



Response from
The Motor Schools Association of Great Britain
101 Wellington Road North, Stockport, Cheshire SK4 2LP
Tel: 0161 429 9669 Fax: 0161 429 9779 Email: mail@msagb.co.uk

November 2000

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1 INTRODUCTION

- 1.1 The Motor Schools Association of Great Britain (MSA) is pleased to respond to the Driving Standards Agency (DSA) Consultation entitled "Improving the Approved Driving Instructor (ADI) Scheme".
- 1.2 The MSA is the national trade association for driving instructors and schools founded in 1935. Members of the association are in the main Driving Standards Agency Approved Driving Instructors (ADI). Following our merger with the Institute of Large Goods Vehicle Driving Instructors (ILGVDI), earlier this year, we also represent their interests together with those of a small number of bus/coach instructors and motorcycle instructors.

2 GENERAL COMMENTS

- 2.1 We have been invited to comment on any of the issues raised in the consultation including the draft Regulatory Impact Assessment (Annex A). In particular our comments were sought on the next phase of ADI improvements (paragraph 6). Financing check-tests from a specific fee rather than from the registration fee (paragraph 7). Removal action by the Registrar coming into force when the Registrar

makes the decision, with power for the appellate authority to suspend that decision until an appeal case had been determined. (paragraph 15). Transferring the Secretary of State's appeal function to the Transport Tribunal (paragraph 18). Allowing magistrates' courts (Sheriff in Scotland) to review whether a check-test has been conducted in accordance with the regulations (paragraph 19). Improved ADI theory test arrangements (paragraph 27). We have commented on all these plus some other proposals. We have also included in this response our comments on DETR Road Safety Research Report No.15 *Raising the Standards of Approved Driving Instructors*.

2.2 .In order to collect as wide a range of views as possible before submitting the association's views to the committee, we invited all MSA members to comment through our monthly publication *MSA Newslink*. Members of the association's Board of Management have also consulted members through regional meetings and the association's network of branches and associated local ADI groups.

3 DISPLAY OF ADI CERTIFICATES ON DRIVING TESTS

3.1 Paragraph 6(a) Proposes that ADIs display their ADI certificates or ADI licences when presenting candidates for a driving test - to help accurate recording of information about pass/fail rates and fault analysis.

3.2 The phrasing of this proposal suggests a drafting error or a lack of understanding of the ADI regulations within the DSA. Trainee instructors hold licences ADIs do not have licences they are registered. The concept that this proposal "would help accurate recording of information" is laughable. Many driving instructors routinely leave their certificates in the car window whilst their vehicle is being used for a driving test. However, the figures currently being produced by the DSA are, we believe, in the vast majority of cases inaccurate. To highlight this point we reproduce here just one of the many comments we have received from MSA members on this subject. *My Driving Test Fault Analysis for 1999/2000, showed 62 tests and a pass rate of 50%. This compared with a true figure of 51 tests and a pass rate of 58.82%. – This ADI had displayed his registration certificate every time his car had been used on test!*

3.3 We believe this proposal to be unfair, unenforceable, against the laws of natural justice, and that if this change were to be introduced, it would have a discriminatory effect. Later in this response, we will cover the publication of the *performance of their* (driving instructors) *trainees* paragraph 13 and the derisory assertion made in the draft Regulatory Impact Assessment that "*The Agency does not believe that learner drivers will face higher costs as a result of these changes*".

3.4 A driving test appointment is considered the "property" of the driving test candidate. How they choose to fulfil their appointment is their own business it is not regulated by driving instructors. Providing they fulfil the relevant MTV regulations for the test they wish to take they can turn up in any make type or size of vehicle. There is no requirement for the vehicle to be fitted with dual controls and candidates are not required to attend for test with a registered or licensed driving instructor. (These comments apply equally to motorcycles/LGV/PCV.) Further, there are no regulations that require a person who does attend for a driving test in a driving school car to be accompanied by a registered or licensed driving instructor or that the person who accompanies them to the test centre waits there with them.

