



A CONSULTATION PAPER

IMPROVEMENTS TO THE ADI / AMI SCHEMES IN NORTHERN IRELAND

31 May 2013

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GLOSSARY

The table below outlines some abbreviations and technical terms used within this document.

Abbreviation	Meaning / Definition
ADI	Approved Driving Instructor
AMI	Approved Motorcycle Instructor
DOE	Department of the Environment
DSA	The Driving Standards Agency
DVA	The Driver & Vehicle Agency
PDI	Potential Driving Instructor

1. Chapter 1 - Background

1.1 Introduction

The Driver & Vehicle Agency (DVA) maintain the Registers of approved driving instructors (ADIs) and approved motorcycle instructors (AMIs) on behalf of the Department of the Environment (DOE). There are currently 1323 ADIs and 61 AMIs on the Registers.

Those wishing to become an ADI or AMI must sit a three-part examination comprising a theory test, a practical driving test, and a test of their ability to instruct, before they can apply to have their name put on the Register. An overview of the qualification process is attached at Appendix A.

The three-part examination process is robust and is intended to ensure the high quality of those approved by the Department to provide paid driving or motorcycle instruction. DVA encourages all those considering becoming a driving or motorcycle instructor to familiarise themselves with the training content and delivery before embarking on any paid training. Information on becoming a driving or motorcycle instructor is available on the NIDirect website and has been provided to job centres.

This consultation document seeks your views on a number of proposals for change to the approved driving / motorcycle instructor schemes operating in Northern Ireland including:

- amendments to the trainee licence scheme;
- changes to the requirements for those with a medically restricted driving licence who wish to become ADIs;
- the mandatory registration of B+E (car + trailer) trainers;
- which documents should be regarded as guidance issued by the Registrar and which therefore must be adhered to as a condition of registration; and
- the introduction of powers for immediate suspension from the Registers of driving or motorcycle instructors who would pose a significant threat to the safety of members of the public if their registration were not suspended.

You are invited to give your views, comments and ideas in respect of any aspect of this document to enable an informed decision to be taken before the relevant legislation is drafted.

With previous initiatives, DVA has established stakeholder working groups to take forward the implementation of new policies, comprised of those who have responded to consultation exercises. DVA may use the same procedure in relation to these proposals or any future consultations.

1.2 Consultees

This consultation is aimed at ADIs, AMIs, individuals training or hoping to become instructors, B+E trainers, training establishments, learner drivers and other interested parties. Notification of this consultation document has been issued to a wide range of interested parties. A list of those consulted can be found at Appendix D. If you have any suggestions of others who may wish to be involved in the consultation process, please contact Angie McClenaghan at the address below.

A partial Regulatory Impact Assessment for the proposals can be found at Appendix C and a draft Equality Screening Analysis form can be found at Appendix E. You are also invited to comment on these documents or provide any information / evidence you may have available to help inform preparation of the final versions.

1.3 Closing date for responses

The consultation period will last for a period of 12 weeks from 31 May 2013 to 23 August 2013. Responses should arrive no later than 23 August although earlier receipt would help us. Please note we are unable to consider any comments received anonymously. We will acknowledge every response.

1.4 How to respond

If you wish to respond to this consultation, please forward your written comments in either of the following ways:

E-mail: angie.mcclenaghan@doeni.gov.uk

Write to: Angie McClenaghan
DVA Driver Policy & Standards
Business Support Unit
66 Balmoral Road
Malone Lower
Belfast
BT12 6QL

A reply form is attached at Appendix B.

If you are replying on behalf of an organisation it would be helpful if you could tell us who you are representing, the nature of the organisation, how many individuals' views are included within the response and what steps you have taken to gather those views.

1.5 Help with queries

If you have any queries or require further information about this consultation, please do not hesitate to contact Angie McClenaghan on telephone number (028) 9068 5206 or at the above address. This document may be freely reproduced and further copies are available on request.

If the papers are not in a format that suits your needs, arrangements can be made for them to be provided in a suitable format.

1.6 Freedom of information Act 2000 – Confidentiality of Consultations

The Department will publish a summary of consultations following completion of the consultation process. Your response and all other responses to the consultation may be disclosed on request. The Department can refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations which will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility for deciding whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- The Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- The Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature; and
- Acceptance by the Department of confidentiality provisions must be for good reasons and capable of being justified to the Information Commissioner.

For further information about confidentiality of responses, please contact the Information Commissioner's Office at:

Information Commissioner's Office – Northern Ireland
3rd Floor
14 Cromac Place
Belfast
BT7 2JB

Tel: (028) 9027 8757
Email to ni@ico.gsi.gov.uk

1.7 Application within the United Kingdom

This consultation seeks views on proposed changes to the approved driving / motorcycle instructor schemes in Northern Ireland. The proposals will not apply in Britain, as separate legislation outlines the requirements for driving instruction there. The Driving Standards Agency (DSA) is separately reviewing the ADI scheme in Britain, including a radical re-evaluation of the entire qualification process. The outcome of the DSA review may be used to inform a further NI consultation exercise at a later date.

Chapter 2 – Amendments to the Trainee Licence Scheme

The trainee licence scheme offers part-qualified driving instructors an opportunity to obtain a licence. This permits them to give paid instruction while obtaining supervision from a registered ADI giving them the opportunity to gain practical experience before taking the final test of instructional ability. The trainee licence is valid for six months and a potential driving instructor (PDI) may apply for a maximum of two trainee licences, which must run consecutively, without any break between the two licences.

The trainee must have passed the ADI theory test and the ADI test of driving ability and must be under the direct personal supervision of an ADI for at least 20% of the time they are giving paid instruction. Trainees are not allowed to set up business on their own behalf and must not advertise their services or telephone numbers or in any way imply they are a fully qualified instructor.

The trainee licence scheme is only available to potential car instructors and there is no equivalent for motorcycle instructors.

Critics of the trainee scheme argue that learner drivers may be vulnerable in terms of road safety at the hands of trainee licence holders and have called for its abolition. However, others believe that it offers an opportunity for PDIs to gain valuable experience in instructional techniques before attempting the test of instructional ability.

More than 70% of current ADIs who had the opportunity to apply for a trainee licence have held one or more prior to qualification. Those who were on the Register before the trainee licence scheme was introduced and those who transferred to the Register from Britain or elsewhere, would not have been able to apply for a trainee licence. Numbers applying for a trainee licence have reduced dramatically in recent years, with only 16 trainee licences issued in 2012/13 compared to 335 when the scheme was at its peak in 2008/09.

DVA is considering the future of the trainee licence scheme in Northern Ireland, bearing in mind that the scheme is under review in Britain. We plan to issue a further consultation paper looking at the outcome, recommendations and supporting evidence arising from DSA's forthcoming consultation, but in the meantime would like to hear your views on the following proposals.

2.1 Mandatory display of trainee licence

A trainee licence is issued by the Registrar subject to a number of conditions specified in regulation 7 of the Motor Vehicles (Driving Instruction)(Trainee Licence) Regulations (NI) 2010. Currently the conditions include:

- The trainee must receive direct supervision from an ADI for 20% of the time they are instructing;
- The trainee must keep a record of the instruction they give and the supervision they receive;
- Records must be updated and signed at the end of every working day and must be available for inspection by DVA at any time; and
- Records must be returned to DVA within a week of the expiry of the trainee licence.

All trainee licence holders are advised by DVA to wear their trainee licence while they are instructing in order to distinguish them from unregistered instructors. DVA proposes to amend regulation 7 of the Motor Vehicles (Driving Instruction)(Trainee Licence) Regulations (NI) 2010 to include a condition that the trainee licence holder must clearly display their trainee licence at all times while they are instructing. Failure to do so will result in the trainee licence being revoked.

Q1 – Do you agree with the proposal to introduce a legal requirement for trainee licence holders to display their trainee licence as outlined above?

2.2 Return of expired trainee licence

A PDI may apply for a maximum of two trainee licences which must run consecutively. In order to ensure that there is no break in continuity between the two licences, the second must be applied for before the expiry of the first.

Legislation currently requires a trainee licence holder to return an expired or revoked trainee licence within 14 days of the Registrar requesting its return. The penalty for failure to do so is a fine of up to £1,000 (Level 3 on the Standard Scale). In practice fines imposed by the courts are often much lower than the maximum level and therefore the impact of the fine is reduced.

DVA wishes to amend the conditions specified in regulation 7 of the Motor Vehicles (Driving Instruction) (Trainee Licence) Regulations (NI) 2010 to include a condition that trainee licence holders must return an expired trainee licence within 14 days of its expiry. Failure to do so will result in revocation of a second trainee licence.

