EXPLANATORY MEMORANDUM TO

THE MOTOR CARS (DRIVING INSTRUCTION) (AMENDMENT) REGULATIONS 2014

2014 No. 2216

1. This explanatory memorandum has been prepared by The Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations make minor technical amendments to the Motor Cars (Driving Instruction) Regulations 2005, SI 2005/1902 ("the 2005 Regulations") which concern the qualification and periodic checking of Approved Driving Instructors (ADIs). The amendments concern how the periodic test of continued ability and fitness to give instruction, commonly known as the "standards check" or "check test", is carried out on ADIs.

2.2 These Regulations remove the option for the DVSA Examiner to play the role of a pupil during the standards check. Following these changes the ADI will always be required to give instruction to a pupil (either a novice driver or a full licence holder), in order to demonstrate their ability to deliver driving instruction to the necessary standard.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 Part V of the Road Traffic Act 1988, sets out the requirements that apply to the delivery of driving instruction in Great Britain (GB). The Act requires that any person delivering paid instruction in the driving of a motor car must have their name entered onto the Register of Approved Driving Instructors.

5. Territorial Extent and Application

5.1 This instrument extends to Great Britain only.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- **What is being done and why**

7.1 The provision of driving instruction services has been regulated since the 1960s to help establish a professional and efficient standard of tuition for those paying to learn to drive. This was achieved by creating a Register of ADIs. To be admitted to the Register, an ADI must pass a series of examinations and be a fit and proper person. It is an offence for a person to give practical instruction in driving a motor car for money unless their name is entered onto the Register. The Register is administered by a Registrar, who is an official of the Driver and Vehicle Standards Agency (DVSA) answerable to the Secretary of State.

7.2 The Registrar has a regulatory obligation to be satisfied that all ADIs whose names are entered or retained on the Register are delivering instruction to at least a satisfactory standard. To remain on the Register, ADIs must submit themselves for a standards check when required to do so by the Registrar. ADIs are typically assessed by a DVSA Examiner at least once in their registration period.

7.3 ADIs nominate a driving test centre from which they wish their standards check to be conducted. DVSA send out appointment letters approximately 8 weeks ahead. This allows the ADI to arrange the appointment with one of their pupils. The ADI collects the pupil and they both attend the driving test centre where they meet the DVSA Examiner. The standards check lasts for about an hour, plus time for introductions and feedback, taking the appointment to about one and a half hours.

7.4 Working with educational and training experts and supported by key industry stakeholders, DVSA has developed and published an evidence-based National driving standard (2010) (NDS)**1** which sets out the competencies required to be a safe and responsible driver. The DVSA National driver and rider training standard (2011) (NDRTS)**2** sets out the competencies required to deliver effective training in the learning outcomes of the NDS. Hard copy versions of the Standards can be obtained from the Education team at DVSA, the Axis, 112 Upper Parliament Street, Nottingham, NG1 6LP.

7.5 Prior to the changes made by these Regulations, if an ADI had no pupil available for their assessment the DVSA Examiner who carried out the

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1 National standards for driving and riding - Publications - GOV.UK

2 The National standard for driver and rider training provides a common platform for those involved in the training of drivers of motor cars and motorcycles/mopeds.

standards check, could play the role ("role play") of the learner driver receiving instruction from the ADI. Role play does not support effective checks on standards as it does not allow the ADI to demonstrate some of the key competencies set out in the National Standards for Driving Instructors; it does not allow the examiner to effectively assess an ADI's competence as the examiner is driving at the same time, and it does not accurately reflect a normal pupil's reactions and abilities.

7.6 The 2005 Regulations are being amended to remove the option of the DVSA Examiner "role playing" the part of a pupil. Instead the ADI will be required to give instruction to a pupil in order to demonstrate their ability to deliver driving instruction to the necessary standard. Removing the option of the examiners role playing the pupil during the standards check will allow examiners to assess all standards checks consistently whilst ensuring that the assessment is a realistic representation of an ADI's competence and abilities. The examiner will not have to play the role of the pupil during the standards check and will therefore be able to focus on assessing the competence of the ADI. It will also allow the Registrar to fulfil his regulatory obligation to be satisfied that all ADIs whose names are retained on the Register meet at least a satisfactory standard of instruction. These changes will also reduce the cost of training examiners to deliver the "role play" which will allow DVSA to limit future ADI registration fee increases.

- **Consolidation**

7.6 There are no plans to consolidate the legislation amended by these Regulations.

8. Consultation outcome

8.1 Informal consultation via meetings and discussion has taken place with industry representative groups and stakeholders none of whom expressed concerns at the proposal.

9. Guidance

9.1 The information pack issued to all prospective ADIs has been updated with the new requirements and an update has been made to information provided on the government website https://www.gov.uk/adi-standards-check/overview. All current ADIs have been notified of the change via regular meetings with stakeholder representative groups, twitter and Facebook.

10. Impact

10.1 The impact of these changes will be that each individual ADI will be required to give instruction to a pupil during the standards check. Currently around 80% of ADIs choose to present with a pupil and will be unaffected by this change. The remaining ADI's who currently select the role play option will no longer have this flexibility and will be required to attend with a pupil. Some

ADIs may not have a pupil available and it is anticipated that they will provide instruction to a friend or relative during the standards check. On rare occasions the pupil may cancel at short notice and there would be some cost to the ADI as they will have given up their time to attend the standards check and will need to re-arrange the appointment.

10.2 An Impact Assessment is attached to this memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk.

11. Regulating small business

11.1 Although some instructors work in a franchise or on behalf of a large company, an ADI is licensed to practise as an individual and so effectively all the impact of these Regulations will fall on the individual ADI. The Department has not identified any significant adverse impact on ADIs as a result of our proposed policy. There may be a slight increase in financial burden to those ADIs who have to rearrange a standards check because a pupil has let them down at short notice but the increase compared to the other average costs of being an ADI (insurance, petrol, advertising, vehicle depreciation) makes up approximately 0.3 % of the total.

12. Monitoring & review

12.1 The measure will be subject to an informal review in 2018, five years from implementation. This will allow time for the 4-yearly cycle of standards checks to have been completed for all current ADIs in order to provide a basis for comparison against their previous standards checks.

13. Contact

Mandy Lynch, Driver and Vehicle Standards Agency Tel: 0115 936 6097 or email: mandy.lynch@dsa.gsi.gov.uk can answer any queries regarding the instrument.