



DRIVER & VEHICLE TESTING AGENCY

REVIEW OF ADI SCHEME IN NORTHERN IRELAND

CONSULTATION PAPER

February 2002



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1. CONSULTATION ARRANGEMENTS

Purpose of Consultation

- 1.1 This paper seeks views on a number of proposals for change to the Approved Driving Instructor (ADI) scheme operating in Northern Ireland. The proposals dealt with in Section 3 of the paper could be implementable in the short to medium term. A separate section (4) is devoted to issues and ideas which are more speculative at present. Some of these may require primary (longer term) legislative changes and if progressed would probably be the subject of specific consultation papers in the future. This review will have important consequences for the future of the ADI scheme. For that reason it is important that initial views from a variety of interests are obtained. Your views on the issues raised would be welcome. Appendix D at the back of this document provides a concise summary of the ADI scheme and you may find it helpful to read this section before considering the issues about which you are being asked to respond.

Consultees

- 1.2 The consultation is aimed at ADIs, individuals training or hoping to become ADIs, training establishments, learner drivers and other interested parties. It is being conducted in line with the Code of Practice on Written Consultation issued by the Cabinet Office. It falls within the scope of the Code. The Code criteria have been followed and are re-produced at Appendix B. A full list of Consultees can be found at Appendix C.

Responses

- 1.3 How to respond to this consultation.

By email: deirdre.walsh@doeni.gov.uk
By post: Deirdre Walsh
Driver & Vehicle Testing Agency
Balmoral Road
Belfast
BT12 6QL

Copies of Responses

- 1.4 To help analyze responses please ensure your comments clearly refer to paragraph or question numbers. Appendix E of this paper provides a list of the questions asked and space to respond to each question. It would be helpful if you would use this format when responding. If you are responding as a representative organization, please include in your response a summary of the people and organizations that you represent.

Confidentiality

- 1.5 The Department may wish to publish responses to this consultation document in due course. Please ensure your response is marked clearly if you wish your response or name to be kept confidential. Confidential responses will be included in any statistical survey of numbers of comments received and views expressed.

Help with Queries

- 1.6 If you would like help with queries or further information about this consultation please contact Deirdre Walsh Tel No. 028 9054 7959 or email deirdre.walsh@doeni.gov.uk at the above address. This consultation paper can also be found at www.doeni.gov.uk/dvta/consult.

Closing Date

- 1.7 Responses must be received by 17 May 2002.

2. INTRODUCTION TO THE ADI REVIEW

- 2.1 The ADI Register in Northern Ireland has been the responsibility of the Driver & Vehicle Testing Agency (DVTA) since the Agency was formed in 1992. The ADI scheme has remained unchanged for some years and a number of differences exist between it and the ADI scheme in Great Britain (GB). A similar scheme administered by the Driving Standards Agency (DSA) in GB includes functions which DVTA does not currently carry out. A review of the ADI scheme in GB has recently taken place and a number of measures for improvement are now being taken forward, while a number of others continue to be debated and discussed with the ADI industry. DVTA has begun a separate similar review of the ADI scheme in Northern Ireland and this consultation exercise will inform the outcome of this review.
- 2.2 In 1999 the Department of Transport Local Government and the Regions (DTLR), previously DETR, commissioned research into the training and qualification of ADIs. The research was carried out by Ross Silcock, specialists in road safety and transportation issues, and their report – *Raising the Standards of Approved Driving Instructors* – can be found on the DTLR website at www.roads.dtlr.gov.uk under Road Safety/ Research /Report No 15. The DTLR's road safety strategy and casualty reduction figures for 2010 – 'Tomorrow's Roads – Safer for Everyone' - found that that disproportionately large numbers of new and young drivers represented in the road casualty statistics. Ross Silcock concluded that better driver training would reduce these numbers.
- 2.3 The Ross Silcock recommendations and the findings of the DSA (Driving Standards Agency) review of the GB ADI scheme have been taken into consideration for the purposes of the Northern Ireland review, although not all recommendations or proposals arising from these exercises can be applied to the Northern Ireland ADI industry.
- 2.4 The Northern Ireland RUC Road Traffic Accident Statistics Annual Report for 1999/2000 supports the GB findings that young people (16-25 years old and particularly males) are most at risk from death or serious injury on the road. During that year 23.3% of driver casualties were under 25 years of age. Of the 71 driver fatalities during the same year 24 (or 33%) were aged between 16-24. Measures taken to raise the standard of tuition offered by ADIs would make a positive contribution to reducing the number of people killed or seriously injured in road traffic collisions.
- 2.5 Over the years a number of operational differences between the GB and the NI schemes have developed. For example the Trainee Licence scheme in GB requires that applicants pass the first two parts of the qualifying examination before being issued with a licence which allows them to instruct under supervision. In Northern Ireland however an applicant need only apply for the

written test in order to be allowed to instruct under supervision. This has long been a contentious issue amongst some registered ADIs who have asked that the NI position be brought into line with GB. It is important that the GB and NI schemes are aligned where possible for reasons of mutual recognition and ease of administration. However it may not be possible for reasons of scale, legislation and logistics to follow the GB scheme in its entirety.

- 2.6 The Department aims where possible to offer customers simple electronic access to key information about services. This review will take the opportunity to ensure that IT improvements substantially improve the service which will be provided to ADI customers and those wishing to access information about ADIs.
- 2.7 It is also important to ensure that the Human Rights legislation is complied with and that the ADI scheme continues to meet equal opportunities requirements.
- 2.8 The ADI scheme in Northern Ireland has been operating for many years and no substantial review has taken place in that time. Also while a review of the ADI scheme in GB may have covered many of the issues affecting the NI ADI industry, it did not look specifically at the Northern Ireland scheme. For these and the other reasons stated a review of the ADI scheme in Northern has become a high priority for DVTA.