Q2 – Do you agree with the proposal to revoke a second trainee licence where the first trainee licence is not returned?

2.3 Reduce the number of trainee licences

As outlined above, a trainee licence entitles the holder to give instruction for payment or reward and is valid for six months. A PDI may currently apply for a maximum of two trainee licences, which must run consecutively, without any break between the two licences. The Road Traffic (NI) Order 1981 states that the Registrar may refuse an application for a trainee licence where they have previously had two or more licences.

In Britain, the Road Traffic Act 1988 states that the Registrar may refuse to grant a trainee licence to an applicant to whom such a licence has previously been issued. The policy in Britain is that only one trainee licence will be issued, except in exceptional circumstances.

DVA is considering seeking an amendment to the legislation to limit to one the number of trainee licences that may be issued, thus aligning with the current policy and legislative position in Britain. This proposal can only be achieved by amending primary legislation and is therefore a longer term proposal.

Q3 – Do you agree with the proposal to limit to one the number of trainee licences that may be issued to a potential driving instructor?

Chapter 3 - Review of ADI test requirements for drivers with a medically restricted licence

3.1 Use of automatic car for ADI tests

In order to become a registered ADI, all candidates must first pass a theory test, a practical driving test and a test of instructional ability. Currently both the practical driving test and test of instructional ability must be undertaken in a car with manual gears. The requirements for vehicles used for the ADI practical driving test and instructional ability test are prescribed in the Motor Vehicles (Driving Instruction) Regulations (Northern Ireland) 2010.

DVA is proposing to amend this requirement so that drivers with a medically restricted driving licence may, if they wish, take the qualifying tests in vehicles with automatic transmission. This will remove a potential obstacle to disabled drivers who would like to pursue a career as an approved driving instructor. Where the qualifying tests are taken in a car with automatic transmission, DVA proposes that those who successfully pass may apply for registration to instruct in an automatic car. Instructors who have passed the qualifying tests in an automatic car would also be permitted to take their check test in an automatic car.

Q4 – Do you agree with DVA’s proposal to allow drivers with a medically restricted licence to use a car with automatic transmission for the purposes of the ADI driving test and the test of instructional ability?

DVA does not propose to make any change to the rules for vehicles used for the qualifying tests or check tests for drivers other than those with a medically restricted licence.

Q5 – Do you agree that this option should only be available to drivers with a medically restricted driving licence?

3.2 Emergency control requirements for driving instructors

The Department included provisions in the Road Traffic (Northern Ireland) Order 2007, to enable the creation of an emergency control assessment for disabled drivers wishing to become an ADI. The purpose of this policy was to ensure that disabled applicants had the opportunity to qualify as ADIs and to further align ADI procedures in Northern Ireland and Britain, as the emergency control assessment has been in place in Britain since 1996. This legislation has not yet been commenced, due to concerns that the introduction of the emergency control assessment could be perceived to be discriminatory as only disabled drivers would be required to undertake the assessment.

Driving instructors already have a duty of care to those they are teaching to drive and this duty extends to being able to take control of the vehicle in an emergency if required. DVA proposes to formalise this by making it a condition of registration that an instructor will only give instruction if they can safely take control of the vehicle in an emergency situation.

In addition, DVA proposes to introduce a requirement for all instructors and potential instructors to sign a written undertaking that they fully understand their legal obligation to be able to safely take control of the vehicle in an emergency situation and that they would be able to do so.

Q6 – Do you agree that it should be a condition of registration that an instructor can safely take control of a vehicle in an emergency situation and that all instructors should be required to sign a declaration to that effect, rather than proceeding to introduce an emergency control assessment for disabled instructors?

A potential driving instructor's ability to intervene in an emergency situation can be assessed during the test of instructional ability, which is the final part of the ADI qualification process. The purpose of this test is to assess the quality of instruction and the candidate's ability to pass on knowledge to their pupils, including in areas such as fault identification and the instructor's use of controls.

An ADI's continued ability to safely take control of a vehicle in an emergency can be demonstrated in the test of continued ability, when they are expected to be able to intervene when required.

Where an instructor or PDI is unsure of their ability to safely take control of a vehicle, or where a potential issue is identified during a test of instructional ability or check test, DVA can offer advice and guidance including:

- drawing attention to organisations that specialise in vehicle adaptations;
- assisting with the selection of appropriate adaptations; or
- offering specific advice based upon DVA's knowledge of previous problems that have been encountered.

Q7 – Do you agree with the approach outlined above?

Chapter 4 Mandatory Registration of B+E Instructors

4.1 Requirement for registration

As outlined above, DVA regulates and maintains the ADI and AMI Registers in Northern Ireland on behalf of the Department of the Environment under the Road Traffic (Northern Ireland) Order 2007 and the Motor Vehicles (Driving Instruction) Regulations (Northern Ireland) 2010, as amended.

It is already a legal requirement for those who provide paid instruction in the driving of cars (category B) or the riding of motorcycles (categories AM, A1, A2 and A) to be registered with DVA. However, there is currently no legal requirement for those providing paid instruction in the driving of cars with a trailer attached (category B+E) to be registered with DVA. This means that there is no assessment of the standard of instruction provided and there are no checks carried out to ensure the instructor is a fit and proper person.

Responses to a previous consultation exercise indicated broad support for extending the registration requirement to instructors in other vehicle categories and in 2010 the Department introduced a new Register of AMIs. As part of a phased approach, and in response to calls from the industry to do so, we are now considering introducing a requirement for anyone providing paid instruction in category B+E to be registered with DVA.

Q8 – Do you agree that those providing paid instruction in category B+E should be registered with DVA?

4.2 Options

DVA is considering the following options in relation to the registration of instructors of category B+E:

Option 1

Do nothing. There would be no change to the current position and anyone wishing to give paid instruction in category B+E could do so providing they were at least 21 years of age and have held a full B+E

licence for at least three years. This option maintains parity with the position in Britain where there is no mandatory Register for B+E trainers.

Option 2

Under this option, instructors who wish to give paid instruction in category B+E will be required to be a registered ADI or to pass the existing ADI three-part examination, hold a current full B+E driving licence, and have held it for at least four of the last six years.

ADIs would be required to notify the Registrar of their intention to instruct in category B+E and to provide evidence of their licence entitlement. It is not proposed that an additional registration fee would be charged for B+E under this option, although this may be reviewed as part of a future overall fee review.

It is proposed to introduce a one year period of grace following implementation of this requirement during which current B+E trainers who are not currently ADIs may continue instructing while they complete the qualification and registration process. By the end of this period they would have to have successfully completed the entire DVA qualifying examination if they wish to continue instructing in category B+E.

Option 2 is DVA's preferred option, as it addresses concerns about instruction being delivered by unregistered trainers, while imposing the least cost on the industry.

Option 3

Introduce a separate category of registration for B+E instructors. Those who wish to give paid instruction in category B+E would be required to pass a three-part examination comprising of a theory test, a B+E test of driving ability and fitness, and a B+E test of instructional ability. It is proposed that the format of the tests and the test fees and registration fees would be aligned with those already in place for motorcycle and driving instructors (see Appendix A for details). Once registered, B+E instructors would be subject to the same conditions of registration as ADIs or AMIs, including periodic tests of continued ability to instruct.

It is proposed to introduce a one-year period of grace following implementation of the requirement for current B+E trainers to complete

the qualification and registration process. By the end of this period they would have to have successfully completed the DVA qualifying examination if they wish to continue instructing in category B+E.

Those already providing instruction in category B+E or who are already ADIs may be entitled to exemption from one or more parts of the entrance examination. Such exemptions would be considered by a panel comprised of officials and industry representatives as was the case when the AMI Register was introduced.

DVA considers that the cost of developing the qualifying tests for Option 3 would be prohibitively expensive and the burden on the industry would not be proportionate to the scale of the issue.

Q9 – Option 2 is DVA’s preferred option. We would welcome your views on which of the above options you think would be most appropriate? Please outline the reasons for your answer.

4.3 Eligibility criteria

In addition, for both options 2 and 3, DVA proposes that anyone wishing to provide paid instruction in category B+E would be required to meet the existing conditions of registration for car and motorcycle instructors i.e.:

- i. They must have held a full relevant (B+E) licence for at least four of the last six years;
- ii. They must not have been disqualified from driving within the last four years; and
- iii. They must be a fit and proper person.

A criminal records check carried out by Access NI will be conducted on new applicants to help determine if they are a fit and proper person for the purposes of the final criterion.