3.5 Driving Test candidates are encouraged in DSA literature to take the advice of their driving instructor as to their readiness for test but are not compelled to take that

advice. Neither are they required to employ the services of a driving instructor. Candidates for test are also encouraged to complete the DSA syllabus for learning to drive before coming forward for test however, they are not required to complete it and are not required to show any evidence that the syllabus has been completed.

3.6 We believe that this proposal would be unfair for a number of reasons:

3.6.1 In many, if not all, multi-car driving schools instructors from time to time accompany candidates to their tests who they have had no part in teaching to drive. This can be because the candidate's regular instructor is double booked, are not working because of illness or are no longer with the driving school.

3.6.2 This means that the accompanying instructor would be having the results of a candidate they had not taught recorded against their name. Many might consider this acceptable if the candidate passed the test but not if they failed!

3.6.3 Conversely, an instructor who has expended time and effort on preparing a good quality candidate would not be credited with that candidate's result.

3.6.4 The business of a self-employed driving instructor is effectively split into parts professional and commercial. If adopted this proposal would be an unfair interference in the commercial side of a driving instructor's business. At present, a driving instructor may recommend to a pupil that they are not ready to take a driving test. Many pupils often disagree and in the case of young drivers so do their parents, often quite vociferously. Many insist on being allowed to take their driving test.

3.6.5 Having had their professional advice ignored an instructor then has to decide on a commercial basis whether or not he will allow the candidate to hire the driving school car for use on the test. It is often made very clear to the instructor that if the person concerned is not allowed to use the school car for the test they or their parents will take their business elsewhere.

3.6.6 Faced by this dilemma many instructors decide that providing the pupil is unlikely to be a danger to public safety it will be a sensible commercial; decision to allow the driving school car to be used on test. They know from previous experience that taking this course of action means they are unlikely to lose the client who will take further lessons before re-sitting the driving test. Forcing instructors to comply with this proposal may mean that many are forced to put their reputations before sensible business practice and move from profitability to bankruptcy.

3.6.7 We also believe that this proposal is unfair to DSA driving examiners as it may cause a large increase in the number of candidates who attend for test in cars not fitted with dual-controls. This obviously poses an increased health and safety risk for examiners.

3.7 We believe that this proposal would be unenforceable for a number of reasons:

3.7.1 From time to time, some driving instructors utilise the services of persons other than driving instructors to accompany candidates to the test centre. This might be because the instructor is a one-person business and has unavoidable personal business at the time of the test.

- 3.7.2 It is possible to foresee a situation where a multi-car driving school decides to rent out driving school cars for use on the driving test where the pupil can be accompanied by their parents or some other accompanying driver. This would result in a driving school car attending for test with no ADI how would examiners be expected to cope with that situation.
- 3.7.3 No suggestion is given in the consultation paper as to what penalty would be imposed on a driving instructor who did not display a certificate or licence. The obvious penalty might be for the examiner to refuse to take a driving school car on test if it did not display a certificate or licence. Whilst this might be seen to impose the cost of a re-test on to the instructor the person who would be immediately punished would be the candidate.
- 3.8 We believe that this proposal would go against the laws of natural justice:
- 3.8.1 This proposal sets out to record the results of the efforts of one group of people (driving test candidates) against a different group of people (driving instructors) this can not be natural justice.
- 3.8.2 It also means that many instructors are likely to find reasons not to teach learner drivers who fall into the “difficult to teach” category. Some of these are well known such as older people or those who have a physical disability.
- 3.8.3 There is also anecdotal evidence that instructors also find it difficult to teach certain groups, e.g. nurses and those particularly proficient in intellectually academic subjects. Nurses can make difficult clients for driving schools because their uncertain shift patterns making booking lessons difficult. Academics are often considered difficult to teach because they find it hard to acquire practical skills.
- 3.9 We believe that if the proposal were to be introduced, it would have a discriminatory effect in three ways.
- 3.9.1 Firstly, it would discriminate against the groups set out 3.8.2 and 3.8.3 above. In addition it would be likely to discriminate against those people whose first language is not English and who in many cases often need to take a couple of tests in order to understand more fully what is required. If instructors are going to have their pupils results recorded against their name they are unlikely to want to take on candidates whom they know are likely to have a lower first time pass rate than others.
- 3.9.2 Secondly, it may discriminate against women. Many women instructors work part time because of family commitments and are assisted in this by other instructors who from time to time take their pupils on test. It is unlikely that instructors are going to continue with this assistance if they are going to have another instructor’s pupils results recorded against their details.
- 3.9.3 Thirdly, it would discriminate against those instructors who may wish to carry out lessons whilst their car is involved on test.

