

**INFORMATION REPORT ON OUTCOME OF ADI REVIEW
CONSULTATION
SUMMARY AND ANALYSIS OF RESPONSES AND AGREED ACTIONS**

1. A consultation paper on proposed changes to the Approved Driving Instructors (ADI) scheme was issued on 26 February 2002. Sixty-four responses were received. Most responses were from ADIs. Five ADI Associations responded on behalf of members. Four of these accounted for 119 ADIs between them. The views of a total of 179 consultees have therefore been recorded as being received. In comparative terms this represented a very good response to a consultation paper.
2. During the course of the consultation period a number of meetings were held between the Agency and ADI groups. These meetings provided the Agency with a context for some of the views and feelings expressed by ADIs in their responses and informed the analysis of responses.
3. The purpose of this letter is to set out an analysis of the findings of the consultation exercise and to acknowledge and thank all of those who responded.
4. The Minister for the Environment, Angela Smith MP, has been advised of the outcome of the consultation process and has approved a number of measures which received widespread support.

The Qualifying Theory Test

5. Consultees were asked if they agreed that a limit should be put on the number of Part I tests taken and, if so, if a candidate should have to wait two years from the date of the first attempt or one year from the third attempt before re-starting the qualifying process. The purpose of the proposal was to serve as an incentive for the candidate to be fully prepared.
6. There was a high response to this question (97%) with most of these (91%) in favour of limiting the test to three times and 61% agreeing that the limit should be two years from the first attempt.
7. The Minister has agreed that the theory test be limited to three times with a two year wait from the first attempt. This change will require an amendment to the relevant regulations and should be operative by Summer 2003.

Code of Practice for Approved Driving Instructors

8. Consultees were asked for their views on the introduction of a code of practice for ADIs. The purpose: to underline the professionalism of ADIs, to allow learner drivers to differentiate between them and illegal instructors, and to allow the Agency to provide better information to the public about what can be expected from an ADI.

9. A large number of the 96% who responded to this question were in favour of a code of practice (98%), with most of these favouring a voluntary code initially to be followed by a mandatory code, depending on the take-up and application of the principles. A number of codes already in use amongst associations were sent to the Agency for information. Some respondents felt that a code of practice should be agreed with the industry before being issued.
10. The Minister has agreed that a draft code of practice should be drawn up using templates provided by the industry and the Driving Standards Agency (DSA), and taking account of the particular needs of the NI industry. A draft will be issued shortly to ADIs and ADI groups for comments.. It is likely that there will be a number of drafts before it is finalised and ADI groups or individuals may wish to meet with me to discuss their views.
11. If agreed, ADIs (who wished to do so) would formally sign up to the code. The existence of the code would be made known to learner drivers through the 'Learning to Drive' leaflet and other publicity measures. The Registrar could ask ADIs to account for breaches of the code. However, no-one would be treated differently for having signed it or be penalised for having done so.

Improved Guidance for Learner Driver

12. It would seem that many ADIs feel pressured by learner drivers to put them through the driving test earlier than they are ready. Since the changes to the driving test in 1999, ADIs have found that learners require more lessons and a considerably longer time to prepare. They felt that there was little appreciation amongst the public that the test now requires more systematic training and preparation over a longer period. ADIs have experienced considerable pressure from parents particularly and have been surprised at the lack of regard amongst parents for the dangers of presenting learners for test before they are ready.
13. To address these concerns the Agency has imitated a publicity campaign to increase awareness amongst the public about the need for proper preparation and the fact that the driving test has changed in recent years. This includes updating the 'Learning to Drive' leaflet which is issued to provisional licence applicants. A new version should be available very shortly. The Agency has also contributed to the PSNI road safety resource pack for schools which was launched in November 2002 in which the message about allowing more time to learn to drive was put across. The Deputy Chief Driving Examiner, Brian Morrison also mentioned the importance of proper preparation in a recent interview on BBC's 'Good Morning Ulster' show and in UTV's 'Insight' programme to be screened on 13 February 2003, about the number of fatalities on the roads since the beginning of the year. DVTA will also highlight this issue at the Royal Ulster Agricultural Show in May 2003.