Q10 – Do you agree with the eligibility criteria outlined above?

Chapter 5 Requirement for instructors to adhere to guidance issued by the Registrar

5.1 Conditions of registration

The Road Traffic (Northern Ireland) Order 2007 sets out the conditions of registration for instructors and includes a requirement that driving and motorcycle instructors must follow guidance issued by the Registrar. Other conditions of registration are that:

- the person must have a full valid driving licence for the vehicle category in which they wish to instruct;
- they must not have been disqualified from driving within the previous four years;
- they must have passed the relevant examinations; and
- they must be a fit and proper person.

Failure to comply with any of these conditions may result in the revocation of an instructor's official registration and therefore their entitlement to provide paid driving or motorcycle instruction.

5.2 Documents to be regarded as guidance

The Department currently provides potential and approved driving instructors and motorcycle instructors with comprehensive guidance in the form of a number of publications which sets out the standards, procedures and behaviours expected of professional driving / motorcycle instructors. We would like to hear your views on which documents should be prescribed in Regulations as guidance issued by the Registrar.

We propose that the following documents should be regarded as guidance issued by the Registrar under Article 52(4)(d) of the Road Traffic (Northern Ireland) Order 2007:

- Code of Conduct for Approved Driving Instructors and Approved Motorcycle Instructors;
- ADI Your Guide to Becoming an Approved Driving Instructor;
- Guide to becoming an Approved Motorcycle Instructor (AMI);

- ADI Conditions of Registration;
- AMI Conditions of Registration;
- An Instructor's Guide to Delivering Compulsory Basic Training (CBT) & Information Manual;
- CBT Conditions of Authority; and
- Instructions included in the quarterly Update magazine and other written instructions issued by the Registrar.

Q11 – Do you agree with the proposed list of documents to be regarded as guidance under Article 52(4)(d)?

Q12 – Are there any other documents you think should be regarded as guidance under Article 52(4)(d)?

Approved instructors are already expected to follow the guidance set out in these documents. We propose to formalise this requirement at the earliest opportunity by specifying the documents above in the Motor Vehicles (Driving Instruction) Regulations (NI) 2010 and would like to hear your views on the timing of the proposal.

Q13 – Do you agree that the documents which instructors are required to adhere to should be specified in legislation at the earliest opportunity?

Chapter 6 Immediate Suspension from the Register

Under the Road Traffic (NI) Order 2007, the Registrar has power to remove a person's name from the Register if the Registrar is satisfied they have ceased to meet certain conditions including, among other things:

- ceasing to be a 'fit and proper' person;
- failing to pass a check test; or
- being disqualified from driving.

Before an instructor's name can be removed from the Register, they must be given notice that the Registrar is considering this and of the relevant grounds. They may then submit their response for consideration by the Registrar. If having considered any representations, the Registrar is still minded to remove the instructor's name from the Register, the Registrar must then give notice of this decision. There are then further rights of appeal to the Department and ultimately to the Magistrates Court.

In practice, allowing for time to consider representations, it can take a minimum of 45 days between the Registrar notifying the ADI that the Registrar is minded to remove them from the Register, and that removal taking effect. In the vast majority of cases this procedure causes no difficulty. However, there is a concern that in more serious cases there is a need for more immediate action to prevent an AMI or ADI from giving instruction during this period.

In Britain the Driving Instruction (Suspension and Exemption Powers) Act 2009 was commenced in 2012 enabling the Registrar to immediately suspend an instructor's registration at the same time as informing the instructor that the Registrar is minded to remove their name from the Register. The legislation also allows the Registrar to suspend registration where the Registrar intends to refuse an instructor's application to extend their registration. The effect of the suspension is to immediately prevent the instructor from giving paid instruction.

The power to suspend is only available in the most serious cases, for example, where an instructor has been convicted of a serious criminal offence, such as a sexual or violent offence, or where they have

repeatedly failed their check test, or have achieved a very low mark. The key test is that the Registrar must believe that the instructor would pose a significant threat to the safety of members of the public if their registration were not suspended.

Q14 – Do you agree that DVA should introduce similar legislation in Northern Ireland?

Q15 – Do you agree that the power to immediately suspend an instructor should only be available to the Registrar in the circumstances outlined above, or are there other circumstances in which the Registrar should be able to use this power? If so, please outline which circumstances you feel would be appropriate.

In Britain, the primary legislation provided for the introduction of a compensation scheme for cases where a suspension does not ultimately lead to the removal of the instructor's name from the Register, or where the removal is subsequently overturned after an appeal. While the detail of such a compensation scheme would be the subject of further consultation, DVA proposes to include the necessary powers in the primary legislation.

Q16 – Do you agree with the proposal to provide for a compensation scheme in the circumstances outlined above?

Appendix A

Overview of Current ADI and AMI Schemes in Northern Ireland

Qualification Process

In order to be registered as an approved driving instructor (ADI), potential instructors must pass a three-part examination:

(i) ADI theory test

The ADI theory test consists of 100 multiple choice questions and a hazard perception test. Passing this test calls for a higher standard of knowledge than is required of a learner driver, and candidates must answer questions on any or all of the following subjects:

- Principles of road safety generally and their application in particular circumstances;
- Techniques of driving a car correctly, courteously and safely including control of the vehicle, road procedure, recognising hazards and taking proper action, dealing properly with pedestrians and other road users, the use of safety equipment;
- The theory and practice of learning, teaching and assessment;
- Tuition required to instruct a pupil in driving a car, including the items set out above, the correction of pupil errors, the manner of the instructor, the relationship between instructor and pupil, and simple vehicle adaptations for disabled drivers;
- Interpretation of reasons for failure given to candidate in driving test report;
- Knowledge, adequate for the needs of driving instruction, of the mechanism and design of a car;
- The Highway Code;
- The Driving Standards Agency (DSA) publication “The Official Driving Test”; and
- The DSA publication “Driving: the Essential Skills”.

(ii) The Test of Driving Ability

This test is not just a slightly more difficult ‘L’ test. It is of an advanced nature, and a very high standard of competence is required. Candidates

must show that they have a thorough knowledge of the principles of good driving and road safety and that they can apply them in practice.

(iii) The Test of Ability to Instruct

The object of this test is to assess the value of the instruction a candidate gives, and their ability to pass their knowledge on to pupils. The test is in two parts, each of which lasts about half an hour, and both parts must be passed in the same test. A candidate is asked to show their knowledge and ability by giving practical driving instruction to an examiner who will first take on the role of a pupil who is a beginner and then a pupil who is at about test standard.

The tests must be passed in this order, and all three parts must be passed within a two year period, beginning on the date on which they pass their theory test.

Three attempts at each part of the examination are allowed, but if a potential instructor fails any part of the examination three times, they cannot proceed any further and will have to wait two years from the date of their first ADI theory test before being able to begin the examination process again.

In addition to completing the three part examination, applicants must:

- Have held a full driving licence for four of the previous six years;
- Not have been disqualified from driving in the previous four years; and
- Be a fit and proper person. A criminal history check will be conducted on new applicants to determine if they are a fit and proper person. This check is undertaken when the applicant applies to take the theory test, before they are issued with a test appointment. A further check is undertaken after applicants have passed all three parts of the examination but before they are admitted on to the register of approved driving instructors.

Applicants who have passed all three parts of the examination and who meet the requirements above may, on payment of the appropriate fee, apply to be included on the register of ADIs. Their registration lasts for four years, provided they continue to comply with the necessary

requirements. They are then required to apply to have their registration extended for a further four years.

During each four year period of registration, instructors are assessed by the Driver & Vehicle Agency (DVA) to ensure their ability to instruct remains at a satisfactory standard. If an instructor fails this test of continued ability to instruct, they may have up to two further attempts. If three attempts are unsuccessful, a recommendation is made to remove the instructor from the Register.

Trainee Licence Scheme

Once candidates have passed both the ADI theory test and the test of driving ability, they may if they wish apply for a trainee licence which allows them to gain experience in instructing a pupil. A potential driving instructor who wishes to apply for a trainee licence must provide the DVA with the name, address and registration number of the ADI who has agreed to supervise them. The supervisor is also required to sign the application to indicate that they have agreed to supervise the potential driving instructor. An ADI cannot sponsor more than one trainee at a time.

When a trainee licence is issued to a potential driving instructor, a letter is sent to the supervising ADI, outlining their role and responsibilities as a supervising instructor. They must directly supervise their trainee for at least 20% of the time they spend instructing, and they must sign the trainee's written records of supervision, which are required to be completed at the end of each day. The completed records must be returned to DVA for scrutiny and placed on the potential instructor's file before a second trainee licence will be issued.