4 APPLICANTS FOR ADI TESTS TO PRESENT EVIDENCE OF IDENTITY

- 4.1 Paragraph 6(b) Proposes that applicants for ADI tests to present their driving licence/photographic evidence of identity – providing a simple, cheap and effective check of candidate identity and driving entitlement.

4.2 We have no objection to this proposal.

5 MTV REQUIREMENTS FOR ADI TEST VEHICLES

5.1.1 Paragraph 6(c) Proposes that ADIs vehicles used for ADI qualifying tests and check-tests to have a seat belt, a head restraint and an additional rear-view mirror for use by the examiner – for the health and safety of the examiner.

5.1.2 The phrasing of this proposal again suggests a problem with drafting We assume that the part of the proposal that refers to check tests should state “role play check tests”. We assume that “a head restraint and an additional rear-view mirror for use by the examiner” will not be required when the examiner is undertaking a check test with a pupil driving the car.

5.1.3 Presuming that our assumption above is correct. The MSA has no objection to this proposal.

6 ADI PART 2 EYESIGHT TEST IN THE

6.1.1 Paragraph 6(d) Proposes that the distance for the eyesight test in the ADI Part 2 test to be shortened from 27.5 metres to 26.5 metres where the number plate has reduced width of character - following the introduction from 1 March 2001 of the new style font

6.1.2 The MSA has no objection to this proposal.

7 ADI PART 2 DRIVING FAULTS

7.1.1 Paragraph 6(e) Proposes the recording all the driving faults during the ADI Part 2 test on the test report form - rather than a maximum of two for each topic as at present

7.1.2 The MSA has no objection to this proposal.

8 ADI REGISTRATION FEE

8.1 Paragraph 7 states that currently, DSA’s costs undertaking check-tests are recovered from the 4-yearly registration fee. This means that those ADIs who demonstrate higher standards, and therefore have fewer check-tests, subsidise check-testing for the remainder. A fee that covered the unit cost of a check-test would be around £75. If check-tests were self-financing, registration fees could be reduced from £200 to around £100. DSA would welcome views on whether it would be fairer and more efficient if check-tests were paid for by a specific fee, like the qualifying tests.

8.2 The MSA has campaigned for some time for an annual fee for ADI registration, with the ADI as a lifetime qualification. The principle behind this idea is to treat ADI status as a qualification with the right to teach reserved for those who are on the DSA register. This would mean that each ADI who wished to use their ADI qualification would pay an annual registration fee. At any time they could cease to pay the fee BUT would not lose their qualification. If at some future time they wished to again teach for money they could pay the annual fee and rejoin the register.

8.3 We feel that build into the fee whether it is annual or four yearly should be an amount to cover a four yearly check test. However, any additional check test required should

be paid for. We should point out that many driving instructors are suspicious of this proposal and believe that the numbers of ADIs with higher grades would fall as the DSA saw this as a way to increase revenue from the fees for check tests. If this proposal is, taken forward the MSA will want clear evidence that it does not result in an increase in the number of check tests.

