



Driving
Standards
Agency

Modernising driver training: reform of the regulatory framework for approved driving instructors

A consultation paper on proposed changes to the way in which people qualify to become an approved driving instructor (ADI) and the arrangements for their registration.

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Glossary

Abbreviation	Definition
ADI	Approved driving instructor
DBS	Disclosure and Barring Service
DSA	Driving Standards Agency
EU	European Union
NDS	National Driver Standards
ND/RTS	National Driver/Rider Training Standards
NOS	National Occupational Standards
ORDIT	Official Register of Driver Instructor Training
Ofqual	Office of Qualification and Exams Regulations
PDI	Potential driving instructor
QCF	Qualification and Credit Framework

Foreword

1. Around 750,000 people learn to drive a car each year.¹ Research shows that 99% (742,500) of learner drivers take lessons from a professional instructor² and that, on average, they pay around £1,500 for 50 hours of instruction each year³. The total amount spent by learners on professional car driving instruction, each year, is therefore around £1,113,750,000.
2. Professional driving instructors have been regulated since the 1960s to help ensure that people receive a minimum standard of training. Regulation was put in place by creating a register of approved driving instructors (the register). Those on the register are given official approval as approved driving instructors (ADIs). The Driving Standards Agency (DSA) is the regulatory body and the register is managed by the Registrar on behalf of the Secretary of State. The regulatory framework also covers the qualification process that people must pass to enter the register. Only those on the register, or potential ADIs that have been granted a trainee licence by the Registrar, can give in-car driving instruction for money or reward.
3. Great Britain has some of the safest roads in the world. ADIs have contributed to this. We want to build upon current best practice and the knowledge, skills and understanding already held by ADIs. DSA has published an evidence-based '[National standard for driving cars \(category B\)](#)' which sets out the competences required to be a safe and responsible driver. The supporting '[National standard for driver and rider training](#)' sets out the competences required by professional instructors to deliver effective driver training
4. A modern and fair regulatory framework can help ADIs to obtain these competences and reduce the burden on small business. DSA is not extending the regulatory framework to its other voluntary registers. It will also be looking to ensure that additional, unnecessary, burden is not placed on those who are on both the register and other voluntary registers.
5. In March 2013 DSA confirmed changes to the regulatory reassessment that ADIs must pass to stay on the register (the check test). The changes will encourage ADIs to review and develop their competence against the new national standards. This can be achieved with only a minor technical change to the current regulatory framework.

¹ DSA RSIS database

² Learning to Drive; the evidence – 2008

³ DFT Learning to Drive Consultation Paper (2008). It has been estimated that the average cost of learning to drive is £1,500. This includes the cost of provisional licence, test fees and lessons with a professional instructor, but not the costs of vehicle ownership or motor insurance.

6. We must also ensure that those entering the industry in the future develop the same competences. This consultation invites comments on proposed changes to the way in which people qualify to become an ADI.

One of the options – the introduction of a vocational qualification – would see regulatory responsibility for the qualification process move from DSA to the Office of Qualification and Exams Regulations (Ofqual).

7. As well as ensuring that the qualification process is more closely based on the national standards, the proposals aim to:
- reform the trainee licence scheme under which those training to be ADIs can provide unsupervised on-road instruction to learner drivers during the qualifying process
 - increase the likelihood of qualification and reduce the level of time and money that is currently wasted by many applicants

8. We also seek your views on possible changes relating to the register and registration:

- the Registrar being able to issue a financial penalty for regulatory non-compliance (civil sanctions)
- changes to the process by which standards checks are booked
- changes to the ADI registration fee structure
- changes to the ADI grading structure
- extending consumer information on ADIs
- changes to the re-registration process for ADIs whose registration has lapsed for more than 12 months
- allowing an ADI to request voluntary removal from the register

Some of these changes will require further consultation on the detailed arrangements. At this stage we therefore want to know if you would support the changes in principle.

9. The main groups directly affected by the proposed changes are:

- people training to be ADIs
- instructor trainers
- ADIs
- organisations that award qualifications

10. A detailed analysis of the costs and benefits arising from the proposals, along with the reasons for change, set out in the impact assessment at **Annex A**. Comments are invited on this as part of the consultation.

11. These proposals have been developed following discussions with the ADI consultative groups. A number of structured focus groups have also been held with members of the

Official Register of Driver Instructor Training (ORDIT). DSA will continue to work with these groups after final decisions have been made.

12. These proposals apply only to arrangements within England, Scotland and Wales. The full scope of the new regulatory framework for ADIs is set out at **Annex C**.

