

DSA Request for comments regarding a revised:  
CODE OF PRACTICE (CoP) for Approved Driving  
Instructors (ADIs) and those Potential Driving Instructors  
(PDIs) who hold a valid Trainee Licence

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Response from

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## 1 INTRODUCTION

- 1.1 The Motor Schools Association of Great Britain (MSA) makes the following response to the Driving Standards Agency (DSA) request for comments regarding a revised: CODE OF PRACTICE (CoP) for Approved Driving Instructors (ADIs) and those Potential Driving Instructors (PDIs) who hold a valid Trainee Licence
- 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). We also represent the interests of prospective driving instructors (PDIs) and a number of LGV/PCV instructors and motorcycle instructors.

## 2 GENERAL COMMENTS

- 2.1 The Code of Practice (CoP) for ADIs and those operating under a trainee licence has not been updated since its introduction in 1996.
- 2.2 The MSA has been pressing for an update for some time and the DSA has now written to say. "There is an intention that an updated CoP that could cover the whole driver/rider training industry will be an outcome from the Modernising Driver Training (MDT) consultation expected later this year, but, in the interim, we intend to bring the current CoP up to date as soon as possible."
- 2.3 Weekend delegates at the recent MSA national conference had the opportunity to discuss the proposed changes and the suggested revisions. In the April edition of *Newslink*, we published the proposed changes and the comments below are drawn from the views of conference delegates and from those of various other MSA members who have made observations.

## 3 RESPONSE

- 3.1 The MSA are of course extremely pleased to see some movement on revising the ADI CoP, something we feel is long overdue. However, we do not agree entirely with the revisions suggested. We have not commented upon items about which we are content. MSA comments are in *italics*.

## Personal Conduct

- The instructor will seek at all times to comply with the law and, in particular, legislative requirements related to discrimination, data protection, trading standards, the workplace and road safety
- The instructor will at all times treat clients with respect and consideration
- The instructor will maintain professional standards of personal hygiene and dress.

*COMMENT: This opens up the old debate about jeans, shorts and string vests. The idea of dressing in an appropriate manner is considered ok by most but perhaps impossible to define. What is a professional standard of dress? Equally, how is it possible to define professional standards of personal hygiene – does that mean expensive perfume and after-shave only? Would the smell of carbolic, in this modern age, be considered offensive? Unless an agreed definition can be achieved, we believe this item may be a step too far.*

- The instructor should not knowingly create or enter a situation where they and the client are likely to be unobservable

*COMMENT: Most first lessons take place in very quiet, dead end roads in trading estates where the chances of anyone else being around are very slim. If an instructor covers a rural area, particularly on early lessons, they are both quiet and remote. Most instructors have had pupils who specify that they would like their early lessons to be in traffic free areas. This clause of the CoP could be said to be unworkable because when the instructor and the pupil are on the move in the car it is impossible for them to be observed.*

- Offers of gifts, benefits and hospitality to the client should be avoided in order to prevent any undue misunderstanding or offence

*COMMENT: Many instructors give new pupils a copy of the Highway Code. Many instructors give pupils gifts at Christmas and when they pass their test. This is a commercial relationship – whilst ADIs are governed by regulation, they are not civil servants.*

- The instructor, being in a position of trust, should avoid any behaviour which encourages a physical or emotionally dependent relationship to develop with a client

*COMMENT: This is a very difficult area. If the client is over eighteen and the development of the relationship is sought by both sides, is this wrong? Many driving instructors and former driving instructors are married to former pupils.*

- The instructor will endeavour to maintain his skills and knowledge to the required minimum standards

*COMMENT: Not much point in ADIs agreeing to maintain minimum standards they are statutory.*

- The instructor will avoid physical contact with a client except in an emergency
- The instructor will not make contact with the client via phone, text, email or any other means unless the nature of the communication is wholly business related
- The instructor will not make comments or converse with the client about issues that could be deemed inappropriate, discriminatory, lewd or offensive
- The instructor will liaise with DSA and its contractors' to complete the necessary documentation to allow criminal record checks to be completed when required

*COMMENT: This is not a matter for this code as it is a statutory obligation and this clause should be removed from the code.*

- The instructor will not use a mobile phone (including hands free phones) whilst deemed to be in control of the car, whether from the driver or passenger seat