The trainee licence clearly states that the holder is a trainee driving instructor. Trainees are advised that they are not allowed to set up business on their own behalf, and must not advertise their services or telephone numbers or any 'brand' which is unique to them. They are told they must not imply they are an ADI until they are fully qualified. If DVA has evidence of any breaches of these conditions, the ADI Registrar may revoke the licence. While there is some anecdotal evidence in relation to abuse of the trainee licence scheme, it is difficult to obtain concrete evidence.

A trainee licence is valid for 6 months. Normally no more than two trainee licences are issued to any part-qualified driving instructor, although the legislation allows a third licence to be issued in exceptional circumstances: the last time DVA issued a third licence was in 2009.

DVA currently writes to all trainees before the expiry date of their first trainee licence, outlining any necessary actions to be taken, and advising them that if they require a second trainee licence, they must apply for it before the expiry of their first licence, otherwise their application will be refused.

Approved Motorcycle Instructors (AMIs)

The qualification process for motorcycle instructors is the same with the exception of the trainee licence scheme which is only available to potential car instructors.

Current Fees

ADI / AMI theory test	£72
ADI / AMI practical driving test	£130
ADI / AMI test of ability to instruct	£138
ADI / AMI Four year registration fee	£240
Trainee ADI licence fee (6 months)	£120

Appendix B REPLY FORM

Organisation Details						
Organisation Purpose - Please tick one box:						
ADI	AMI	B+E trainer	Driver / motorcycle trainer representative organisation	Government Department / Local Council	Police / Fire / MoD etc	Other: *please specify below
* Other						
Organisation purpose:						
How many views are represented by this response?						
How were the views gathered?						

Please tell us what you think of the proposals by ticking one of the boxes below. If you wish to comment further, please do so in the space provided.

Please note: DVA will only take account of any comments if you have ticked the relevant box indicating the strength of your support.

If you need more space for your comments, please continue on a separate sheet. Clearly cross-reference your comments to the relevant proposal and securely attach the sheet to the remainder of your response.

Question No 1: Do you agree with the proposal to introduce a legal requirement for trainee licence holders to display their trainee licence as outlined above?

Totally Agree	Largely Agree	Slightly Agree	Slightly Disagree	Largely Disagree	Totally Disagree

Comments:

Question No 2: Do you agree with the proposal to revoke a second trainee licence where the first trainee licence is not returned?

Totally Agree	Largely Agree	Slightly Agree	Slightly Disagree	Largely Disagree	Totally Disagree

Comments:

Question No 3: Do you agree with the proposal to limit to one the number of trainee licences that may be issued to a potential driving instructor?

Totally Agree	Largely Agree	Slightly Agree	Slightly Disagree	Largely Disagree	Totally Disagree

Comments:

Question No 4: Do you agree with DVA's proposal to allow drivers with a medically restricted driving licence to use a car with automatic transmission for the purposes of the ADI driving test, test of instructional ability and check test?

Totally Agree	Largely Agree	Slightly Agree	Slightly Disagree	Largely Disagree	Totally Disagree

Comments:

Question No 5: Do you agree that this option should only be available to drivers with a medically restricted driving licence?

Totally Agree	Largely Agree	Slightly Agree	Slightly Disagree	Largely Disagree	Totally Disagree
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Comments:

Question No 6: Do you agree that it should be a condition of registration that an instructor can safely take control of a vehicle in an emergency and that all instructors should be required to sign a declaration to that effect, rather than proceeding to introduce an emergency control assessment for disabled instructors?

Totally Agree	Largely Agree	Slightly Agree	Slightly Disagree	Largely Disagree	Totally Disagree
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Comments:

Question No 7: Do you agree that where potential issues regarding an instructor's ability to safely take control of the vehicle in an emergency are identified, DVA should offer advice and guidance as outlined in the consultation paper?

Totally Agree	Largely Agree	Slightly Agree	Slightly Disagree	Largely Disagree	Totally Disagree

Comments:

Question No 8: Do you agree that those providing paid instruction in category B+E should be registered with DVA?

Totally Agree	Largely Agree	Slightly Agree	Slightly Disagree	Largely Disagree	Totally Disagree

Comments:

Question No 9: Option 2 is DVA's preferred option. We would welcome your views on which of the options you think would be most appropriate. Please outline the reasons for your answer.

Option 1 – do nothing	Option 2 – must be ADI	Option 3 – full B+E register
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Comments:

Question No 10: Do you agree with the eligibility criteria as outlined in the consultation paper?

Totally Agree	Largely Agree	Slightly Agree	Slightly Disagree	Largely Disagree	Totally Disagree
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Comments:

Question No 11: Do you agree with the proposed list of documents to be regarded as guidance under Article 52(4)(d)?

Totally Agree	Largely Agree	Slightly Agree	Slightly Disagree	Largely Disagree	Totally Disagree

Comments:

Question No 12: Are there any other documents you think should be regarded as guidance under Article 52(4)(d)?

Comments:

Question No 13: Do you agree that the documents which instructors are required to adhere to should be specified in legislation at the earliest opportunity?

Totally Agree	Largely Agree	Slightly Agree	Slightly Disagree	Largely Disagree	Totally Disagree
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Comments:

Question No 14: Do you agree that DVA should introduce powers for immediate suspension in Northern Ireland?

Totally Agree	Largely Agree	Slightly Agree	Slightly Disagree	Largely Disagree	Totally Disagree
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Comments:

Question No 15: Do you agree that the power to suspend an instructor should only be available to the Registrar in the circumstances outlined in the consultation paper, or are there other circumstances in which the Registrar should be able to use this power? If so, please outline which circumstances you feel would be appropriate.

Totally Agree	Largely Agree	Slightly Agree	Slightly Disagree	Largely Disagree	Totally Disagree

Comments:

Question No 16: Do you agree with the proposal to provide for a compensation scheme as outlined in the consultation paper (this would be subject to further detailed consultation)?

Totally Agree	Largely Agree	Slightly Agree	Slightly Disagree	Largely Disagree	Totally Disagree

Comments:

GENERAL COMMENTS: Please use this section if you wish to make any general comments about the proposals contained in this Consultation Paper

Comments:

PARTIAL IMPACT ASSESSMENT: If you think any of the estimated costs referred to in the Partial Impact Assessment are incorrect please provide alternatives in the box below

PARTIAL IMPACT ASSESSMENT: Do you have any other comments about the Partial Impact Assessment?

Comments:

DRAFT EQUALITY SCREENING: Do you have any comments about the draft Equality Screening?

Comments:

Is there anything you particularly liked or disliked about the format of this Consultation Paper?

Comments:

Please return the completed Reply Form to:

DVA Driver Policy & Standards, Balmoral Road, Belfast, BT12 6QL

**THE LAST DATE FOR THE RECEIPT OF RESPONSES TO THIS
CONSULTATION IS: 23 August 2013**

Appendix C

Partial Regulatory Impact Assessment

1. Title of Proposal

The introduction of a range of measures intended to improve the approved driving / motorcycle instructor schemes in Northern Ireland.

2. Purpose and intended effect of measures

This partial Regulatory Impact Assessment (RIA) considers the implications of introducing a package of measures intended to improve the existing approved driving / motorcycle instructor schemes in Northern Ireland. The purpose of this RIA is to identify the costs which instructors will incur in meeting the new requirements and the benefits that are likely to be gained.

The costs, which are indicative at this stage, will be developed in the light of responses made to the consultation exercise about the proposed changes.

(i) The objectives

- To improve the trainee licence scheme by making display of the trainee licence mandatory and by reducing to one the maximum number of trainee licences a potential driving instructor may apply for;
- To reduce the possibility of fraudulent use of expired trainee licences by requiring their return to the Driver & Vehicle Agency (DVA);
- To remove a possible barrier to those drivers with a medically restricted licence who wish to pursue a career in driving instruction by permitting the approved driving instructor (ADI) qualifying tests to be taken in a car with automatic transmission;
- To formalise driving instructors' existing duty of care to their pupils by making it a condition of registration that an instructor can safely take control of the vehicle in an emergency situation;
- To ensure that all those providing instruction to learner drivers of category B+E (car + trailer) demonstrate a minimum level of ability to do so. This will ensure a consistent standard is maintained and pupils can be assured of the quality of the instruction they are receiving;
- To improve the standards within the industry by formalising the documents which are to be regarded as guidance issued by the Registrar under Article 52(4)(d) of the Road Traffic (NI) Order 2007 and which instructors must adhere to as a condition of their continued registration; and

- To safeguard the safety of members of the public by providing the Registrar with powers to immediately suspend an approved instructor from the Register where they believe that the instructor would pose a significant threat if not suspended.