8.4 Others are also sceptical about the timing of this proposal. Considering how far behind the DSA are with the check test programme they suggest that a large amount of surplus has been built up in DSA funds and changing the system now would allow that money to be used by DSA for other purposes. Bearing this in mind DSA might consider a reduced fee for ADIs over the next couple of years in order to reduce that surplus.

9 - PUBLISHING PASS RATES

9.1 Paragraph 13 states that Ministers want DSA to be able to provide the public with information about registered instructors - the training services in which they specialise and the performance of their trainees. The MSA rejects this proposal for two main reasons.

9.2 Firstly we do not understand why the DSA would want to publish all this information it would be costly and there are many avenues where pupils can find out about local driving instructors through various directories and local advertising. We are also concerned that some instructors would not want their individual details advertised as they work under a franchise or simply because they do not actively give learner lessons or they have a thriving business based on recommendations. We also suspect that the agenda behind this idea is driven by DSA commercial department who see publication as another commercial venture and an opportunity to charge ADIs for a listing.

9.3 Secondly, we do not believe that a system capable of considering all the variables of age, gender, test centre used, number of test attempts etc. will be available in the near future. Without such a system, we believe that the publication of pass rates would be at best worthless and at worst meaningless or even illegal. We also believe that it would be detrimental to professional driving instructors.

10 MORE EFFECTIVE ENFORCEMENT ACTION

10.1 Paragraphs 15 states that. Ministers believe that proper standards supervision, supported by fair and timely enforcement action, is critical to the effective operation of the Register. Currently the Registrar's decision is suspended when an ADI appeals against removal from the Register, or a trainee appeals against a refusal to renew a licence. In either case, the person is allowed to continue to offer instruction, regardless of the grounds which led to the Registrar's decision. Ministers believe that delays stopping instruction when behaviour or standards are unacceptable risk undermining public confidence in the Register. They, therefore, propose that the Registrar's decision should come into force when it is made, with the appellate authority having the power to suspend that decision until they have determined an appeal. This would involve amending primary legislation, and DSA is investigating how this might be achieved.

10.2 We support the actions being proposed in this area however, we are a little concerned at the lack of any range of penalties open to the registrar when enforcement action is

being considered. A person is on the register or off. We would suggest investigation of a small range of penalties less than removal from the register. These might include periods of suspension and fines.

10.3 Paragraph 16 states that Ministers are concerned that, although around 95% of car test candidates are presented to the practical test by ADIs, the standard of candidate remains unsatisfactory. DSA, working together with the ADI industry, proposes to define criteria to highlight when an individual instructor appears to be presenting unacceptable numbers of grossly ill-prepared candidates. This was discussed at a meeting with the ADI representative bodies on 18 July, with a further meeting planned for the autumn. Any such criteria would be subject to general consultation before their adoption.

10.4 We have been pleased to be involved in discussions on this subject and accept the need for examiners to be protected from dangerous candidates. However, as mentioned above the driving test appointment is the “property” of the candidate. In order to reinforce the instructors recommendation to candidates who are not ready for test to postpone their appointments would it not be reasonable to punish candidates who are “grossly ill-prepared” perhaps by not allowing them to re-take their driving test for a period of three months.

11 NEW APPEALS ARRANGEMENTS

11.1 The MSA has no objection to the revised system of appeals proposed in paragraphs 17 to 20. However, we would point out that we feel that the current arrangements have worked well and we have no objections to them.

11.2 We also believe that a similar system should be used for the LGV/PCV instructor registers and fail to understand why no appeals system has been put in place for CBT operators.

11.3 We are a little concerned that the new system will not satisfy those who feel that it should be possible to appeal against the results of tests. We do not believe it should be possible to appeal results. However, we may be forced to revise that view in the future if the current lack of examiner supervision is not improved thus improving the quality, consistency and believability of test results.