3. PROPOSED CHANGES TO THE ADI SCHEME

- 3.1 This section outlines a number of potential short to medium term potential changes on which views are sought. They are aimed at raising the standard of tuition offered by ADIs in order to contribute to an improvement in road safety.

The Qualifying Theory Test

- 3.2 The qualifying theory test (Part I) is carried out three times a year as a pen and paper multi-choice examination. The test currently takes place at Stranmillis College, Belfast and all customers must travel there to take the test. This test could be converted to an IT based test which would operate on much the same lines as the learner driver theory test. It is the intention to introduce the IT based test this year. This would represent a substantial improvement to customer service and it should be possible to deliver it without raising the fee. It would also be more convenient for customers as the test would be available at six locations throughout Northern Ireland; Ballymena, Belfast, Londonderry, Omagh, Newry and Portadown. The IT based test would be subject to the normal pre-qualifying checks which currently exist and Potential Driving Instructors (PDIs) could avail of the test at any time of the year.
- 3.3 Linked to this proposal is the intention to review and improve the ADI theory test questions. It is also planned to modernize the questions with the inclusion of graphics and an additional multi-choice option. Also a moving image hazard perception test is proposed as an additional element within the theory test. A separate consultation paper on Hazard Perception Testing was issued on 2 January 2002 and copies are available from David Leeman at DVTA Headquarters, Balmoral Road, Belfast BT12 6QL, Tel. No. 028 9054 7979 or at www.doeni.gov.uk/dvta/consult.
- 3.4 Currently PDIs are allowed unlimited attempts at the ADI Part I (theory) test. However, a candidate for Parts II or III of the ADI qualifying exams is restricted to 3 attempts and must pass these exams within 2 years of passing the Part I test. If they are unable to pass the examinations within the time limit they must wait 2 years from the date of passing Part I before re-starting the qualifying process. The Agency is considering restricting the number of attempts at the ADI Part I test to 3 in a two-year period in order to rationalize the process. It could be argued that a PDI who is unable to pass the examination after three attempts is not ready to prepare learner drivers to pass their own theory and practical driving tests. The setting of a minimum period before which a further attempt could be made following a third unsuccessful attempt at the ADI theory test could serve as an incentive for the candidate to be properly prepared. It would also offer the candidate an opportunity for further training and study. Two options are being considered to address this issue. Either, a candidate who failed to pass the theory test after 3 attempts would have to wait 2 years from the date of the first attempt before re-starting the qualifying process. Or a candidate who failed the test for a

third time would have to wait for a period of one year from the date of the last failed test before the test could be re-taken.

- 3.5 *Q: Do you agree that a limit should be put on the number of Part I tests taken? If so do you think that a candidate who failed to pass the theory test after 3 attempts should have to wait 2 years from the date of the first attempt or one year from the third attempt before re-starting the qualifying process?*

Improved Guidance for Learner Drivers/Code of Practice for Approved Driving Instructors

- 3.6 Guidance is currently issued to learner drivers in the form of a leaflet which sets out the process which learner drivers need to go through in order to obtain their driving licence – the ‘Learning to Drive’ leaflet (available from DVTA and DVLNI offices). This guidance makes reference to the need to ensure that a driving instructor has the necessary qualifications to provide and charge for lessons. There is some evidence, however that learner drivers would welcome additional guidance from the Registrar about what they should (and should not) expect from a driving instructor. This could include the distinction between registered ADIs, Trainee Licence holders and unqualified instructors, and measures to take if someone claims to be an ADI but is not. The guidance could also cover advice on handling unacceptable business practices and behaviours. The Agency intends to issue such guidance either in the form of an addendum to the above leaflet or as a separate leaflet issued to all provisional driving licence applicants.
- 3.7 Implicit in the proposal to provide guidance about ADIs to learner drivers would be the need to have ADIs agree to a Code of Practice. This could initially be introduced on a voluntary basis but could eventually be made a requirement of registration for which the need to comply would eventually be included in the relevant regulations.
- 3.8 *Q: Do you agree that it would be helpful to introduce a Code of Practice for ADIs and would you agree with the proposal to include a requirement for ADIs to comply with this in the relevant regulations? This would require primary legislation which would take some time to introduce. In the meantime would you support the introduction of a voluntary Code which could be introduced prior to legislation being made?*

Display of ADI Licence During Lessons

- 3.9 Currently ADIs and PDIs in GB must by law display their badges (licences) when giving lessons. This is because it is important that learner drivers can ensure that their instructor is properly registered. The same does not apply in Northern Ireland. It is proposed that the necessary legislation be introduced to bring this

requirement into effect in order to protect the interests of learners drivers and to promote road safety for other road users.

- 3.10 *Q: Do you agree with the proposal that ADI licences should be displayed in the vehicle while lessons are being given?*

Display of Badge in Learner Driver Test Vehicle

- 3.11 DVTA is considering proposals to require ADIs to display their ADI licence in a position visible to the examiner in the test vehicle so that candidates' performance can be linked to the instructors presenting the candidate for test. This measure would help to raise standards amongst ADIs by providing them with performance feedback identifying areas in which their pupils consistently demonstrate strengths and weaknesses. This is not to say that individual pupils' characteristics would not have a bearing on the outcome of a test. But it would be possible to identify and analyze patterns and trends over time which the ADI could use when devising training strategies. It would also help the Registrar to monitor ADI performance. (See also paragraphs 4.6 and 4.7 in respect of this proposal.)
- 3.12 *Q: Do you agree with the proposal that ADIs display an ADI license in the vehicle in which they are presenting a candidate for test so that information collected about candidates' performance could be used to give feedback to the instructors presenting those candidates?*

Production of ID by PDIs (Potential Driving Instructors) When Undergoing Parts II and III Tests

- 3.13 Currently candidates for the ADI Parts II and III qualifying examinations are asked to present their photo ID at the start of a test as a way of providing a simple, cheap and effective method of establishing the candidate's identity and driving entitlement. However there is no legal requirement for this and if candidates do not present identification the examiner has no way of assuring that the person undergoing the test is the candidate. It is intended that legislation be amended to require candidates for these examinations to produce photo ID to ensure that no-one can undergo an ADI qualifying examination by impersonating someone else.