Display of ADI Licence During Lessons

14. Consultees were asked if they agreed with the proposal that ADI licences should be displayed in the vehicle while lessons are being given. This is the current practice in GB. There was an 83% response to this question and 94% of these were in favour. Some ADIs felt that the requirement to display should also apply to trainee licence holders.
15. The Minister has agreed that provision be made in the regulations to require the licence to be displayed in the ADI's vehicle (not a learner driver's own vehicle) while giving lessons and that a similar requirement be made for display of trainee licences. The format of the licence may need to be amended. An amendment to the relevant regulations will be progressed but this may take slightly longer than other legislative changes as it will apply to the driver licensing regulations, (as opposed to the 'instruction' regulations) which are not yet due to be amended.

Display of Badge in Learner Driver Test Vehicle

16. The paper contained a proposal to require ADIs to display their licences in a position visible to the examiner in the test vehicle so that the candidate could be linked to the instructor. Consultees were asked if they agreed with the proposal.
17. There was an 81% response to this question with 54% opposing the proposals and the remainder in favour. While the result was not very compelling, discussions at seminars around this issue, and the questions asked concerning performance data and pass rates influencing check test frequency, suggested that ADIs were cynical about how the information would be used. It was also suggested that these measures could result in ADIs teaching only those pupils most likely to pass their test quickly.
18. In view of the potential for this measure to result in differential treatment of some learner drivers, this proposal will not be progressed at this time.

Enforcement Issues

19. Consultees were asked if they felt that illegal instruction was an issue and if they had any suggestions as to how the problem could be tackled. 93% of respondents commented, with almost equal numbers believing that there was/was not a problem. Meetings with ADIs during the consultation process suggested that illegal instruction had a regional distribution with the Belfast and Greater Belfast area suffering more from this type of activity than other areas. This could be due to 'peer pressure' and the fact that illegal instructors are less likely to be able to operate where 'everyone knows everyone else'.
20. It was clear that where the problem did exist ADIs felt that road safety was being compromised. They also felt that their position was undermined by a perceived lack of enforcement on this issue and there was little incentive to

sign up to the objectives of the ADI review – to raise standards to improve road safety - if illegal instruction were permitted to continue.

21. It is hoped that the display of licences during lessons and the launch of a code of practice for ADIs together with improved advice in the ‘Learning to Drive’ leaflet will help to discourage illegal instruction. However, the Minister has also agreed to an enforcement strategy which includes the following activities:

- Links with PSNI are being strengthened to encourage more roadside stops and promote better follow-through in cases which are referred to the police.
- The Agency is writing to anyone suspected of illegally providing instruction for reward to ask for an explanation. The Agency has no authority over members of the public who are not ADIs, but it can refer these cases to the PSNI. A warning in advance of such action has been shown to be sufficient to deter suspects from operating or to encourage them to take a legitimate route to instruction.
- A poster campaign aimed at learner drivers has been prepared. Posters will be placed at all theory test centres and DVLNI offices to highlight the need for learners to find a properly qualified instructor. We are hopeful of attracting editorial in local newspapers which may in turn generate more widespread awareness (perhaps TV/radio) of this issue.
- The Agency has discovered that some illegal instructors have bona fide insurance cover to provide instruction for reward. The Association of British Insurers (ABI) has undertaken to advise their members to ask applicants seeking insurance of this type to submit proof of their registration. Currently, some insurers do not look for proof of registration or even ask if someone is a registered instructor. *If you are an ADI and your own insurance company does not request evidence of your registration, please either alert the company to the potential loophole or advise the Agency’s ADI section, who will write to them.*
- The driving test application form will be amended to ask learners whom they are being instructed by eg, family member/friend, ADI, trainee licence holder, other or no one. While this would not prevent illegal instruction it would further underline the Agency’s commitment to addressing this issue and would provide better information in cases where investigations do need to take place.
- We will also highlight the issue in any publicity material as the opportunity arises eg the Customer Charter and Code of Practice, application forms, ADI Update, Internet site, annual report, etc.

The Trainee Licence Scheme

22. Consultees were asked if they agreed that a short-term measure should be introduced to improve the trainee licence scheme along the lines of the GB scheme bearing in mind that the future of the scheme is under review in GB.

They were also asked if in the longer term they had a view as to whether the trainee licence scheme should be abolished or retained and what if anything should take its place.