12 OTHER CHANGES ANNOUNCED IN THE ROAD SAFETY STRATEGY

12.1 The MSA welcome many of the other changes announced in the Road Safety Strategy including the proposed new scheme for LGV and PCV driver training that includes prescribing, training courses and the training providers who deliver them.

12.2 We would urge Ministers to instruct the DSA to bring forward proposals for a new scheme for car driver training that includes prescribing, training courses and the training providers who deliver them

12.3 , , registration of professional instructors, a more structured approach to learning to drive, using logbooks.

12.4 These will be subject to separate consultation.

13 DETR REPORT

13.1 Paragraph 25 invites comments on the DETR report *Raising the Standards of Approved Driving Instructors* these are given under a separate heading after our comments on the Draft Regulatory Impact Assessment.

14 IMPROVEMENTS TO THE ADI THEORY TEST

14.1 Paragraph 27 lists improvements that have already been introduced to the ADI theory test service and suggests further planned improvements: including the addition, a moving image hazard perception test when that becomes a feature of theory testing generally.

14.2 The MSA has no objection to these proposals except to query the introduction of a hazard perception test for experienced drivers. We are unaware of any research that suggests this would be of any benefit.

15 DRAFT REGULATORY IMPACT ASSESSMENT

15.1 Paragraph 7 states that The Agency does not believe that learner drivers will face higher costs as a result of these changes. Higher instructional standards should be associated with more cost-effective training, which should save candidates the costs of fees of unsuccessful tests. It could also save the costs of accidents as novice drivers.

15.2 We do not believe this to be true. We believe that enforcing a system that places penalties and hardships on ADIs who present candidates who are not quite up to standard will cause many instructors to insist on candidates having far more lessons, perhaps more than they really need, before they take their driving tests. Whilst we have no objection to that we feel that to pretend it will not increase the cost of learning to drive is misleading.

15.3 Paragraph 10 states that ADIs are required to display their certificate or licence when providing driving lessons. Leaving the badge in the windscreen of the car would not seem to create any additional costs. Given the duration of a driving test, it does not seem likely that an ADI taking a candidate to a test centre would need the badge in order to give instruction in another vehicle, but comments are invited on that point. Were it to be an issue, the ADI could make the badge number known to the examiner before departing.

15.4 Instructors do from time to time give lessons whilst the vehicle is on test so a requirement to display on test could effect an instructors ability to earn a living. Perhaps DSA could provide duplicate certificates for use on test? Alternatively, perhaps an instructor could give the examiner the number of the person who trained the candidate? Daft suggestions – yes, but then so is asking an ADI to display his registration certificate whilst on test.

15.5 Paragraph 24 states that Under these proposals, an appellant would lose the opportunity to earn a living as an instructor during the period of the appeal process and it could be argued that this would be unfair unless compensation was available to a successful appellant. On the other hand, the Registrar would not remove a person from the Register lightly, or without following due process. In addition, the proposed arrangement would allow the appellate authority to suspend the Registrar's decision before the authority had determined the case. Monies would have to be found within

the ADI scheme to pay for any compensation, though in practice the number of successful appeals is small

15.6 As the number of successful appeals is small, we feel that where loss of income has been incurred a successful appellant should be entitled to compensation.

15.7 The MSA has looked into the possibility of an insurance scheme for members to protect them from loss of income whilst an appeal is under way. However, without much more detail regarding the appeal process it has been difficult to arrive at the probable cost. If compensation is not included in the changes to the appeals system, we will look again at the possibility of insuring our members against this risk.

15.8 Paragraph 31 states that The Agency does not consider that these changes give rise to any social exclusion issues. We would draw attention to items 3.8 and 3.9 in this response.

16 RAISING THE STANDARDS OF APPROVED DRIVING INSTRUCTORS

16.1 Paragraph 25 invites comments on the DETR report *Raising the Standards of Approved Driving Instructors* it states that most of the recommendations would need a lot of work before having a proposal which could be implemented. We would concur with that view. Below are the report recommendations with our initial comments in *Italics*. We would expect further detailed consultation on these points before they were introduced. We may, as the result of any future consultation modify our views on particular points.