*COMMENT: The wording of this clause is poor. As we understand the law, the person driving the vehicle is always the person in charge. Modern cars with satellite navigation and traffic info systems often require the phone to be on in order to function correctly. If the wording were to read, **the instructor will not make phone calls whilst conducting a lesson** that might be more reasonable. Others have stated that as government have only recently introduced legislation regarding the use of mobiles obeying those laws should be sufficient. Many ADIs consider it unreasonable to expect them to obey a different set of rules to those of the general population.*

- The instructor will ensure that the car is fit for purpose in that it is roadworthy, clean, odour free and a suitable environment where tuition can take place

*COMMENT: Many commenting suggested that "odour free" is far too subjective to be reasonable.*

## **Business Dealings**

- The instructor will safeguard and be able to account for any monies paid in advance by the client in respect of lessons, test fees or for any other purpose and will make the details available to the client on request
- The instructor will provide a copy of this Code of Practice, or highlight where it is available, to the client
- The instructor on or before the first lesson should provide clients with a written copy of their terms of business to include:

- legal identity of the school/instructor with full address and telephone number at which the instructor or their representative can be contacted
- the price and duration of lessons
- the price and conditions for use of a car for any practical test and any related booking fees
- the terms under which cancellation by either party may take place
- the procedure for complaints
- details of the refund policy
- and, in addition, should show the client their valid certificate or licence
- The instructor should check a client's entitlement to drive the car and their ability to read a number plate at the statutory distance on the first lesson and before driving the vehicle
- When presenting a client for a practical test the instructor should ensure that, the client has all the necessary documentation to enable them to take the test and show that the vehicle is roadworthy. Further, the car should be prepared so that DSA supervising examiners can accompany the test if necessary

*COMMENT: Poor wording – it is impossible to have paper work that ensures roadworthiness. Making the car ok for DSA supervision has no place in a CoP aimed at clients.*

- Instructors will advise clients when to apply for their theory and practical tests, taking account of local waiting times and forecast of the clients' potential for achieving a consistent standard of safe driving. The instructor will not cancel or re-arrange a test without the client being informed. In the event of the instructor's decision to withhold the use of the school vehicle for the test, sufficient notice should be given to the client to avoid loss of the DSA test fee
- The instructor should at all times, endeavour to teach the client correct knowledge and skills according to DSA's recommended syllabus
- The instructor should ensure that any discussions that occur with the client are treated in the strictest confidence and not disclosed to third parties

*COMMENT: Several of those commenting have suggested that this is unreasonable. If parents are interested and paying, they will want to be informed of their child's progress, as will an employer who is paying for a member of staff to have lessons.*

## Advertising

- The advertising of tuition shall be factual, honest and not misleading; claims made will be verifiable and comply with codes of practice set down by the Advertising Standards Authority (ASA)
- Advertising that refers to clients' pass rates must be factual and verifiable. Advertised pass rates should not be open to misinterpretation and the basis on which the pass rate has been calculated should be made clear
- Instructors must comply with DSA guidance on use of appropriate logos

*COMMENT: This is not a CoP matter.*

## Conciliation

- Complaints by clients should be made to the instructor/ school in the first instance and follow the complaints procedure issued by the instructor/school
- Failing agreement or settlement of a dispute reference may be made to the DSA to consider the matter and advise accordingly
- Queries related to this Code of Practice should be directed to the DSA Customer Enquiry Units:

*COMMENT: ADIs do not want complaints against them to be dealt with by DSA customer service. The ADI Registrar should deal with any complaints.*

## 4 MISSING ITEMS

- 4.1 The report does not include a clause “**promoting equality and valuing diversity**” as proposed in the recent consultation by the General Teaching Council (GTC) on a revised CoP for schoolteachers.
- 4.2 A clause of this type is becoming more important in order to protect clients from unwanted attempts by trainers to try to persuade clients to share their enthusiasm for specific beliefs and ideals. Comments by instructors along the lines of - I will pray for you when you take your driving test - are offensive to a great many people and the code should cover this.
- 4.3 Cross selling may be another area, which the CoP should cover. Whilst it is obviously reasonable for a driving instructor/school to promote/sell driving and driver training related items for example, but not exclusively, driving related books & DVDs, car insurance, vehicles, specialist footwear and vehicles. Many would consider it less ethical to cross sell items such kitchen equipment or cosmetics; this is sometimes done through the distribution of catalogues by trainers.

## 5 CONCLUSION

- 5.1 The MSA would be happy to attend a meeting of interested parties to finalise a version of the CoP acceptable to the DSA and the industry.