23. There was an 83% response to the first question with 93% of these in favour of a short-term measure to bring the NI scheme into line with GB. 82% of respondents answered the second question and 64% of those were in favour of abolition.
24. In the course of meetings ADIs expressed very strong feelings about the trainee licence scheme. Those who favoured its retention felt that it was a good scheme in principle and that its purpose was sound but that it needed to be operated more professionally and needed to be better policed. There was widespread feeling in all areas visited that the system was being abused.
25. Some respondents felt that learner drivers were vulnerable in terms of road safety at the hands of trainee licence holders. Many ADIs said that they had waited a long time for Northern Ireland to be brought into line with GB.
26. The Minister has agreed that an amendment to legislation be made to bring the scheme into line with GB. This change is likely to be implemented by Summer 2003. Some ADI trainers have already been advised about the intention to change the scheme. Consideration will also be given to abolishing the scheme in the longer term, although this would require a further consultation exercise.

Check Tests

27. Consultees were asked if ADIs should be required to submit for a subsequent check test within a given period following a sub-standard check test and if this stipulation should be included in the relevant regulations. 96% of respondents answered this question and 85% were in favour of the proposal.
28. The Minister has agreed that regulations be amended to include a stipulated period of 14 weeks.
29. Consideration was given in the review to charging a specific fee for check tests instead of meeting the costs from the four-yearly registration fee. The rationale for this proposal was that it was unfair to ADIs who are successful at their first check test to have to subsidize increased check testing for those who are unsuccessful. The proposal would have provided for the registration/renewal fee to include one check test, but ADIs failing this test would then pay for their subsequent tests.
30. There was a 96% response to this question with 82% against the proposal. Some of those against thought that a fee should be charged only to those who fail to appear for a check test.
31. In view of the large number of respondents against a move to specific charging the charging regime will remain as it is. However, the Minister has

agreed that a fee should be charged for those who fail to appear for a check test and legislation will be amended to bring this into effect.

32. Consultees were asked if they had a view on the suggestion that pass rates of pupils and strengths and weaknesses identified during learner driver tests should be used as a performance measure to influence check test frequency for the relevant ADI. They were also asked what analyses or information would be an appropriate trigger to prompt a check test. There was an 81% response to this question with 66% of those against the proposal.
33. Amongst those who were against the suggestion similar arguments were made as for the display of licences during tests, mainly that ADIs would be deterred from teaching certain pupils. Others felt that it was unfair to make ADIs responsible for a pupil's pass rate as only so much could be taught and an ADI could have little influence on a pupil's response to pressure on the day of the test.
34. In view of the opposition to this proposal the Agency will not proceed further with this suggestion at this time.
35. Consultees were asked if they thought that role-play should be introduced for check tests or if role play should be available on request should the ADI prefer this approach. There was an 87% response to this question and 79% of those were opposed to the suggestion.
36. In view of the responses received the current system will continue as it is. However, the position in GB will continue to be monitored.

Appeals

37. Consultees were asked for views as to what would be the best system of dealing with appeals, bearing in mind human rights requirements and the timeliness of whichever system is decided upon. There was an 87% response and most stated that they would favour an independent system for dealing with appeals. A number of suggestions were made such as referring appeals to a tribunal, referring appeals to a specialist body which deals with transport issues generally, and having an ADI representative as part of an appeal panel. Some respondents thought the current system was satisfactory and others thought that the quickest method of dealing with appeals would be best.
38. Legal guidance was also obtained on this issue about the best method of ensuring compliance with the human rights requirements and the Agency is currently exploring all of the potential options available.
39. The ADI regulations currently provide for a decision of the Registrar to be suspended pending the outcome of an appeal. Consultees were asked if decisions should be effective immediately were ADI appeals to be transferred to the courts, for example (possibly a longer process). There was a 60% response rate to this question with 92% of these in favour of the Registrar's decision being suspended. The legislation will therefore remain as it is.

Making ADI Performance Data Available to the Public

40. In the context of a general move within government to offer customers access to key information about public services, consultees were asked if they had a view as to the nature of performance data that could be published about ADIs and how data might be standardized to improve its usefulness to the public. There was a 77% response to this question with 91% against publication of performance data. Generally, it was felt that this was a move towards 'league tables' and that these had been shown not to work in other sectors. Those against felt that there were too many variables and that publication of pass/fail rates for example would result in certain pupils not being taken on by ADIs.
41. In view of the results this measure will not be progressed. However, existing ADIs will be asked what information they would be prepared to have published about themselves on the Agency's website, subject to the normal data protection and freedom of information principles. This would be in the form of a range of options. A form is attached to the back of the Update for the purpose of advising the Agency of your preferences.