Fitment of Seatbelt, Head Restraint and Additional Rear View Mirror

- 3.14 At present all learner driver test vehicles must be fitted with a seat belt, head restraint and rear view mirror to help protect the health and safety of the examiner. Candidates for ADI Parts II and III tests are also asked to have test vehicles fitted with a seat belt, head restraint and additional rear view mirror but the requirement is not mandatory. While most candidates do comply with the Agency's request for test vehicles to be so fitted it is intended that legislation be amended to make this a legal requirement on safety grounds.

Enforcement Issues

- 3.15 There is some information to suggest that in Northern Ireland driver instruction in return for payment is carried out by people who do not hold the appropriate licence. Complaints received about this are referred to the police. The Agency intends to look at further measures to examine what might be possible to address this problem. Such measures could include working more closely with the relevant agencies and raising awareness amongst learner drivers.
- 3.16 *Q: Do you agree that this is an issue which needs to be dealt with and if so have you any suggestions as to how the problem could be tackled?*

The Trainee Licence Scheme

- 3.17 The Trainee Licence Scheme offers PDIs an opportunity to obtain a licence which permits them to provide instruction for payment while obtaining supervision from a registered ADI. The scheme is intended to better prepare PDIs to pass the ADI qualifying examinations and to give them an opportunity to decide if being an ADI is the right career for them.
- 3.18 The Trainee Licence scheme in GB differs from Northern Ireland in a number of ways. In GB PDIs are required to pass the Part I and Part II qualifying examination before being issued with a Trainee Licence. In Northern Ireland a Trainee Licence holder needs only to have applied for the Part I test. Also in GB only one Trainee Licence is issued to applicants whereas two or more may be issued in Northern Ireland. The GB system provides for compulsory training for PDIs who choose to take the Trainee Licence route whereas this is not a requirement in Northern Ireland. The conditions attached to a Trainee Licence in GB specify that trainees must be supervised by a sponsoring ADI for 20% of all lessons they give, while in NI trainees are only required to be supervised for 20% of their lessons for the first 3 months of holding a licence. Also, in GB there is an alternative option that allows Trainee Licence holders to opt out of the supervised scheme and take an additional 20 hours training. This option is not available in the NI scheme.
- 3.19 The legislative provisions for the Trainee Licence scheme in NI may not currently be adequate to ensure that the scheme is properly used to achieve its intended objectives. Research carried out in GB found that on average trainee licensees presented a poorer quality of candidate for test than registered ADIs. It also found that there was no difference in the performance at Part III examination between those holding a Trainee Licence and those who did not.
- 3.20 This review will consider changing the scheme to enable it to achieve its objectives and to help align it with GB. For example Trainee Licence holders could be required to pass the Part I and the Part II qualifying examination before being issued with a Trainee Licence, and to demonstrate that they have undergone

a minimum amount of training. However it should be borne in mind that the GB ADI review has considered a proposal to abolish the Trainee Licence scheme, possibly replacing it with a post registration probationary arrangement. This proposal would have a major impact on the ADI training industry and has already generated considerable debate in GB. DVTA will monitor developments in GB. (See also paragraphs 4.28 and 4.29)

- 3.21 *Q: Do you agree 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.*

Refunds and Cancellations

- 3.22 The ADI Regulations currently make no provision for the refund of test fees. For example the Agency does not have powers to stipulate that notice be given of cancellation of an ADI examination or check test. Nor is there power to refund a fee to a customer if they have been unable to appear in certain circumstances. Legislation for learner driver and vehicle test appointments does make provision for cancellations and refunds and it is intended that the ADI scheme be brought into line to reflect arrangements currently in place for these other tests. The required cancellation for ADI examinations will likely be 3 clear days as is currently the case for learner driver tests. Consideration will also be given to introducing a cancellation fee for failure to appear for check test. No fee is currently charged for undergoing a check test but the failure of a candidate to appear does result in nugatory costs which are passed on to all ADIs. It would be fairer if the cost of the lost test were to be borne by the person who failed to appear.

Check Tests

- 3.23 Once someone has joined the Register of Approved Driving Instructors they are required to attend when requested for a test of continued ability and fitness to give instruction (the 'check' test). Three attempts are allowed at this check test and if an ADI fails all three tests their name can be removed from the Register. While the legislation does provide for ADIs to attend for check test when requested there is no stipulation as to when a subsequent check test (following a failed check test) should take place. This means that ADIs can continue to teach learner drivers while avoiding a second or third check test. In the interests of public safety the review will consider stipulating a minimum period e.g. 14 weeks by which time an ADI must submit for a subsequent check test having failed a check test. If the ADI refuses to or fails to attend for a subsequent test the Registrar will take measures to remove the ADI from the Register. A provision covering exceptional circumstances could also be included.

3.24 *Q: Do you agree that ADIs should be required to submit for a subsequent check test within a given period following a sub-standard check test and that this stipulation should be included in the relevant regulation?*

LONGER TERM POSSIBILITIES FOR IMPROVEMENT TO THE ADI SCHEME

- 4.1 This section deals with the potential for a number of longer-term fundamental changes to the ADI scheme. Your views on these issues will inform the strategic direction of the Department in considering the way forward for the ADI scheme.