(ii) The background and risk assessment

DVA maintains the Registers of approved driving instructors (ADIs) and approved motorcycle instructors (AMIs) on behalf of the Department of the Environment (DOE). There are currently 1323 ADIs and 61 AMIs on the Registers.

Those wishing to become an ADI or an AMI must sit a three-part examination comprising a theory test, a practical driving test, and a test of their ability to instruct, before they can apply to have their name put on the Register. This partial RIA considers a range of proposals which are intended to improve the driver / motorcycle instruction schemes in Northern Ireland. The proposals fall into five main areas:

Trainee Licence Scheme

The trainee licence scheme was established in order to give potential driving instructors (PDIs) who have passed the ADI theory test and test of driving ability the opportunity to gain experience instructing pupils as part of their preparation for the test of instructional ability. They must be supervised by a fully qualified instructor for at least 20% of the time they spend instructing. The trainee licence scheme is only available to driving instructors and there is no current equivalent for motorcycle instructors.

DVA proposes to tighten up the existing trainee licence scheme by:

- Making it mandatory for trainees to display their trainee licence at all times while they are instructing, reducing the risk that pupils will be unaware they are being taught by a trainee. Failure to display the trainee licence will result in its revocation;
- Requiring the return of expired trainee licences to DVA, thus addressing the risk of them being used fraudulently after their expiry; and
- Limiting to one the number of trainee licences a trainee may apply for, thus reducing the period during which they may provide paid instruction before qualification, while still permitting them the opportunity to gain experience in advance of attempting their test of instructional ability.

Review of ADI test requirements for drivers with a medically restricted driving licence

DVA proposes to remove the current requirement for the test of driving ability and the test of instructional ability to be undertaken in a car with manual gears, where the applicant has a medically restricted driving licence which only permits them to drive an automatic car.

It is proposed that all instructors will be required to sign a written undertaking that they fully understand their legal obligation to be able to safely take control of the vehicle in an emergency situation and that they would be able to do so. DVA

proposes to formalise this requirement further by making it a condition of registration, thus reducing the risk of an instructor who is unable to take control continuing to instruct pupils as an ADI.

B+E Trainers

Currently there is no compulsory system of regulation for category B+E (car + trailer) instructors and anyone wishing to give instruction in driving a car with a trailer may do so without meeting any criteria. A process of compulsory registration for Category B (car) instructors has been in place for over 40 years, and from this time all those giving instruction in car driving for hire or reward must have been on the ADI Register. Compulsory registration was extended to motorcycle instructors in November 2010.

DVA proposes to make it mandatory for B+E instructors to be registered and approved in order to remove the risk of unqualified instruction. This will ensure a minimum standard of instruction, as well as ensuring that instructors meet the fit and proper person requirements which apply to all registered instructors.

Guidance issued by the Registrar

The Road Traffic (Northern Ireland) Order 2007 makes it a condition of registration that instructors must follow guidance issued by the Registrar. Failure to comply may result in the revocation of an instructor's official registration and therefore their entitlement to provide paid driving or motorcycle instruction.

DVA already provides potential and approved instructors with comprehensive guidance setting out the instructional standards, procedures and behaviours to which they are expected to adhere. The Agency is now proposing to prescribe these documents in regulations in order to formalise the requirement.

This will address the potential risk of an instructor not adhering to guidance issued by the Registrar in relation to standards of instruction or standards of professional behaviour.

Immediate Suspension from the Register

DVA is proposing to give the Registrar the power to immediately suspend an instructor from the Register in cases where the Registrar believes the instructor would pose a significant threat to the safety of members of the public if their registration were not suspended. It is proposed that the power to suspend will only be available in the most serious cases, for example, where an instructor has been convicted of a serious criminal offence, such as a sexual or violent offence, or where they have repeatedly failed their check test.

The introduction of this power will address the risk of an instructor continuing to instruct while they exhaust the appeals procedures, when the Registrar believes they would pose a significant threat to the safety of members of the public.

3. Options

Trainee Licence Scheme

Option 1 – Do Nothing

There would be no costs. Equally there would be no further improvement to the trainee licence scheme. For this reason it has been discounted.

Option 2 – Complete removal of the trainee licence scheme which gives part qualified instructors the opportunity to gain paid experience instructing prior to attempting their test of instructional ability.

DVA is considering the future of the trainee licence scheme in Northern Ireland, bearing in mind that the scheme is under review in Britain and plans to issue a further consultation paper looking at the outcome, recommendations and supporting evidence arising from the Driving Standards Agency's (DSA's) forthcoming consultation.

For this reason, Option 2 has been discounted for the time being.

Option 3 – Pending the results of the DSA consultation, DVA proposes to tighten up the trainee licence scheme by implementing the following measures:

- Making it mandatory for trainees to display their trainee licence at all times while they are instructing. Failure to display the trainee licence will result in its revocation;
- Requiring the return of expired trainee licences to DVA; and
- Limiting to one the number of trainee licences a trainee may apply for, thus reducing the period during which they may provide paid instruction before qualification, while still permitting them the opportunity to gain experience in advance of attempting their test of instructional ability.

These proposals build on a number of earlier improvements to the trainee licence scheme which have been introduced in a phased approach since 2010 including:

- Limiting to two the maximum number of trainee licences a potential instructor can apply for irrespective of the number of times they re-enter the qualification process;
- Ensuring there can be no gap between the first and second trainee licence;
- Introducing spot checks on trainee instruction and supervision records. The legislation requires trainees to maintain a record of any instruction they give and supervision they receive from their sponsor ADI. This must be updated every day and signed by the trainee and the supervising ADI;
- Putting in place a programme of monitoring visits to trainee driving instructors to quality assure the supervision and training they are being given; and
- Reviewing the format and design of the trainee licence to make it distinctively different from the ADI licence.

These earlier measures were introduced without the need to amend legislation and have been largely welcomed by the driving instruction industry. However, no further substantive improvements can be achieved without amending the regulations, and for this reason this is the Agency's preferred option.

Review of ADI test requirements for drivers with a medically restricted driving licence

Option 1 – Do Nothing

There would be no costs. However, the current legislation requires anyone wishing to become an ADI to take the ADI driving test and the ADI test of instructional ability in a car with manual gears. This creates a potential stumbling block for those drivers with a medically restricted driving licence who wish to pursue a career as a driving instructor. For this reason Option 1 has been discounted.

Option 2 – Commence Articles 53 and 54 of the Road Traffic (NI) Order 2007 and introduce emergency control assessments in Northern Ireland. However, DVA considers that the introduction of the emergency control assessment could be perceived to be discriminatory as only disabled drivers would be required to undertake the assessment. Therefore, it is not considered a realistic option and has been discounted.

Option 3 – Amend the legislation as proposed in the consultation paper so that drivers with a medically restricted driving licence may take the ADI driving test and the ADI test of instructional ability in a car with automatic transmission, and at the same time introduce a new condition of registration that all driving instructors will have to declare they can safely take control of the vehicle in an emergency.

This is the Agency's preferred option as it removes an unnecessary obstacle to drivers with medically restricted driving licences who wish to pursue a career as a driving instructor. It also ensures that all driving instructors must declare they can safely take control of the vehicle in an emergency.

Mandatory Registration of B+E Trainers

Option 1 – Do nothing.

There would be no costs. However, this option does not address the objective of ensuring that those providing paid instruction in category B+E meet the minimum standards in instruction and conduct. It has therefore been discounted.

Option 2 – anyone wishing to deliver paid instruction in category B+E must be a registered ADI and have held a full category B+E licence for at least four of the last six years. This option addresses the risk that instruction in category B+E can be delivered by unqualified trainers by ensuring that they have passed the ADI three part qualifying examination, hold the appropriate driving licence and meet the fit and proper person requirements.

This is the Agency's preferred option as it ensures their driving ability and instructional ability have been assessed, they hold the appropriate driving licence and meet the fit and proper person requirements.

Option 3 – introduce a separate B+E Register with its own three part entrance examination and a separate registration fee. Option 3 also addresses the risk that instruction in category B+E can be delivered by unqualified trainers by ensuring that they have passed a B+E three part qualifying examination, hold the appropriate driving licence and meet the fit and proper person requirements.

However, the cost of developing the new qualification tests would be prohibitive and for this reason this option has been discounted.

Requirement for instructors to adhere to guidance issued by the Registrar

Option 1 – Do nothing.