1. Include other relevant issues, such as business administration, in the theory test.
 - *Tend to agree however, there would be a need for resource material to cover the additional subjects.*
2. Limit the number of attempts at the theory test to three.
 - *Tend to agree*
3. Include a third distracter in the multiple choice items (i.e. a total of four possible answers for each question) and allow multiple response questions.
 - *Tend to agree*
4. Include graphics (as per the computerised L-test) and investigate the inclusion of hazard perception testing.
 - *Tend to agree*
5. Set up a systematic review and development process to improve and extend the question bank.
 - *Tend to agree*
6. DSA, in collaboration with ORDIT, should undertake to expand and improve present levels of scrutiny of training provision for Part III candidates. This should be directed towards improvement of existing standards of training, and ensuring that levels of delivery are consistent throughout the industry.
 - *Tend to agree* - However all these * items require input from ORDIT and if introduced would have considerable cost implications both for ORDIT, the ADI consultative groups and those organisations/individuals registered with ORDIT. It is unlikely that any of the proposals made could be effectively introduced unless recommendations 17 & 18 were enacted.*

7. DSA should investigate the feasibility of requiring each Part III test candidate to hold a training record logbook. Such a logbook would be completed immediately after each session, and signed and dated by an approved trainer. The logbook should be made available for scrutiny by the examiner during the debriefing session immediately following the test. The logbook would replace the present system of certification of training.
 - *Tend to agree, approved trainer to be ORDIT registered*
8. As dual assessment of Part III candidates does not seem to offer any significant advantages, the existing system of examination by one SE(ADI) or trained examiner should be retained.
 - *Tend to agree*
9. Higher levels of consistency and reliability in marking each topic during Part III testing are likely to follow from an enhanced and even more rigorous programme of monitoring examiners. Whilst current levels of consistency are reasonable, improvements would be welcome and DSA should keep under review its top-up training and re-training programmes for examiners.
 - *Tend to agree*
10. Results recorded on a sample of Pre-Set Test forms should be analysed and monitored by DSA in order to identify common areas of weakness in the performance of candidates during the Part III test.
 - *Tend to agree*
11. DSA, in collaboration with ORDIT, should devise and implement strategies designed to improve the performance of Part III test candidates, based upon the results of this analysis.
 - *Tend to agree*
12. DSA should reconsider the current content and standard required of the ten Pre-Set Tests and attempt to improve their consistency, if necessary by weighting the marking of the easier tests.
 - *Tend to agree*
13. We recommend that the Trainee Licence be abolished and replaced with a Probationary Licence granted on passing part III.
 - *Tend to agree - with reservations*
14. A Probationary Licence should be introduced for the first year of an ADI's career. New ADIs' performance should be closely monitored. If they meet pre-set criteria then a full ADI certificate would be issued at the end of the first year. If they fail to meet the criteria, then either a further year of probation would apply, or if the shortfall is serious, the candidate would have to re-train and re-sit Part III.
 - *Not sure – The criteria to be used would need careful research*
15. Elsewhere we make recommendations for the introduction of new criteria to trigger a Check Test. The same types of criteria could apply to the conversion of the Probationary Licence into a full licence. DSA should give careful consideration to the criteria to be used and the threshold values to apply.
 - *Not sure - as 14*