Appeals

- 4.2 Article 6 of the Human Rights legislation requires that everyone be entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Currently ADI appeals are referred to the NI Review Body which was set up by the Department of the Environment but it is unlikely that this body will continue to operate once the current membership expires. This system operated relatively quickly. The Department could retain responsibility for hearing appeals but consideration is also being given to the transfer of ADI appeals to a Magistrate's Court. In GB it has been decided that ADI appeals will be handled by the Transport Tribunal. No similar body exists in Northern Ireland. Any change to the current arrangements would likely require a change to primary legislation and would take some time to implement. Changes to this system would be the subject of a separate consultation exercise.

- 4.3 *Q: Do you have a view as to what would be the best system of dealing with appeals, bearing in mind the Human Rights requirements and the timeliness of whichever system is decided upon.*

- 4.4 Any change to the way that appeals are dealt with could have the effect of delaying the outcome of an appeal. In order to provide timely and effective remedy where behaviour or standards are unacceptable, the Agency considers that the ADI Registrar should be able to bring his decisions into effect promptly to remove an ADI from the Register or to refuse a trainee license, pending the outcome of any appeal. This issue will be considered alongside the proposals for transfer of the jurisdiction of appeals to the Courts.

- 4.5 *Q: Have you any views on the suggestion that the decision of the Registrar should be effective immediately should the appeals function be transferred to the courts?*

Making ADI Performance Data Available to the Public

- 4.6 It is the Department's intention as part of modernizing government to consider a proposal to offer potential users such as learner drivers simple electronic access to key information about the registered driver training services which are provided in Northern Ireland by ADIs. This would include who is registered to provide driver instruction, business addresses and performance data. This proposal would require the Agency to ensure that all of the Agency's data processing meets the twin objectives of fairness to the ADI and openness towards public information.

Any changes in this respect would take account of Data Protection considerations and the Freedom of Information Act.

- 4.7 *Q: Do you have a view as to the nature of performance data that should be published and how data might be standardized to improve its usefulness to the public.*

The Training Industry

- 4.8 A number of the recommendations arising from the DSA ADI Review focus on the ADI training industry. Similar recommendations could not be taken forward by DVTA in Northern Ireland unless similar links with the training industry were established and until the building blocks had been put in place to provide input to, or regulation of ADI training in Northern Ireland.
- 4.9 DSA has in various ways developed strong links with the ADI training industry. DSA Supervising Examiners currently monitor and inspect training facilities and standards and provide advice on syllabuses and training methods. Some training establishments can advertise as DSA approved and may attract more business as a result. No similar involvement with or regulation of the ADI training industry exists in Northern Ireland as legislation does not provide for it. Currently ADI training establishments and schools have no means of having their methods, premises and syllabuses endorsed by the DVTA and trainees are unable to assure themselves that they are being adequately prepared to reach the standards required for the ADI examinations. Because there are relatively few ADI training establishments in Northern Ireland the costs of introducing measures to regulate activities could be high and would be passed onto the training bodies involved. Changes of this nature would require primary (long-term) legislative change and would be the subject of a specific consultation exercise in due course.
- 4.10 *Q. Do you feel that PDIs and existing ADIs would benefit from DVTA working more closely with trainers of ADIs and/or regulating and monitoring the activities of ADI trainers? If yes, what would you consider to be the best way for DVTA to establish links with the ADI training industry?*
- 4.11 It has been suggested that trainers of ADIs should be licensed and subject to quality controls. In order for this measure to be introduced in Northern Ireland the question of DVTA's role in respect of ADI training (see paragraph 4.9) would need to be resolved. Were changes to be proposed on this issue they would be the subject of a separate consultation exercise.
- 4.12 *Q: Would you agree that trainers of ADIs should be licensed and subject to quality controls?*

Continuing Professional Development (CPD)

- 4.13 Continuing Professional Development is a structured and planned approach to gaining knowledge, experience and skills and to updating and maintaining these. Research carried out into the feasibility of a CPD system for ADIs is being considered within this review. The extent to which this could be progressed would depend on the outcome of considerations relating to links between the ADI industry and DVTA. (see paragraph 4.9).
- 4.14 *Q: Would you welcome, or think there would be benefit in, a Continuous Professional Development program for ADIs? Would you have any views on the form which this could take.*

Check Tests

- 4.15 Consideration has been given in this review to charging a specific fee for check tests instead of meeting the costs from the 4-yearly registration fee. The rationale for this proposal is that it is unfair to ADIs who are successful at their first check test to have to subsidize increased check testing for those who are unsuccessful. One check test could be included in the registration/renewal fee but ADIs failing this test would then pay for their subsequent tests.
- 4.16 *Q: Do you have a view on this suggestion? Would you regard this as a fairer system of charging for the check test function?*
- 4.17 The review will consider if pass rates of pupils presented for test by ADIs and strengths and weaknesses identified should be used as a performance measures to influence check test frequency for the relevant ADI.
- 4.18 *Q: Do you have a view on this suggestion. What analyses or information would you consider to be an appropriate trigger to prompt a check test?*
- 4.19 The format for a Part III ADI qualifying examination involves the examiner sitting in the driver seat assuming the role of an ADI's pupil under instruction. The review will consider if similar role-play should be introduced for ADI check tests or if it should be available on request if the ADI prefers this approach.
- 4.20 *Q: Do you have a view on this suggestion?*

The Grading System

- 4.21 In GB ADIs are graded at check test from 1-6, 6 being the highest standard grade and the grade is used by DSA to determine frequency of check test. ADIs may also use the grade to promote themselves within the market place. In Northern Ireland the grading system is used only to determine a pass or fail at check test and unless requested the ADI will not normally be advised of their grade.

Research suggests that ADI grades should depend on more than check test performance and that they should be published. It is likely that the future of the grading system will be linked to the introduction of Continuing Professional Development and to proposals to broaden the criteria for triggering check tests. The Agency will keep in touch with GB on developments on all of these issues. Proposals arising would likely be the subject of a separate consultation exercise.

