should be allowable for a training period to be divided into more manageable parts.

44. We consider that the Directive contains sufficient flexibility to permit the 7 hours to be broken down further provided that the total time for each module is not less than 7 hours. We propose in domestic transposition to allow for a sensible flexibility, whilst ensuring that the purpose of the Directive's provisions - which are to prevent fragmentation and loss of coherence - are not undermined.

45. The Directive requires Periodic Training to be undertaken on a 5-yearly cycle. However, the Directive allows Member States to use periods of between 3 to 7 years for the first cycle post implementation to avoid dislocation and help smooth the introduction of the requirement for existing drivers.

46. Several respondents said it would be sensible to align the Periodic Training cycle with licence expiry. But no respondents commented on whether or how to use the 3 to 7 year provision.

47. Using a 3 to 7 year cycle for Periodic Training could be helpful when introducing the Directive's provisions for Acquired Rights drivers. Otherwise there is a prospect of peaks of CPC renewals for Acquired Rights drivers every 5 years after the Directive is implemented – starting in 2013 for bus and coach drivers and in 2014 for lorry drivers. This issue will be considered further as part of implementation planning.

### **Evidencing CPC status**

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

- holding a CPC generally, and
- participation in a NVT scheme.

49. The Directive allows States the options of putting a code on the driving licence or issuing a separate Driver Qualification Card produced to equivalent security standards. We proposed that status should be recorded by a code on the driving licence, with a separate Driver Qualification Card issued only where essential (eg to those holding non-UK driving licences).

50. Our proposals were strongly supported. Respondents wanted to avoid any unnecessary duplication of official documents.

51. On evidencing CPC generally:

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

52. On evidencing participation in a NVT:

- In Great Britain, of 43 responses, 34 were in favour, with 9 opposed.
- In Northern Ireland, there were 2 responses and both were in favour.

53. Consultees also suggested that there needed to be a database available to employers for checking what Periodic Training drivers had undertaken, and as a back-up if a driver had lost his personal record.

54. 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), for enforcement purposes, 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. Arrangements for record-keeping to track progress with a driver's Periodic Training will be considered further as part of implementation planning

### **Enforcement and penalties**

55. We proposed aligning CPC enforcement and penalties as far as possible with those for driver licensing generally. The logistics industry interests suggested that drivers should be liable in the same way as they currently are for failing to comply with driver licensing, working time, drivers' hours and tachograph rules. Employers should not be liable when they have taken all reasonable steps to ensure compliance. Some felt that employers should be liable only if they could check a driver's CPC status with DVLA.

56. There was general agreement that penalties and responsibilities for compliance should rest jointly with the driver and operator. Some industry interests expressed the view that liability should not be limited to employers/operators. In particular, it was suggested that driver agencies should not be able to ignore responsibilities.

57. Respondents indicated some concerns that less scrupulous drivers and operators might seek to ignore CPC requirements, and enforcement activity should ensure a level playing field. Penalties should follow those for driving licences, eg for driving without the correct entitlement.

58. We propose to adopt for the CPC equivalent provisions to those that exist for driver licensing. Persons who cause or permit contraventions will also be liable, with a defence that they could not reasonably have known that an offence was being committed.

## **Next Steps**

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

60. The Driver CPC project is now in its implementation phase. Implementation has to be achieved against a demanding timetable. The project is being managed by a Project Board which is supported and advised by a Stakeholder Group, and Working Groups which comprise representatives from the industries and other interested parties.

61. This Directive requires Member States across the European Union to reappraise the way they regulate and assure the standards of professional drivers. We shall liaise with other Member States and the European Commission, benchmarking our approach to that adopted elsewhere, to maximise the value to be obtained from the new arrangements.

62. Further information about the implementation and operation of the Driver CPC scheme will be published as the work to introduce the arrangements progresses. We shall be working with industry partners to maximise the availability of this information.

63. The initial Regulatory Impact Assessment that was produced and published as part of the Consultation Paper will be revised in the light of later information that will become available as part of the implementation programme.

64. Any views or questions about the implementation of the Directive's requirements should be addressed to:

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