There would be no costs. The requirement to adhere to guidance issued by the Registrar is already prescribed in legislation. However, it is necessary to clarify and agree with the industry which documents should be regarded as guidance and for this reason Option 1 has been discounted.

Option 2 – agree the list of documents which must be regarded as guidance issued by the Registrar. The list of documents would be published by the Agency, but not specified in regulations. However this option would not provide the same clarity as Option 3, nor do we believe it would carry as much authority, and for these reasons Option 2 is not our preferred option.

Option 3 – amend the regulations to include the agreed list of documents. This approach ensures clarity and consistency and achieves the stated objective of improving standards within the industry. This is the Agency's preferred option.

Immediate Suspension from the Register

Option 1 – Do nothing.

There would be no costs. However, this option allows instructors who have been convicted of a serious crime to continue to instruct while they are exhausting the appeals process. Therefore it does not meet the objective of ensuring public safety by providing the Registrar with powers to immediately suspend an approved instructor from the Register where they believe that the instructor would pose a significant threat if not suspended. For this reason this option has been discounted.

Option 2 – Seek an amendment to the Road Traffic (NI) Order 2007 in order to give the Registrar the powers to immediately suspend an approved instructor from the Register if they believe that the instructor would pose a significant threat if not suspended. This option achieves the stated objective of ensuring the safety of members of the public. In addition, it maintains parity with the position in Britain, where the Registrar has the power to immediately suspend an instructor from the Register in these circumstances. This is the Agency's preferred option.

4. Benefits (of the preferred options)

It is anticipated that implementation of the preferred options will have the following benefits:

Trainee Licence Scheme

- Mandatory display of the trainee licence will make it easier for learner drivers to identify if their instructor is fully qualified or part qualified;
- Requiring potential driving instructors to return their expired trainee licence will remove the opportunity for fraudulent use of expired licences; and
- Reducing the maximum number of trainee licences a potential instructor may apply for will reduce the period of time they can instruct for payment before qualifying, while still enabling them to gain valuable experience instructing before attempting their ADI test of instructional ability.

Review of ADI test requirements for drivers with a medically restricted driving licence

- Allowing drivers with a medically restricted driving licence to take the ADI driving test and the ADI test of instructional ability in an automatic car will remove a potential obstacle to disabled drivers who wish to pursue a career as a driving instructor; and
- Introducing a new condition of registration that all instructors must declare that they fully understand their legal obligation to be able to safely take control of the vehicle in an emergency and that they would be able to do so if required will have the benefit of reminding all instructors of their legal obligations and their duty of care to their pupils.

Mandatory Registration of B+E Instructors

- Requiring those delivering paid instruction in category B+E to be registered ADIs will improve the standard of instruction delivered to learner drivers;
- It will ensure that anyone delivering paid instruction in category B+E has undergone a criminal records check carried out by Access NI; and
- It removes the anomaly of requiring those instructing in category B (cars) to be registered, while those instructing in category B+E had no such requirement.

Adherence to guidance

- Will provide clarity for instructors, pupils and the Agency as to what documents are regarded as guidance issued by the Registrar; and
- Will ensure consistency in that all instructors will be obliged to comply with the same requirements.

Immediate Suspension from the Register

- The key benefit of introducing the power for the Registrar to immediately suspend an instructor in the circumstances outlined in the consultation paper is the

safeguarding of members of the public from instructors with serious convictions or who have repeatedly failed their check test;

- It will protect the industry from bad publicity where an instructor is able to continue instructing while they exhaust the appeals process;
- It retains the ability to appeal a decision by the Registrar and provides for the reinstatement of an instructor's registration where a conviction is quashed; and
- It maintains parity with the ADI scheme in Britain.

Business sectors affected

The main business sectors affected are the ADI industry, the AMI industry and B+E trainers who are not currently required to be registered.

Other Impact Assessments

There are no equality, human rights, environmental, rural or health issues involved. In addition, the proposed measure will have no impact on development, sustainable or otherwise.

5. Costs (in relation to the preferred options)

Trainee Licence Scheme

Mandatory Display of Trainee Licence

There are no direct compliance costs for businesses, charities or voluntary organisations in connection with the mandatory display of the trainee licence. However, those who do not comply with the requirement will have their trainee licence revoked and they will not be able to deliver paid instruction until they are fully qualified.

Return of expired trainee licence

Again, there are no direct compliance costs for business, charities or voluntary organisations in connection with this proposal. However, those who do not comply with the requirement to return an expired first trainee licence may lose the fee they have paid for a second licence if it is revoked as a consequence, and they will not be able to deliver paid instruction until they are fully qualified.

Reduce the number of trainee licences

There are no direct compliance costs associated with this proposal for businesses, charities or voluntary organisations. Any compliance costs arising from the proposal to limit to one the number of trainee licences a PDI may have will impact on individual PDIs. This means that the length of time during which a part-qualified PDI can legally charge for instruction will be reduced from one year to six months thus potentially halving their income.

However, it is important to note that the purpose of the trainee licence scheme has always been to enable part-qualified PDIs to get practical experience teaching pupils, rather than to provide them with a source of income.

During 2012/13, DVA issued 16 trainee licences, of which 8 were second licences. Based on these figures, implementing the proposed policy would result in:

- a reduction in annual income to DVA of 8 licences x £60 = £480
- a saving to an individual PDI of £60
- potential loss of earnings to individual PDIs are difficult to estimate as the cost of driving lessons varies from instructor to instructor and from town to town.

Review of ADI test requirements for drivers with a medically restricted driving licence

There are no compliance costs for businesses, charities or voluntary organisations arising from the proposal to permit drivers with a medically restricted driving licence to take the ADI test of driving ability, the ADI test of instructional ability and the ADI check test in an automatic car.

All supervising drivers who accompany learner drivers are already required by law to be able to safely take control of the vehicle in an emergency. Making this a condition of registration for all driving instructors formalises this legal obligation, and does not impose any additional compliance costs on businesses, charities or voluntary organisations.

It is anticipated that implementation costs for DVA will be minimal.

Mandatory Registration of B+E Instructors

Implementing a mandatory register for B+E instructors will impose compliance costs on the B+E training industry.

Based on current DVA fees, the cost of completing the qualification process can range from £580 to £1260 depending on the number of attempts a candidate requires to pass each of the three tests. The cost of registration for a four-year period is currently £240.

	Option 1	Option 2	Option 3
Part 1 theory test	£0	£72 – £216	£72 – £216
Part 2 test of driving ability	£0	£130 - £390	£130 - £390
Part 3 test of instructional ability	£0	£138 - £414	£139 - £414
Registration Fee	£0	£240	£240
Total Cost Range	£0	£580 - £1260	£580 – £1260

Under Option 2 these costs would only be imposed on B+E instructors who are not already ADIs, whereas with Option 3 the costs would be imposed on all B+E instructors.

As there is no current mandatory register it is difficult to obtain accurate figures in relation to the number of B+E instructors in Northern Ireland. An informal survey of those bringing candidates for category B+E tests indicates there may be in the region of 20 to 30 people providing B+E training in Northern Ireland. This is corroborated to some extent by an internet search for B+E instructors based in Northern Ireland, which identified 15 B+E training organisations.

Other Costs

In addition to the compliance costs outlined above Option 3 would also necessitate the development of three new tests for category B+E instructors. The cost to the Agency of developing the qualifying tests for Option 3 would be between £70,000 and £100,000. DVA considers that incurring costs of this size would not be proportionate to the scale of the issue and would not be a good use of public money.

Documents to be regarded as guidance issued by the Registrar

The Road Traffic (Northern Ireland) Order 2007 sets out the conditions of registration for instructors and includes a requirement that instructors must adhere to guidance issued by the Registrar. As outlined in the consultation paper, approved driving / motorcycle instructors are provided with comprehensive guidance in the form of a number of publications which set out the standards, procedures and behaviours expected of professional instructors.

The proposal to formalise the list of documents which are to be regarded as guidance issued by the Registrar does not impose any additional compliance costs on business, charities or voluntary organisations.

Immediate Suspension by the Registrar

There will be no compliance costs for charities or voluntary organisations.

Under the proposals, instructors who are convicted of a serious crime or who fail their check test three times will be immediately suspended from the Register and will therefore face a loss of earnings. DVA is considering introducing a compensation scheme similar to that in Britain, where instructors who are suspended from the Register but who are subsequently permitted to resume instructing following a successful appeal will be recompensed under the proposed compensation scheme. The detail of this compensation scheme will be the subject of a separate consultation exercise and a separate Regulatory Impact Scheme.