Improvements to Part III Test

4.22 The review will consider the potential to improve the practical test of instructional ability (Part III). This could involve keeping the test under review with results monitored to ensure a fair and thorough test, and devising training strategies for instructors – possibly including log-books. Such a log-book could be completed after each session and signed and dated by a trainer. The log-book could be made available for scrutiny by the examiner during the debriefing session immediately following the test. These proposals would be directed towards improvement of existing standards of training and ensuring that levels of delivery are consistent throughout the industry.

4.23 *Q: Would you have a view as to how the Part III test could be improved?*

New Registers

4.24 DSA currently holds a voluntary register of Large Goods Vehicle (LGV) instructors and it is intended that this will become mandatory. The introduction of additional registers for LGV, and other instructors in Northern Ireland would seem appropriate, not only to reflect developments in GB but also to comply with the requirements of the EU driving directives. These measures would require the design of qualifications and new supervision arrangements and would involve extra resources, legislative changes and compliance costs for the driver training industry. A separate consultation paper will issue in due course.

4.25 *Q: In the meantime can you say if you have a view on whether registers should be held for other types of driver instruction and vehicles?*

4.26 The Department of the Environment currently provides a voluntary registration service for motorcyclist instructors. Training and testing is carried out by Road Safety and Vehicles Standards Division. There are no fees charged for this service and the costs are met from the road safety budget. Consideration will be given within this review to the transfer to DVTA of maintaining this register, with a fee charged for carrying out the qualifying tests. This proposal might be linked to the possible introduction at a later stage of Compulsory Basic Training (CBT) for motorcyclists in a similar way to that operated in GB.

4.27 *Q: Would you have a view as to whether the voluntary motorcyclist instructor register should transfer from Road Safety and Vehicle Standards Division to DVTA?*

The Trainee Licence Scheme

4.28 This review will consider a proposal to abolish the Trainee Licence scheme, possibly replacing it with a post registration probationary arrangement. This proposal would have a major impact on the ADI training industry and has already generated considerable debate in GB. A workshop has been set up by DSA to explore all of the issues and DVTA will be monitoring developments. If a decision is made to abolish the Trainee Licence scheme a change to primary legislation would be required and this could take some time to implement.

4.29 *Q: Do you have a view as to whether the Trainee Licence Scheme should be abolished or retained? What would you like to see take its place if anything?*

Appendix A

5. SUMMARY OF QUESTIONS

5.1 Listed below is a summary of measures which could be implemented in the short term on and for which your views are sought.

3.6 *Q: Do you agree that a limit should be put on the number of Part I tests taken? If so do you think that a candidate who failed to pass the theory test after 3 attempts should have to wait 2 years from the date of the first attempt or one year from the third attempt before re-starting the qualifying process?*

Q: Do you agree that it would be helpful to introduce a Code of Practice for ADIs and would you agree with the proposal to include a requirement for ADIs to comply with this in the relevant regulations? This would require primary legislation which would take some time to introduce. In the meantime would you support the introduction of a voluntary Code which could be introduced prior to legislation being made?

Q: Do you agree with the proposal that ADI licences should be displayed in the vehicle while lessons are being given?

Q: Do you agree with the proposal that ADIs display an ADI license in the vehicle in which they are presenting a candidate for test so that information collected about candidates' performance could be used to give feedback to the instructors presenting those candidates?

Q: Do you agree that this is an issue which needs to be dealt with and if so have you any suggestions as to how the problem could be tackled?

Q: Do you agree 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.

Q: Do you agree that ADIs should be required to submit for a subsequent check test within a given period following a sub-standard check test and that this stipulation should be included in the relevant regulations?

5.2 Below are listed the longer-term potential changes.

Q: Do you have a view as to what would be the best system of dealing with appeals, bearing in mind the Human Rights requirements and the timeliness of whichever system is decided upon.

Q: Have you any views on the suggestion that the decision of the Registrar should be effective immediately should the appeals function be transferred to the courts?

Q: Do you have a view on the nature of performance data that should be published and how data might be standardized to improve its usefulness to the public.

Q. Do you feel that PDIs and existing ADIs would benefit from DVTA working more closely with trainers of ADIs and/or regulating and monitoring the activities of ADI trainers? If yes, what would you consider to be the best way for DVTA to establish links with the ADI training industry?

Q: Would you agree that trainers of ADIs should be licensed and subject to quality controls.

Q: Would you welcome, or think there would be benefit in, a Continuous Professional Development program for ADIs? Would you have any views on the form which this could take?

Q: Do you have a view on the proposal to charge a specific fee for check tests instead of meeting the costs from the 4-yearly registration fee? Would you regard this as a fairer system of charging for the check test function?

Q: Do you have a view on the suggestion that pass rates of pupils presented for test by ADIs and strengths and weaknesses identified should be used as performance measures to influence check test frequency for the relevant ADI? What analyses or information would you consider to be an appropriate trigger to prompt a check test?

Q: Do you have a view on the suggestion that role-play should be introduced for check tests or if role play should be available on request should the ADI prefer this approach.

Q: Would you have a view as to how the Part III test of instructional ability could be improved?

Q: Do you have a view on whether registers should be held for other types of driver instruction and vehicles such as Large Goods Vehicle and Passenger Carrying Vehicle instructors.

Q: Would you have a view as to whether the voluntary motorcyclist instructor register should transfer from Road Safety and Vehicle Standards Division to DVTA?

Q: Do you have a view as to whether the Trainee Licence Scheme should be abolished or retained? What would you like to see take its place if anything?

Appendix B

6. CABINET OFFICE CODE OF PRACTICE ON WRITTEN CONSULTATION - CONSULTATION CRITERIA

The criteria in the code apply to all UK national public consultations on the basis of a document in electronic or printed form.

