

Senior Traffic Commissioner Statutory Document – Furloughed Transport Managers

On 6th April 2020 the Senior Traffic Commissioner has issued new guidance on the furloughing of Transport Managers. As indicated previously if you are still operating vehicles it is highly likely that you cannot furlough Transport Managers, unless

- You only have one Transport Manager AND you have laid up the whole fleet or
- You have reduced the fleet size and having multiple Transport Managers; you have furloughed some, but still retain sufficient Transport Managers employed that they can maintain continuous and effective management of the drivers, vehicles and all aspects of compliance relating to transport management.

Below is a summary of the latest guidance on this specific subject area.

Furloughing (standing down) a Transport Manager

The role of Transport Manager brings with it a lot of responsibilities (see paragraph 54 of Statutory Document No. 3).

A Transport Manager is required to effectively and continuously manage ALL the transport activities of an undertaking.

The conditions on the operator's licence require the operator to notify the Traffic Commissioner of matters which might impact for instance on the ability to show professional competence. There may be several scenarios which lead to an agreement to furlough a Transport Manager. The Traffic Commissioners will consider each case on its own merit, but the following provides the starting points for the Traffic Commissioners in their deliberations:

- If an operator has temporarily laid up the whole fleet of licensed vehicles, the Transport Manager will not be required to exercise continuous and effective management of an undertaking which is not in operation. Therefore, it is likely that the Traffic Commissioner would consider that there continues to be a genuine link between the Operator and Transport Manager. **Therefore, the Transport Manager MUST be re-engaged before operations recommence.**

Traffic Commissioner Guidance - they would not normally expect to be advised of that change, but there is nothing stopping you doing so to ensure continuity.

FTTC – GUIDANCE – Ensure that there is a full record of the vehicles being VOR'd based upon our [VOR templates previously provided, which can be found here](#), and that the date of commencing furlough and ending furlough are properly recorded to ensure that the evidence shows that there was no operation of vehicles during the Transport Manager's absence.

- If an operator reduces their overall operation and some Transport Managers are furloughed (as may occur with some larger operations who have several Transport Managers) then the Operator and/or the Transport Manager(s) must advise the Office of the Traffic Commissioner by email providing details of the arrangements.

The Traffic Commissioner may require additional information. Statutory Document No.3 gives guidance on what is expected and, in Annex 1 sets out levels of authority, and what might be expected in terms of hours worked by transport manager(s) to meet the traffic commissioners' expectation and also the number of vehicles that Transport Manager is now expected to manage and with what support staff.

Traffic Commissioner Guidance – this information MUST be notified, in writing, to the Traffic Commissioner.

FTTC GUIDANCE – If you need guidance on what is reasonable, please contact us and we can help with any specific advice. Traffic Commissioners will frown upon an Operator trying to make use of this crisis to reduce costs in Compliance where road safety may be considered as being jeopardised.

Again make sure there is a full record of any vehicles that are VOR'd based USE OUR [VOR templates previously provided, which can be found here.](#)

- If an operator continues to operate and attempts to furlough the **only Transport Manager**, then the Office of the Traffic Commissioner must be advised immediately. There is a mandatory and continuing requirement for professional competence on all standard licences. In order to continue operating that standard operator must make an application for a Period of Grace or seek a temporary exemption, in order to continue operating without a Transport Manager. The Contingency Statutory Document (issued 18th March 2020 and updated 27th March 2020 and 1st April 2020) already refers to the approach, which might be taken by the Traffic Commissioner.

Traffic Commissioner Guidance – this information MUST be notified, in writing, to the Traffic Commissioner.

FTTC GUIDANCE – If you need guidance on what is reasonable, please contact us and we can help with any specific advice. Traffic Commissioners will frown upon an Operator trying to make use of this crisis to reduce costs in Compliance where road safety may be considered as being jeopardised.

Further guidance on Transport Managers was covered in our guidance, FTTC – COVID-19- Op. Licencing No.3 Transport Managers, on 3rd April 2020 following the Traffic Commissioners' guidance update on 1st April 2020 and due to the questions raised further matters are now described in this separate guide.

This guide should be read alongside these two previous guides which can be found at <https://www.fostertachographs.co.uk/compliance-updates/>

FTTC – GUIDANCE – Within this period we would recommend that any change is notified to the Traffic Commissioner – i.e. working from home, furloughed and how drivers will be managed must be considered. Therefore, proper consideration should be given, before doing these, that the Transport Manager can fulfil their role. Therefore, if you only have one Transport Manager and you are still operating vehicles at this time, it is impractical and not appropriate, in our opinion, for the Transport Manager to be furloughed. Similarly, if the Transport Manager is working from home, can they still fulfil their role in ensuring Continuous and Effective Management. Therefore, it needs to be reviewed.

If you need guidance or assistance in maintaining compliance please ask, we can analyse, review and audit, if you cannot fulfil your obligations

The full temporary guidance documents can be found at:

<https://www.gov.uk/government/news/senior-traffic-commissioner-issues-a-statutory-document-in-response-to-the-covid-19-outbreak> and at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/873232/stat doc contingency planning.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/873232/stat_doc_contingency_planning.pdf)

**IF YOU HAVE ANY QUERIES PLEASE CALL
FOSTER TACHOGRAPHS & TRANSPORT COMPLIANCE ON
01772-655155 OR EMAIL tom@fostertachographs.co.uk
who will direct your query to the most appropriate person**