16. ORDIT should make every effort to raise the profile of its directory of trainers, and to raise the standard of training offered by its members.
 - *Tend to agree*
17. That legislation be introduced such that only trainers and establishments licensed and inspected by an appointed body be permitted to train ADIs for reward.
 - *Tend to agree*
18. A single appointed body (ORDIT if it demonstrates its ability, or DSA) be responsible for licensing all ADI trainers and training establishments.
 - *Tend to agree*
19. All approved trainers should be recorded in a single register by the appointed body.
 - *Tend to agree*
20. All trainers to have nationally recognised trainer qualifications e.g. relevant N/SVQ units, as well as being occupationally competent.
 - *Tend to agree – not sure about N/SVQ*
21. The system for monitoring training establishments be strengthened, with greater emphasis being placed upon the assessment of trainers and the training being delivered as well as on premises, vehicles and administrative systems. (This might necessitate specific training for assessors from the appointed body).
 - *Not sure - DSA need to convince all ADIs that the check test is fair or scrap it and replace with accurate performance measurement and CPD*
22. We recommend that the Check Test be retained.
 - *Not sure - DSA need to convince all ADIs that the check test is fair or scrap it and replace with accurate performance measurement and CPD*
23. The second Check Test should be carried out by a different examiner, if it is requested by the ADI for valid cause.
 - *Not sure – BUT the report seems to be saying that if the ADI simply does not like the SE allocated he can chose a different one for the next test. Is that really what is meant by valid cause?*
24. The third – and final - Check Test after two prior failures should be a role-play test conducted by an Assistant Chief Driving Examiner or an Area Operations Manager. This mirrors the Part III entry examination and, in effect, offers the ADI an opportunity to requalify.
 - *Not sure – Part 3 role play and check test role play are not the same*
25. Examiner's reports to ADIs on the outcome of a Check Test should include training and CPD topic recommendations.
 - *Tend to agree*
26. Access to computerised records of examiners' performance provides an opportunity for improvements in identifying inconsistencies or irregularities on the part of individual SE(ADI). DSA should continue to monitor records to identify where and how improvements might be made. Geographical variations in Check Test pass/fail rates might also be investigated.
 - *Tend to agree*

27. Systematic analysis of errors recorded on a significant sample of exam forms following Check Tests might help to identify common weaknesses and point the way towards further training needs for ADIs. DSA should carry out such analyses as a matter of course.
- *Tend to agree*
28. The results of such an analysis will also indicate where examiners might benefit from further training in the pursuit of higher levels of consistency in assessing individual candidates. DSA should include this as part of the analyses.
- *Tend to agree*
29. A system involving the completion of a training and development logbook for SE(ADI)s should be introduced. This will include records of training, briefing, supervision by DSA senior staff; and other activities of a developmental nature designed to improve SE(ADI) performance.
- *Tend to agree*
30. The effects of the recent introduction of the system of core competencies on Check Test results should be the subject of a detailed study to establish whether this has had an impact on the grades awarded and the consistency of marking.
- *Tend to agree*
31. DSA should view sympathetically requests for Check Tests from ADIs, and should explore means of implementing a procedure to respond to such requests.
- *Not sure – DSA are currently about twelve months behind with the check test programme*
32. A minimum number of pupils should be presented within a defined most recent time period for the L-test by the ADI, or a Check Test will be required. The DSA should therefore continually monitor the number of pupils presented by each ADI.
- *Not sure - there seems little to be gained by check testing non-practising ADIs. It would make more sense to make the ADI a lifetime qualification with “registration” dependent on check testing.*
33. A minimum pass rate over a standard number of pupils most recently presented for the L-test should be maintained, or a Check Test will be required. The DSA should therefore continually monitor this pass rate for each ADI.
- *Tend to Disagree – it is unlikely that a system capable of considering all the variables age, gender test centre used etc. will be available in the foreseeable future*
34. A minimum period should be allowed to elapse after a successful Check test, before the next Check Test is required if it is triggered by one of the above criteria.
- *Not sure*
35. A maximum time period after a successful Check Test should not be exceeded before a further Check Test is required. This period could be extended if the ADI can show proof of suitable CPD.
- *Not sure*
36. Further research should be completed to investigate the possibility of using the results of pupil fault analysis as a resource when conducting Check Tests or for deciding whether a Check Test is required. This type of data could also be used to

suggest particular subjects or topics that should be studied by the ADI as part of CPD.