Though they have no legal force and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law) they should otherwise generally be regarded as binding on UK departments and their agencies, unless it is concluded that exceptional circumstances require a departure.

The criteria should be reproduced in consultation documents, with an explanation of any departures and confirmation that they have otherwise been followed.

1. Timing of consultation should be built into the planning process for a policy (including legislation) or service from the start, so that it has the best prospect of improving the proposals concerned and so that sufficient time is left for it at each stage.
2. It should be clear who is being consulted, about what questions, in what time-scale and for what purpose.
3. A consultation should be as simple and concise as possible. It should include a summary in two pages at most of the main questions it seeks views on. It should make it as easy possible for readers to respond, make contact or complain.
4. Documents should be made widely available with the fullest use of electronic means (though not to the exclusion of others) and effectively drawn to the attention of all interested groups and individuals.
5. Sufficient time should be allowed for considered responses from all groups with an interest. Twelve weeks should be the standard minimum period for a consultation (though there may be circumstances which unavoidably require a shorter period – such as the timetable for annual financial cycles).
6. Responses should be careful and open-mindedly analyzed, and the results made widely available, with an account of the views expressed, and the reasons for decisions finally taken.
7. Departments should monitor and evaluate consultations, designating a consultation coordinator who will ensure the lessons are disseminated.

Further information about the Code is available at the Cabinet Office web-site:
www.cabinet-office.gov.uk/servicefirst/index/consultation.htm.

7. LIST OF CONSULTEES

- NI Assembly Environment Committee
- Office of the First and Deputy First Minister
- Dr P Doran, Research and Library and Library Service, NI Assembly
- All Northern Ireland based ADIs
- NIADI Association
- North West ADI Association
- Civic Forum
- Equality Commission for Northern Ireland
- Policing Board
- NI Human Rights Commission
- Mr B Magee, Chief Executive, DVLNI
- Mr J Ritchie, Department of the Environment
- Elite Driving Agency
- ABBA Driving School
- Acclaim Driving Academy
- Ian's School of Motoring
- Doak Driver Training
- Random Selection of Learner Drivers
- Mike Ambrose, Driving Standards Agency
- Paul Butler, Driving Standards Agency
- Road Safety Council for Northern Ireland
- Institute of Advanced Motorists (IAM)
- Mr E Burns, Automobile Association
- RoSPA
- Police Service for Northern Ireland
- General Consumer Council
- Arthur Training Services
- Doak LGV Driver Training
- Armagh HGV Driving School
- RWC School of Driving
- Swift Transport Training
- NI Public Service Alliance
- Department Information Officer
- NI Fire Authority
- NI Ambulance Service
- Disability Action
- District Councils
- Transport Research Laboratory
- South & East Belfast Health and Social Services Trust
- BMF Motorcycle Trainers

- Alert Motorcycle Training
- Ballymena Rider Training
- McClure Motorcycle Training
- NI Rider Training Scheme
- Sample of Trainee Licence Holders (Potential Driving Instructors)
- DVTAs District Examiners

THE ADI SCHEME IN NORTHERN IRELAND

1. Introduction

1.1 The ADI Register was set up in the interests of road safety in order to maintain and improve the standard of driving instruction available to the general public. It also ensures that the public can rely upon acceptable minimum standards of tuition from registered driving instructors. The Register is administered by DVTA on behalf of the Department of the Environment under the provisions of the Road Traffic (Northern Ireland) Order 1981 and the regulations made under that Order, the Motor Cars (Driving Instruction) Regulations (Northern Ireland) 1991.

1.2 Anyone wishing to become an Approved Driving Instructor must

- Hold a full Northern Ireland or Great Britain car driving licence;
- Have held it for a total of 4 years out of the past 6 years preceding the date of application;
- Not have been disqualified from driving nor been subject to 'R' plate restrictions for more than 12 months for any part of the preceding four years
- Be a fit and proper person
- Pass the qualifying examination

2 The Qualifying Examination

2.2 The Qualifying examination is in three parts:

- A written (theory) test; (Part I)
- A practical test of driving ability; (Part II)
- A practical test of ability to instruct (Part III)

2.3 Potential Driving Instructors (PDIs) must take all parts of the examination in this order and the whole examination must be completed within 2 years of passing the written test. If the examination is not completed within this time the PDI must start again from the beginning and pass each part once again. PDIs are allowed 3 attempts at each of the practical tests. If they have not passed after 3 attempts they must wait until the end of the 2 year period before they can re-sit the qualifying examination starting again with the written (theory test).

2.4 Registration normally lasts for 4 years. If registration is allowed to lapse for more than one year from the expiry date the qualifying examination must be undertaken again before the ADI can be re-entered on the Register.

3. The Trainee Licence

- 3.1 A Trainee Licence allows PDIs who are not yet registered to instruct for payment while under the supervision of a registered ADI. The supervision must be at least 20 % of the time for which instruction is given in the first three months. Trainee Licences are valid for 6 months and apart from very exceptional circumstances only 2 will be granted to any applicant. It is not intended that Trainee Licences be issued for as long as it takes to pass the qualifying examination. It is not vital that a PDI holds a Trainee Licence before becoming a registered ADI and it is not an alternative to registration. Conditions for granting a Trainee Licence are the same as for registration as an ADI (see paragraph 1.2 above) except that the applicant need only have applied for the written (theory) test as opposed to have passed the qualifying examination.

4. The Check Test

- 4.1 Once an ADI has become registered he/she will be required to attend for a test of continued ability and fitness to give instruction (the check test) when requested by DVTA. This involves an examiner being present whilst the ADI is giving a driving lesson to a pupil. The check test assesses the following;
- Method, clarity, adequacy and correctness of instruction;
 - The observation and proper correction of the pupil's errors; and
 - The manner, patience, tact and ability to inspire confidence.