Background

Qualification

13. In order to be allowed on to the register applicants must first meet 'fit and proper' conditions. This includes having a Disclosure and Barring Service (DBS) check, previously known as a Criminal Records Bureau check. They must then successfully pass a 3 part test, administered by DSA. This test consists of:
 - part 1: a computer-based driving/instructional theory and hazard perception test
 - part 2: a practical driving ability test
 - part 3: a practical instructional ability test
14. An unlimited number of attempts may be made to pass the theory test element but each of the practical tests is limited to 3 attempts. The 2 practical tests must be passed within 2 years of successfully completing the theory test.
15. There is no requirement for people to undertake training with a professional instructor trainer in order to prepare for the qualifying test but most do so. Instructor trainers do not need a formal qualification. DSA maintains a voluntary 'Official Register of Driver Instructor Trainers' (ORDIT) which lists individuals and organisations which it has accredited to provide these services. People are able to choose to receive training from others who are not on ORDIT.
16. Once a person passes the first 2 tests they can apply to the Registrar for a trainee licence, if they have received a minimum level of instruction. This allows them to give paid driving instruction without supervision. It is intended to allow them to gain practical experience in giving on-road instruction before taking the part 3 qualifying test.
17. The trainee licence usually lasts for 6 months, but another one can be issued on application and at the Registrar's discretion. Around 40% of people apply for a trainee licence, with about 60% of these applying for a second licence at the end of the 6 months period.

18. If a person does not pass the 2 practical tests within 2 years of passing the part 1 test, they may restart the qualifying process. They can also apply for a further trainee licence after they have passed part 2 of the qualifying test.
19. A person can only apply to the Registrar to join the register after passing all 3 parts of the DSA qualifying test. Registration costs £300 and is for 4 years. The fee covers issue of the ADI licence and other administration costs, the cost of the check test and a further Disclosure and Barring Service (DBS) check prior to renewal of their licence at the end of the 4 year period.
20. The Registrar may refuse an initial application if the person is felt not to meet the fit and proper conditions. They may also refuse or revoke a trainee licence. Applicants have a right to appeal these decisions at the First-tier (Transport) Tribunal.

Check tests

21. All ADIs are required to undergo reassessment during their 4 year period of registration. The date and time of the check is at the Registrar's discretion. These checks, currently known as 'check tests', allow a DSA examiner to observe the ADI delivering instruction. They are intended to assure the Registrar that the ADI is maintaining at least the minimum standard to remain on the register. The current check test can take place either with a live pupil, chosen by the ADI, or with a DSA examiner role-playing a pupil.
22. The Registrar may remove an ADI from the register if they fail a check test or they fail to make themselves available to be tested. ADIs have a right to appeal these decisions at the First-tier (Transport) Tribunal

Regulatory compliance

23. The Registrar currently has only a limited range of options for dealing with those who fail to meet the fit and proper conditions or comply with the regulatory requirements. They can either issue a warning letter, refuse an application or remove an ADI from the register. Alternatively they can seek prosecution through the criminal courts. These options offer the Registrar little flexibility.

The case for change

24. The government has announced plans to consult on separate proposals to improve the safety of young drivers. The proposals set out in this document will support those wider proposals by improving overall standards across the ADI industry.

The enhanced standards check

25. The existing check test does not cover all the competences introduced by the national standards. The assessment form does not help an ADI to understand their strengths, or where they are in need of development. This is set out by the examiner in a separate explanatory letter.
26. DSA is therefore introducing a new 'standards check' on 7 April 2014. Examiners will use a new assessment form, which is more directly linked to the objectives of the 'National standard for driver and rider training'. The standards check will focus more closely on the skills, knowledge and understanding that an ADI requires to facilitate effective learning.
27. The new approach does not require ADIs to discard their existing instructional methods. However, the form will place greater emphasis on the ability to support learning and enable the ADI to evidence competence in the key areas of lesson planning, risk management and a wider range of teaching/learning strategies.
28. The form will more clearly identify what the examiner is assessing and whether effective learning is taking place. It will also provide better feedback to ADIs at the end of the test, without the need for a separate letter, enabling them to better understand their strengths and identify those areas where they should improve their level of competence. An example of the new form is set out in **Annex E**.
29. An ADI should not try to behave differently in their standards check from the way they would when delivering a lesson. The aim is for the examiner to see the ADI conducting a normal, 1 hour, driving lesson. The examiner role-play option was originally introduced to help those ADIs who were unable to attend for check test with a pupil. However, the number of check test cancellations has not reduced despite its introduction. Many ADIs also say that the role-play check test is unrealistic, in that it restricts their ability to instruct, and that the examiners' role-playing skills do not accurately reflect a normal pupil's reactions or ability during a lesson. For these reasons, the role-play option will stop and all standards checks will be conducted with a live pupil.
30. Naturally some ADIs view the present check test with some concern. The DSA believes that, once it is properly understood, its new approach will reduce these concerns. ADIs should be much clearer about what is expected of them. They will also be supported with much clearer feedback on areas for skill development through the new form. DSA will publish its guidance to examiners, on the new form, in October 2013. This will help to ensure that ADIs have plenty of time to understand and prepare for the standards check ahead of its introduction in April 2014.