- *Tend to agree*
- 37. Once a new regime has been implemented and the resource implications are clear, then a move to charging per Check Test, or for each Check Test above one Test every four years included in the basic registration fee, should be undertaken.
- *Tend to agree – with reservations*
- 38. A grading system should be retained and that grades should be published.
- *Not sure – published where?*
- 39. The labelling of grades should be revised to present a more intuitively correct ranking of what is the best grade.

Not sure

- 40. Detailed investigation into the system of grading should be embarked upon, with the intention of introducing other criteria besides Check Test performance into the selection of a grade. This should identify ways in which the award of grades (or of some other way of signifying achievement) might be related systematically to the professional development needs of individual ADIs. Consideration will be given to ways in which the system of grading might provide incentives for ADIs to improve their performance and positively seek higher grader through participation in CPD.
- *Not sure*
- 41. A thorough investigation should be launched into the particular training, testing and CPD needs of driving instructors (ADI) who are wholly engaged in instruction other than with 'L' drivers. The purposes of the investigation will be to make recommendations about the training, testing and CPD requirements for this group of instructors, together with suggestions for appropriate titles that will distinguish them from conventional 'L' driver ADIs.
- *Tend to agree*
- 42. We recommend a study to investigate the feasibility of setting up a CPD system for ADIs. Specifically this should examine the following issues:
 - • Benefits to ADIs of a national CPD system
 - • Voluntary and/or compulsory
 - • Method(s) of introducing a CPD system (including detailed comparison with other industries/professions)
 - • Organisation and administration of a CPD system
 - • Record keeping
 - • Accrediting CPD
 - • Accreditation of prior learning (APL) (including the role of potential CPD activities currently available)
 - • Additional ADI qualifications (possibly linked to a comprehensive driving instructor register)
 - • The role of trainers and training establishments
 - • Cost issues
 - • Time-scale for the implementation of a CPD system
- *Tend to agree*
- 43. We recommend that DSA initiate data collection to determine the numbers of cases where pupils presented for test did not receive substantial tuition from the ADI

whose car is used for test. The aim should be to ensure validity in linking pupils' performance at test to individual ADIs.

- *Tend to agree*

44. We recommend that the ADI database be upgraded to provide more comprehensive management information, linked to the fault analysis system for driving test results.

- *Tend to agree*

45. Voluntary registers be set up for driving instructors of all relevant classes of vehicle, with a view to the establishment as soon as practicable of a single comprehensive register. This register would be administered by DSA as a statutory duty, thus legislation will be required.

- *Tend to agree*

46. The numbers of categories of driving instructor should be carefully reviewed, in parallel with our recommendations regarding the grading system.

- *Tend to agree*

17 PUBLICATION OF MSA COMMENTS

17.1 We are content for our reply to be included in a summary of responses, which the Agency may divulge on request.

18 CONCLUSION

18.1 The MSA find this consultation paper disappointing. Whilst we welcome changes that will have a beneficial effect on road safety and driver training the proposals we have been asked to respond to are mostly about producing sticks with which to beat ADIs. No carrots to encourage them or help them in their quest to improve new driver safety. For many years the DSA has encouraged instructors not to teach people to pass their tests, now it seems that they wish to judge instructors on their test results!

18.2 We would have preferred to see proposals along the lines of:

- DSA will use ADIs with recognised teaching qualifications for their schools programme.
- A system of compulsory group theory training for all learner drivers with ADIs will be introduced.
- All learner drivers will be required to complete the DSA recommended syllabus with an ADI before taking a practical driving test.
- Either it will be a requirement for all newly qualified drivers to complete a Pass Plus course before obtaining a full licence or that learner drivers will be able to drive on motorways with an ADI prior to taking their practical driving test.

18.3 May be next time.