5. Appeals against the Registrar's decisions

- 5.1 The Registrar may refuse application for registration or a Trainee Licence, or may remove the name of an ADI from the Register. In these circumstances the Registrar will notify the applicant or ADI of his intention. The legislation provides for an appeal to be made to the Department against the decision within a given period.
- 5.2 Once the appeal is received it is referred to a Review Board which has been set up by the Department who will hold an enquiry and who will make a recommendation to the Department about the appeal. The Board may recommend overturning the decision of the Registrar but the Department is not bound to accept the recommendation.

RESPONSES FORM

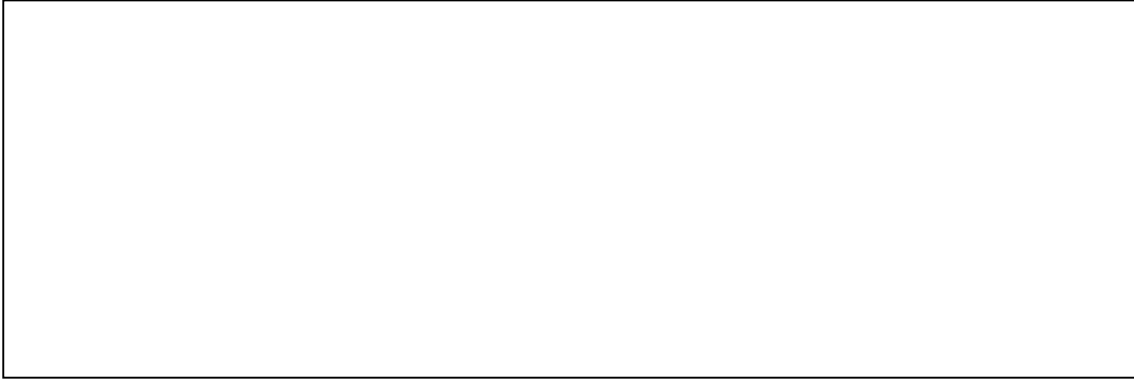
Please list your responses to the questions asked below and detach this section and return to the address given on Page 1 of this document.

Paragraph 3.5 Q: Do you agree that a limit should be put on the number of Part I tests taken? If so do you think that a candidate who failed to pass the theory test after 3 attempts should have to wait 2 years from the date of the first attempt or one year from the third attempt before re-starting the qualifying process?

Paragraph 3.8 Q Do you agree that it would be helpful to introduce a Code of Practice for ADIs and would you agree with the proposal to include a requirement for ADIs to comply with this in the relevant regulations? This would require primary legislation which would take some time to introduce. In the meantime would you support the introduction of a voluntary Code which could be introduced prior to legislation being made?

Paragraph 3.10 Q: Do you agree with the proposal that ADI licences should be displayed in the vehicle while lessons are being given?

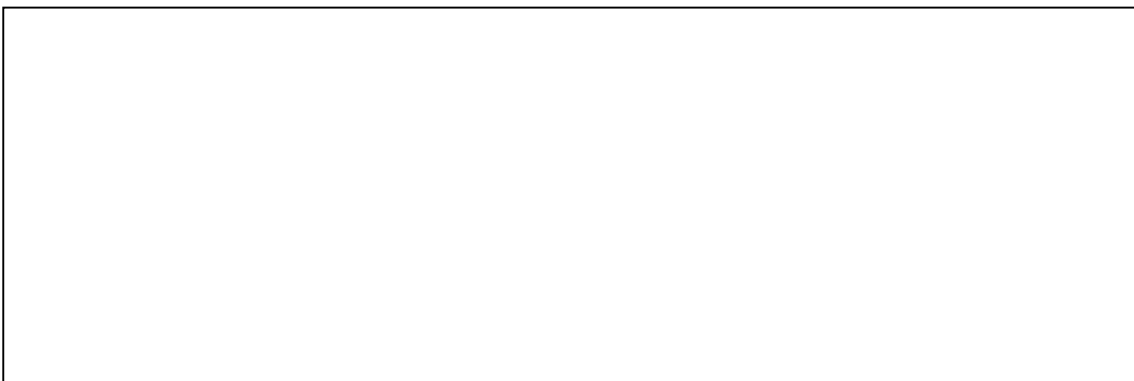
Paragraph 3.12 Q: Do you agree with the proposal that ADIs display an ADI license in the vehicle in which they are presenting a candidate for test so that information collected about their candidates' performances can be used to give feedback to the instructors presenting those candidates?



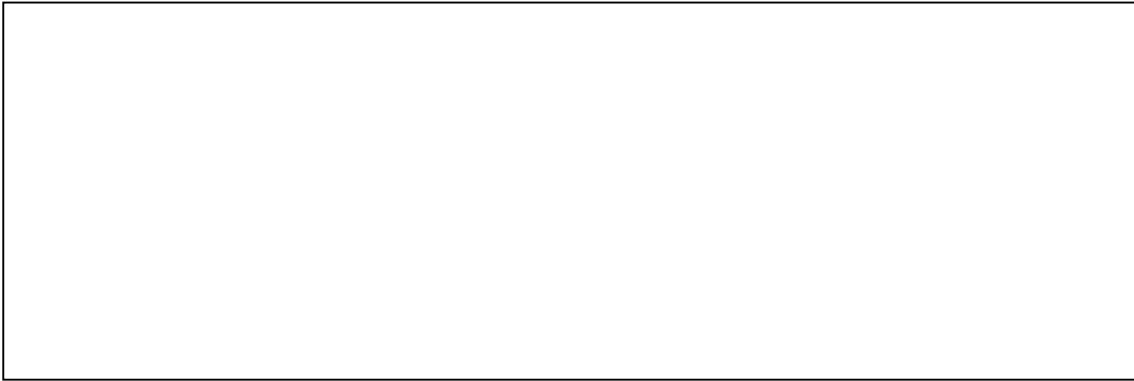
Paragraph 3.16 Q: Do you agree that this is an issue which needs to be dealt with and if so have you any suggestions as to how the problem could be tackled?