An enhanced qualification process

31. DSA will use the standards check to assess whether those ADIs currently on the register have maintained the appropriate level of competence. It is, therefore, important to ensure that the qualifying process allows those entering the industry to understand and demonstrate that competence.
32. The current ADI qualification examinations were introduced over twenty years ago. Traffic conditions and vehicle technologies have changed considerably since then and teaching methods have also moved on. Also, the test-centric approach does not require people to cover the full content of the National driver and rider training standard.
33. Completion rates for the DSA examination process are low. Fewer than 50% of those people who start the qualification process pass the 3 tests and become an ADI. Training costs vary from £1,500 to £3,500 with a best estimate of £2,600. Therefore, for most, the investment is wasted.
34. We assume that most learner drivers would usually choose to be trained by an ADI and that they would only consider using a trainee licence holder if offered a discount on the normal cost of a lesson. However, it is not always clear to learners that they are receiving instruction from a trainee and that, given the above completion rates, often the trainee will fail the part 3 and never qualify as an ADI.
35. Unfortunately, some people abuse the trainee licence by maximising the opportunity it provides to make money without attempting to complete the qualification process. Allowing trainee instructors to provide unsupervised instruction risks the level of learning that takes place for the learner. It also means that the trainee does not receive feedback on their performance.
36. In this context, we need a modern qualification process that:
 - better aligns with the national standards
 - gives people a better return for their investment of time and money, whether it's through a better chance of qualifying, or through recognisable or transferable skills
 - still allows the trainee to get important on-road instructional experience during the qualifying process, but in a controlled way that maximises the learning experience for both them and the pupil

Civil sanctions

37. As explained at paragraph 23 (above), the Registrar has little flexibility when dealing with non-regulatory compliance. The Regulatory Enforcement and Sanctions Act 2008 allows certain regulators to use more flexible civil sanctions for relatively minor compliance failures. These usually take the form of financial penalties.

38. The introduction of civil sanctions would give the Registrar greater flexibility between a warning letter and the more severe sanctions of removal or criminal proceedings.
39. These civil sanctions would be more proportionate to the offence committed and considerably easier to administer than pursuing prosecutions. As an example, the Registrar could impose a financial penalty if an ADI repeatedly fails to display their registration certificate whilst giving paid tuition.

Options for change

40. The monetised costs and benefits and expanded details of the proposals on which we invite comments are set out in the attached impact assessment. We welcome your input on whether you consider that the costs, benefits and assumptions for each option, as set out in the impact assessment, are an accurate picture.
41. In reforming the regulatory framework, we will bring our domestic legislation into conformity with Directive 2005/36/EU, which requires the Registrar to recognise the qualifications of driving instructors from other EU member states, and provide for mutual recognition of qualified driving instructors from the Isle of Man.

Do nothing

42. Under this option, DSA would introduce the new standards check in April 2014 and, in addition, align our legislation with Directive 2005/36/EU, but maintain the current testing and qualification processes.
43. However, the current system of qualification does not align with the competences set out in the national standards. These are essential competences for an ADI which have been developed in conjunction with key stakeholders and teaching specialists. There would be little value in continuing with arrangements that cannot guarantee to adequately test these competences.
44. Under this option ORDIT fees would have to significantly rise above inflation as DSA does not currently cover its costs.
45. The existing DSA 3 part qualifying test can result in applicants spending up to 2 years studying, and then, because they cannot successfully complete one part of the test, having nothing to show for their efforts. It also allows them to give unsupervised instruction as part of the qualifying process.
46. For these reasons, DSA believes that the 'do nothing' option is not viable.

47. This consultation therefore sets out 3 options for changing the qualifying process. Whichever option is progressed, DSA will introduce the enhanced standards check in April 2014 and look to align our legislation with Directive 2005/36/EU.
- Option 1: introduce a vocational qualification to replace the current qualifying tests and make reforms to the trainee licence scheme
 - Option 2: improve the existing route to ADI qualification and make reforms to the trainee licence scheme
 - Option 3: make reforms to the trainee licence scheme only
48. Our preferred approach is option 1. This would both create a qualification process that aligns to the national standards and make the necessary changes to the trainee licence system.

