

**DRIVER & VEHICLE TESTING AGENCY
REGISTER OF APPROVED DRIVING INSTRUCTORS**

“Fit and Proper” Person Policy

1. Introduction

- 1.1 The purpose of this policy is to set down the parameters for the Registrar and his staff to make a decision as to whether an ADI or potential ADI is a “fit and proper” person within the meaning of the Motor Cars (Driving Instruction) Regulations (Northern Ireland) 2004.
- 1.2 An Approved Driving Instructor or Trainee Licence holder occupies a position of trust in that in the course of carrying out their role they are placed in a one-to-one situation with pupils from an age of 17 (or 16 in certain circumstances).
- 1.3 The term “fit and proper” is not defined in the legislation but has been interpreted as making provision to assess, as far as possible, characteristics that the general public might find unacceptable in an instructor who has the endorsement of the Department of the Environment.

2. Character Check

- 2.1 Before a potential ADI can be granted a Trainee Licence, sit the Part I qualifying examination or join the Register, the Registrar will request details of criminal convictions from the Criminal Records Office. This check will also be carried out when existing ADIs apply to renew their registration. If there is evidence of recent or recurring convictions, the Registrar may request additional checks.
- 2.2 The purpose of the check is to verify any criminal convictions declared by the applicant at the time of application and to establish whether or not the applicant has other convictions which have not been declared. Failure to declare criminal convictions will be taken into account in the determination of the “fit and proper” criteria.
- 2.3 Where information provided by the Criminal Records Office differs with that provided by the applicant, the information will be checked in the first instance with reference back to the Criminal Records Office. If a discrepancy remains the applicant will be given an opportunity to verify whether or not the information provided by the Criminal Records Office is correct.
- 2.4 On establishing that the applicant has criminal convictions, the Registrar will consider whether the conviction is likely to have an adverse impact on the applicant’s ability to be an Approved Driving Instructor. In particular, the Registrar will consider any evidence of inappropriate road safety behaviour, professional integrity or business ethics.
- 2.5 The Registrar will make a judgement about the seriousness of the conviction and how recently the offence took place. Each case will be considered on its

merits using the guidelines provided in the Appendix attached. Spent convictions will not be taken into account.

- 2.6 Where the Registrar considers that an applicant does not meet the “fit and proper” criteria, the applicant may be provided with an opportunity to provide further information on the conviction. Any additional information supplied will be considered before a final determination is made.
- 2.7 If an application is refused as a result of the “fit and proper” criteria, the applicant will be advised of the grounds for the refusal and advised of their right to appeal.

Document ref DVA0483 Origin DVA Issue 2/05 Review Date 10/05/06 Fit & Proper Person Policy
--

REGISTER OF APPROVED DRIVING INSTRUCTORS

“Fit and Proper” Person Criteria

1. Road Safety Behaviour

1.1 Objective

To ensure potential ADIs have respect for road safety regulations and laws in respect of their own driving and ownership of a vehicle.

1.2 Evidence

Convictions (or 6 or more Penalty Points) for speeding, drink-driving, dangerous driving, driving without tax or insurance, careless/reckless driving.

2. Professional Behaviour

2.1 Objectives

To protect learner drivers from intimidation, harassment, or threatening behaviour on the grounds of gender, religion, age, sexual orientation, etc.

To protect learner drivers and Agency examiners and staff from unprofessional, aggressive or violent behaviour.

To protect learner drivers from inappropriate (or anti-social) behaviour (such as supply of illegal drug, or stolen goods).

2.2 Evidence

Convictions relating to violence, sexual crimes, intimidation, obstructing the police, paramilitary activities.

Substantiated complaints of inappropriate behaviour or misconduct causing a learner driver to feel threatened, harassed or bullied.

Evidence of previous dealings with the Agency or Agency staff which raises doubt as to the applicants person’s ability to conduct themselves in a professional and appropriate manner.

3. Business Ethics

3.1 Objectives

To protect learner drivers from unscrupulous practices. To ensure that ADI services are delivered on a timely, competent and well-managed basis and as contracted.

To guard against the potential for ADIs to defraud or misrepresent themselves to Inland Revenue, Social Services, Insurance Companies etc.

3.2 Evidence

Convictions for fraud, dishonesty, misrepresentation of personal finances, bankruptcy, theft/robbery, etc.

Substantiated complaints following formal investigation by the Agency, of fraud, dishonesty, misrepresentation of personal finances, bankruptcy, theft/robbery etc.

4. General considerations

- How recently the offence was committed;
- How long has the applicant had a clean record (more than 3 years would be a good indicator);
- Was the conviction declared by the applicant;
- The seriousness of an offence. For example a conviction for a violent or sexually violent crime could be regarded much more seriously than for claiming benefit while employed or breaching the peace.
- Is there a pattern of one particular type of offence or a pattern of a number of offences?
- Where an existing ADI is being assessed, the track record of that ADI will be taken into account.