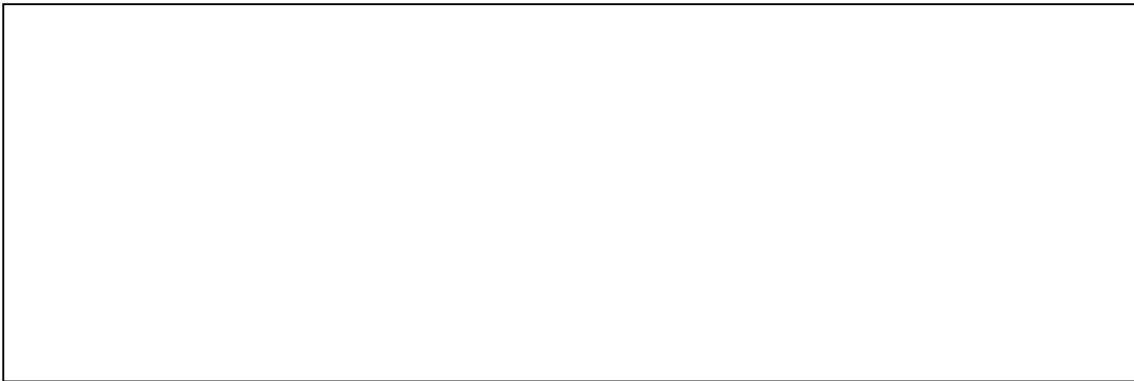
Paragraph 3.21 Q: Do you agree that a short-term measure should be introduced to improve the Trainee Licence scheme along the lines of the GB scheme bearing in mind that the future of the scheme is under review in GB?



Paragraph 3.24 Q: Do you agree that ADIs should be required to submit for a subsequent check test within a given period following a sub-standard check test and that this stipulation should be included in the relevant regulation?



Paragraph 4.3 Q: Do you have a view as to what would be the best system of dealing with appeals, bearing in mind the Human Rights requirements and the timeliness of whichever system is decided upon?



Paragraph 4.5 Q: Have you any views on the suggestion that the decision of the Registrar should be effective immediately should the appeals function be transferred to the courts?



Paragraph 4.7 Q: Do you have a view on the nature of performance data that should be published and how data might be standardized to improve its usefulness to the public?

Paragraph 4.10 Q: Do you feel that PDIs and existing ADIs would benefit from DVTA working more closely with trainers of ADIs and/or regulating and monitoring the activities of ADI trainers? If yes, what would you consider to be the best way for DVTA to establish links with the ADI training industry?

Paragraph 4.12 Q: Would you agree that trainers of ADIs should be licensed and subject to quality controls?

Paragraph 4.14 Q: Would you welcome or think there would be benefit in a Continuous Professional Development program for ADIs? Would you have any views on the form which this could take?



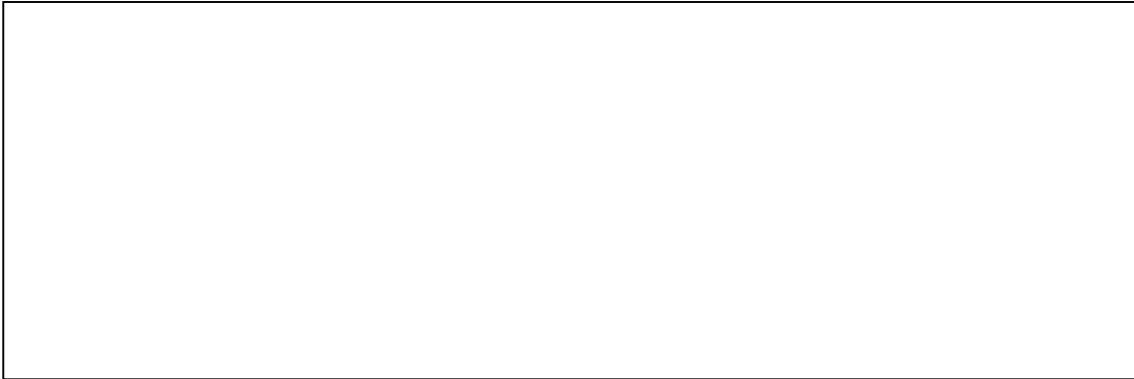
Paragraph 4.16 Q: Do you have a view on the proposal to charge a specific fee for check tests instead of meeting the costs from the 4-yearly registration fee? Would you regard this as a fairer system of charging for the check test function?



Paragraph 4.18 Q: Do you have a view on the suggestion that pass rates of pupils presented for test by ADIs and strengths and weaknesses identified should be used as performance measures to influence check test frequency for the relevant ADI? What analyses or information would you consider to be an appropriate trigger to prompt a check test?



Paragraph 4.20 Q: Do you have a view on the suggestion that role-play should be introduced for check tests or if role play should be available on request should the ADI prefer this approach?



Paragraph 4.23 Q: Would you have a view as to how the Part III test of instructional ability could be improved?



Paragraph 4.25 Q: Do you have a view on whether registers should be held for other types of driver instruction and vehicles such as LGV or Passenger Carrying Vehicles?



Paragraph 4.27 Q: Would you have a view as to whether the voluntary motorcyclist instructor register should transfer from Road Safety & Vehicle Standards Division to DVTA?

Paragraph 4.29 Q: Do you have a view as to whether the Trainee Licence Scheme should be abolished or retained? What would you like to see take its place if anything?