The Training Industry

42. Consultees were asked if PDIs (Prospective Driving Instructors) and existing ADIs would benefit from DVTA working more closely with trainers of ADIs and/or regulating and monitoring the activities of ADI trainers and, if so, what would be the best way for DVTA to establish the necessary links. 94% of respondents answered this question; 96% of these were in favour of closer links with the ADI training industry.
43. Consultees were also asked if they agreed that trainers of ADIs should be registered and subject to quality controls. Of the 96% who responded to this question 98% were in favour of licensing ADI trainers. Respondents felt that there was a lack of quality ADI training in NI; that accrediting trainers would professionalise the industry; that if instructors of learner drivers had to be registered it was equally important for trainers of ADIs. Some acknowledged that it would add to costs, but felt that it would be worth it given that PDIs can pay large amounts for poor training and still fail to qualify.
44. In the course of meetings with ADIs this issue, along with the trainee licence scheme, generated most discussion and debate. There was a strong sense of frustration with the current arrangements, particularly amongst those who had failed a check test and were advised by the Agency to seek further training. Many ADIs did not know where to find a trainer who they could be assured knew what standards were required
45. In view of the large response on this issue and depth of feeling that the issue generated it has been agreed that the implications of a number of potential options will be further explored within the Agency and with representatives of the ADI industry. The DSA position will also be monitored.

Continuing Professional Development (CPD)

46. Consultees were asked if they would welcome, or if they thought there would be any benefit in, a Continuous Professional Development programme for ADIs and if they had any views on the form which this could take. There was a 69% response to this question with 96% of these in favour of some form of CPD. There were various suggestions as to how this could be done with many suggesting attendance at NVQ or college courses. Some ADIs had taken such courses but felt that there was little recognition of them. Others felt that CPD could be achieved if the Agency were to keep ADIs informed of all changes and imminent changes. Many felt that CPD was essential but did not think that it should be mandatory. Some ADIs would welcome the opportunity of a mid term check test to gauge their own skills without the pressure of worrying about losing their livelihood.
47. It has been agreed that the outcome of the GB review in this respect will be monitored together with the Agency's own deliberations on the training industry. In the meantime the Agency intends to host an information seminar at which ADIs can be advised of and discuss current issues and changes and common areas of weakness during check tests. The first of these is likely to be before Summer 2003 prior to the legislative changes mentioned above coming into operation.

Improvements to the Part III test

48. Consultees were asked if they had a view as to how the Part III test of instructional ability could be improved. 72% responded to this question and a variety of views were expressed as to how the system could be improved. Some respondents felt that role-play should be abandoned and a real 'pupil' used for the test. A number felt that DVTA should provide the training for the Part III test. There was some support for the introduction of a log-book to be signed and dated by a trainer. Several respondents felt that only one scenario should be used leaving more time for constructive feedback on strengths and weaknesses.
49. It is crucial that the Agency remains as close as possible to GB in the matter of the qualifying process in the interests of mutual recognition. For this reason, DSA will be advised of the suggestions received for improvement to the Part III test and we will monitor and review developments on this issue.

New Registers

50. Consultees were asked if they had a view as to whether registers should be held for other types of driver instruction and vehicles such as LGV or Passenger Carrying Vehicles. 94% of respondents answered this question with 97% of those in favour of introducing registers for other types of driving instructor. The question was also asked as to whether the voluntary motorcyclist instructor register should transfer from Road Safety & Vehicle Standards Division to DVTA. 79% of respondents answered and 96% of these were in favour of the transfer of the register.

51. Both of these questions were asked in the longer-term section of the consultation paper, and the proposed changes could not be introduced without new legislative powers. There are unlikely to be significant numbers on any of these registers with the exception of the motorcycle register and this would mean that costs would be shared amongst a small group and fees would likely be high.
52. The Agency will consider the timetable for compliance with the EU directives on compulsory basic training to allow the driving of certain classes of vehicle, and the implications this may have for the respective instructors. It will urgently consider how to take forward progress on the introduction of new registers and the options available.

Next Steps

53. While it is clear that the Agency is able to progress a number of important issues, it will be necessary to give further consideration to a number of others and this work is on-going. Consultees will be advised of progress as significant milestones occur. It is also inevitable that some matters will need further consultation.
54. I apologise for the length of this report but I thought it was important to give you as full and as comprehensive a picture as possible of the outcome of this consultation process. If you have any questions or comments please don't hesitate to contact me at the above address or at Tel No. 028 9054 7959 or at email Deirdre.walsh@doeni.gov.uk.



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