6. Consultation with small business: the Small Business Impact Test

It is widely recognised that small businesses including micro businesses (employing less than 5 people) have a considerable impact on the economy and sustainable development of Northern Ireland. In considering the cost, risks and benefits to small and micro businesses of increased regulation of the driving / motorcycle instructor

industry, it is recognised that some of these proposals may have an impact on small businesses. Many instructors in Northern Ireland fall into this category and it is likely that some of the proposed measures may affect their day to day operations.

The Agency welcomes comments and / or evidence on the costs, risks and benefits to these business sectors and to any other sectors believed to be impacted by these proposals.

7. Enforcement and Sanctions

Enforcement will be a matter for the Driver & Vehicle Agency, the Police Service of Northern Ireland (PSNI) and the Northern Ireland Courts and Tribunal Service.

8. Monitoring and Review

A post implementation review of the policy will be carried out 18 months after the new arrangements have been in operation.

9. Consultation

This draft partial Regulatory Impact Assessment forms part of the consultation process which is now being carried out on the proposals. The consultation paper has been issued to a wide range of interests and has also been published on the DOE website. Comments are also invited on this partial Regulatory Impact Assessment which will be further developed to take account of any comments made during the consultation.

A Final Regulatory Impact Assessment will be produced following completion of the consultation process.

10. Summary and Recommendation

DVA is satisfied that the proposals are proportionate and will contribute to an improved registration scheme for driving and motorcycle instructors in Northern Ireland.

11. Declaration

“I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.”

Signed

Date

Contact point

Angie McClenaghan
DVA Driver Policy & Standards
Business Support Unit
66 Balmoral Road
Malone Lower
Belfast
BT12 6QL

Appendix D – List of Consultees

We have written to the following organisations informing them of this consultation exercise.

The following is not an exhaustive list, but is indicative of the types of organisations this document was sent to.

Approved Driving Instructors
Approved Motorcycle Instructors
B+E trainers
DOE
DVA
PSNI
Equality Consultees
NIPSA
House of Lords Library
House of Commons Library
Northern Ireland Assembly Library
MPs and MEPs
MLAs
Northern Ireland Party Leaders
Road Safety Organisations
Individuals/Organisations who requested further information.

Appendix E

DOE SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

Under Section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity between the groups listed at **Appendix 1**. In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

This form is intended to help you to consider whether a new or revised policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for consultation on the outcome of the screening exercise and will be referenced in the Annual Report to the Equality Commission. Reference should be made to the outcome of the screening exercise and subsequent consultation in any submission made to the Minister.

It is important that this screening form is completed carefully and thoughtfully. Your business area's Equality Representative and the Department's Equality Team (ext 37060/37061) will be happy to assist with all aspects of the screening process and will help with the completion of the form, if required.

All screening forms should be signed off by the policy maker, approved by a senior manager responsible for the policy and sent to the Equality Team who will arrange to have them posted on the Department's website.

Policy Title:	Improvements to the approved driving / motorcycle instructor schemes in Northern Ireland
Business Area:	Driver & Vehicle Agency (DVA)
Contact:	Jennifer Campbell

Screening flowchart and template

Introduction

Part 1. Policy scoping – asks the Department to provide details about the policy, procedure, practice and/or decision being screened and what available evidence has been gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

Part 2. Screening questions – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations issues.

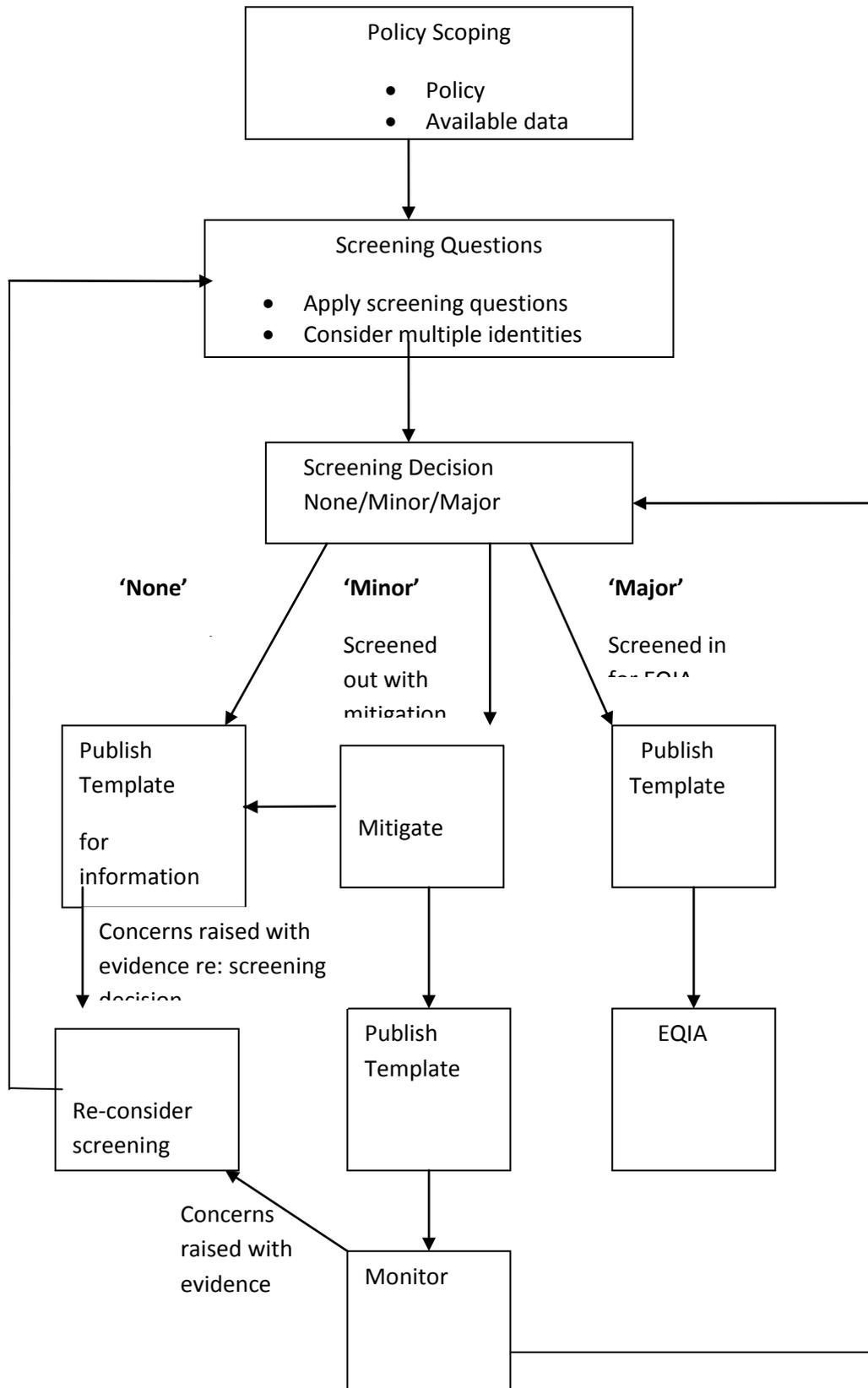
Part 3. Screening decision – guides the Department to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or to introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

Part 4. Monitoring – provides guidance on monitoring for adverse impact and broader monitoring.

Part 5. Approval and authorisation – verifies the Department's approval of a screening decision by a senior manager responsible for the policy. All screening templates must be signed off by the relevant policy maker, approved by a senior manager responsible for the policy and forwarded to the Department's Equality Team for quality assurance, approval and publication on the Department's website.

Part 6. Submission to the Departmental Equality Team – Contact details for the Equality Team can be found in this section.

SCREENING FLOWCHART



Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Policy makers should remember that the Section 75 statutory duties apply to internal policies (relating to the Department's staff), as well as external policies (relating to those who are, or could be, served by the Department).

Information about the policy

Name of the policy
Improvements to the approved driving instructor (ADI) / motorcycle instructor (AMI) schemes in Northern Ireland
Is this an existing, revised or a new policy?
The consultation paper focuses on five key areas relating to driving / motorcycle instruction, and is a combination of new and revised policies.
What is it trying to achieve? (intended aims/outcomes) (Please give clear explanation of policy aims/outcomes)
i. to further improve the trainee licence scheme for part qualified driving instructors by: - requiring display of the licence while giving instruction; - providing for revocation of a second trainee licence where the previous expired licence is not returned to the Registrar; and

- in the longer term, removing the facility for a second trainee licence.
- ii. to remove a potential obstacle for drivers with a medically restricted driving licence who wish to pursue a career as a driving instructor, by permitting them to take the ADI test of driving ability and the ADI test of instructional ability in a car with automatic transmission.
- iii. to raise the standards of instruction in the driving of category B+E vehicles (cars with trailers), by extending the mandatory registration requirement to include instructors in this category.
- iv. to further raise the standard of driving / motorcycle instruction in Northern Ireland by formalising the list of documents to be regarded as guidance issued by the Registrar, and which must therefore be adhered to as a condition of the instructor's registration.
- v. to safeguard learner drivers / motorcyclists by giving the Registrar the power to immediately suspend an instructor's registration where the Registrar believes the instructor would pose a significant threat to the safety of members of the public otherwise.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

It is anticipated that the proposed change to the requirement for the ADI test of driving ability and the ADI test of instructional ability will benefit drivers with a medically restricted driving licence who wish to pursue a career as a driving instructor.

Who initiated or wrote the policy?

The Driver & Vehicle Agency

Who owns and who implements the policy?

The Driver & Vehicle Agency

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

Yes

No

If yes, are they

financial

legislative

other, please specify:

Legislative - implementation of the policy will require the amendment of the Road Traffic (NI) Order 2007 via a Bill in the Assembly.

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

staff

service users

other public sector organisations

voluntary/community/trade unions

other, please specify: the driving / motorcycle instruction industry; those currently providing B+E training; those who are considering a career as a driving instructor.

Other policies with a bearing on this policy

- what are they?

Existing policies relating to the Registers of Approved Driving Instructors and Motorcycle Instructors.

- who owns them?
the Driver & Vehicle Agency

Available evidence

Evidence to help inform the screening process may take many forms. Policy makers should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Please specify details for each of the Section 75 categories. For further advice please contact Analytical Services Branch (ASB), (Gary Ewing, ext 40245) or the Equality Team (Laura McAleese, ext 37060, or Jeff Johnston, ext 37061).

Section 75 category	Details of evidence/information
Religious belief	Statistics compiled from responses to an ADI Equality Impact Assessment Questionnaire indicated that 43.3% of respondents were Protestant, 42.6% indicated that they were Catholic and the remaining 14.1% were either of another religion or no religion.
Political opinion	not known
Racial group	Statistics compiled from responses to an ADI Equality Impact Assessment Questionnaire indicated that 99% of respondents were white.
Age	Statistics compiled from responses to an ADI Equality Impact Assessment Questionnaire indicated that 57% of respondents were aged between 35 and 54, 34% were aged 55 and over while 9% were aged under 35.
Marital status	Statistics compiled from responses to an ADI Equality Impact Assessment Questionnaire indicated that 74% of respondents were married, cohabiting, civil partners or a same sex couple, 13% were single and the remainder were separated, widowed or divorced

Sexual orientation	not known
Men and women generally	Statistics compiled from responses to an ADI Equality Impact Assessment Questionnaire indicated that 86% of respondents were male and 14% female.
Disability	Statistics compiled from responses to an ADI Equality Impact Assessment Questionnaire indicated that 90% of respondents did not suffer from a long-standing illness, disability or infirmity.
Dependants	Statistics compiled from responses to an ADI Equality Impact Assessment Questionnaire indicated that 38% of respondents were responsible for the care of a child and 10% were responsible for the care of a person with a disability or an elderly person.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories.

Section 75 category	Details of needs/experiences/priorities
Religious belief	There is no evidence to suggest that this section 75 group has different needs, experiences, issues or priorities in relation to these policy proposals.
Political opinion	As above
Racial group	As above
Age	As above
Marital status	As above
Sexual orientation	As above
Men and women generally	As above
Disability	The proposed change to the test vehicle requirements for the ADI qualifying tests and check tests is designed to facilitate drivers with a medically restricted driving licence who wish to pursue a career as a driving instructor.

Dependants	There is no evidence to suggest that this section 75 group has different needs, experiences, issues or priorities in relation to these policy proposals.
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Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, policy makers should consider the answers to the four screening questions.

If your conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then you may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, you should give details of the reasons for the decision taken.

If your conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If your conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:-

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there

are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;

- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	This policy will have no impact on equality of opportunity.	none
Political opinion	This policy will have no impact on equality of opportunity.	none
Racial group	This policy will have no impact on equality of opportunity.	none
Age	This policy will have no impact on equality of opportunity.	none
Marital status	This policy will have no impact on equality of opportunity.	none
Sexual orientation	This policy will have no impact on equality of opportunity.	none
Men and women generally	This policy will have no impact on equality of opportunity.	none
Disability	The proposed change to the test vehicle requirements for the ADI qualifying tests and check tests for drivers with	minor positive impact

	medically restricted driving licences is intended to improve equality of opportunity this section 75 category	
Dependants	This policy will have no impact on equality of opportunity.	none

2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If Yes , provide details	If No , provide reasons
Religious belief		No, the policies will apply equally to instructors and potential instructors regardless of their section 75 category.
Political opinion		No, the policies will apply equally to instructors and potential instructors regardless of their section 75 category.
Racial group		No, the policies will apply equally to instructors and potential instructors regardless of their section 75 category.
Age		No, the policies will apply equally to instructors and potential instructors regardless of their section 75 category.

Marital status		No, the policies will apply equally to instructors and potential instructors regardless of their section 75 category.
Sexual orientation		No, the policies will apply equally to instructors and potential instructors regardless of their section 75 category.
Men and women generally		No, the policies will apply equally to instructors and potential instructors regardless of their section 75 category.
Disability	The proposed change to the test vehicle requirements for the ADI qualifying tests and check tests for drivers with medically restricted driving licences is intended to improve equality of opportunity for this section 75 category	
Dependants		No, the policies will apply equally to instructors and potential instructors regardless of their section 75 category.

3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?
minor/major/none

Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	none	none
Political opinion	none	none
Racial group	none	none

4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	If Yes , provide details	If No , provide reasons
Religious belief		No, the policies will apply equally to instructors and potential instructors regardless of their section 75 category.
Political opinion		No, the policies will apply equally to instructors and potential instructors regardless of their section 75 category.

Racial group		No, the policies will apply equally to instructors and potential instructors regardless of their section 75 category.
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Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

Yes

No

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

This policy will impact equally on all instructors and potential instructors, and the data from the ADI Equality Impact Assessment Questionnaire has not evidenced a need to undertake a full EQIA.

If the decision is not to conduct an equality impact assessment the policy maker should consider if the policy should be mitigated or an alternative policy be introduced.

This has been considered and it has been agreed that the policy is justified and that no undue impact will fall on Section 75 groups, therefore no mitigation is required.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When you conclude that the likely impact is 'minor' and an equality impact assessment is not to be conducted, you may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

No mitigation is required.

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment:-

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment.

Is the policy affected by timetables established by other relevant public authorities?

Yes No

If yes, please provide details.

Part 4 - Monitoring

You should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the Department should monitor more broadly than for adverse impact.

Effective monitoring will help you to identify any future adverse impact arising from the policy which may lead to completion of an equality impact assessment, as well as help with future planning and policy development.

Part 5 - Approval and authorisation (to be completed by Business Area)

Screened by:	Position/Job Title	Date
Claire Devlin	DP	26/4/2013
Approved by:		
Jennifer Campbell	G7	

Note: A copy of the Screening Template, for each policy screened should be 'signed off' by the policy maker, approved by a senior manager responsible for the policy and forwarded to the Department's Equality Team who will make the form available on the Department's website. Business areas should ensure that the form is made available on request.

Part 6 – Submission to Departmental Equality Team

PLEASE FORWARD AN ELECTRONIC COPY OF THE COMPLETED FORM TO:

equality@doeni.gov.uk

QUERIES TO: DOE EQUALITY TEAM
8th FLOOR
GOODWOOD HOUSE
44-58 MAY STREET
BELFAST
BT1 4NN

Laura McAleese, Ext. 37060 laura.mcaleese@doeni.gov.uk

Jeff Johnston, Ext. 37061 jeff.johnston@doeni.gov.uk

Main Groups Relevant to the Section 75 Categories	
Category	Main Groups
Religious belief	Protestants; Catholics; people of non-Christian faiths; people of no religious belief
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party
Racial Group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people with mixed ethnic group
“Men and women generally”	Men (including boys); women (including girls); trans-gendered people
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	For most purposes, the main categories are: children under 18, people aged between 18-65, and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration
“Persons with a disability”	Disability is defined as: A physical or mental impairment, which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
“Persons with dependants”	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person

Sexual orientation	Heterosexuals; bi-sexuals; gays; lesbians
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