Option 1: introduce a vocational qualification to replace the current qualifying test

Proposed arrangements

49. Under this option, individuals wishing to become ADIs will complete a Vocational Qualification based on the '[National standard for developed driving competence](#)' and the [Driver Training National Occupational Standards \(NOS\)](#) – which are aligned with the national standards. The qualification will be in 2 parts, providing candidates with the option of taking credit at the end of the first part, should they decide they do not wish to complete their training (see Annex D). Those completing the vocational qualification will then apply to the Registrar to have their names entered in the register. Further details on the vocational qualification are set out in Annex C.
50. Applicants for registration would continue to be required to meet the fit and proper conditions and undergo a DBS check. The DBS check would have to be undertaken no more than 6 months before the application is made to the Registrar. DSA would charge a separate fee for this service as set out in the impact assessment (costs are currently recovered through part 1 fees).
51. A vocational qualification is a practical, work-based, qualification that is mainly assessed in the workplace. It attracts transferable credit which can be carried forward to other learning opportunities.
52. The vocational qualification would be delivered only by recognised training centres approved by an awarding organisation⁴. The regulatory body for this aspect of the ADI qualification process would be the Ofqual, rather than DSA.

⁴ An organisation which fully meets the recognition criteria for awarding regulated qualifications.

53. It is envisaged that the initial concession/contract for the development and delivery of the vocational qualification will be let by the DSA, with a single awarding organisation, for a minimum of 5 to 7 years.
54. In developing a vocational qualification DSA will work closely with the awarding organisation to ensure a clear understanding of the competences required, the level at which they must be assessed and what would constitute acceptable evidence of competence, i.e. how it should be assessed. This information would constitute the basis for the qualification's definitive documentation (handbook).
55. Awarding organisations normally charge fees for:
- approving a centre to deliver qualifications
 - registering students onto a qualification
 - certifying that a student has successfully completed credit bearing units.
55. Individuals wishing to become ADIs would approach an accredited training centre to seek a place on the course leading to qualification. They would not contact DSA at this stage.
56. The trainee licence arrangements would be replaced by a class exemption permitting any individual undertaking the vocational qualification to give paid instruction so long as they:
- are accompanied by an ADI at all times whilst providing paid instruction
 - inform the customer immediately before the start of each lesson, and in the presence of the ADI, that they are only partially qualified
 - ensure that the badge of the accompanying ADI is displayed in the windscreen of the vehicle⁵
57. In establishing the basis for qualification's definitive documentation DSA will reinforce this by requiring that, when a trainee instructor is giving paid instruction as part of their training course, the person accompanying the trainee instructor must:
- be a registered ADI
 - be satisfied that the trainee instructor has reached a sufficient level of competence to deliver paid instruction
 - ensure that the trainee has been informed of the instructor's status and has agreed to participate on that basis
58. Under Ofqual regulations training centres must meet certain minimum requirements in order to be approved to deliver vocational qualifications. For example, they must be able

⁵ N.B. The proposals to change the way in which the trainee licence scheme works will have no impact on a PDI's ability to deliver **unpaid** driving instruction, in order to enhance their skills.

to provide not only trainers but also suitably qualified assessors⁶ and internal verifiers.⁷ They are also required to have access to suitable systems for processing students' records and for holding personal data securely.

59. These requirements would have an impact on the industry. For example a large number of existing trainers are small businesses or sole traders. Under Ofqual rules a sole trainer could become qualified as an assessor but would not be able to provide internal verification, which requires somebody other than the assessor to cross check how assessment is being carried out. They would, therefore, need to work in a formal association with at least 1 other person to provide that capability. **Therefore sole traders will not be able to continue in their current business model.**
60. In order to provide an appropriate element of external quality assurance awarding organisations normally contract with self-employed, external, specialist practitioners (external quality assurance/external verifiers). These normally undertake 2 verification visits to each training centre each year, in order to ensure that assessment is being carried out correctly and that the appropriate internal quality assurance processes are in place.
61. The impact assessment has explored the option of the external verifier role being performed by DSA. However, it should be noted that this option would significantly increase the costs that would have to be recovered through the qualification. It would also compromise Ofqual and the awarding organisation's ability to exercise their responsibility for quality within the academic framework.
62. The alternative would be would be for the awarding organisation to employ individuals with appropriate occupational i.e. driver-training competence and formally accredited competence in assessment and quality assurance procedures to undertake the external verifier role. These individuals would be working to ensure the DSA's standards were being met but would be answerable to the awarding organisation. This option would incur none of the **additional** costs that arise from employing DSA staff to undertake the role. It would also ensure that there was no ambiguity or confusion about the role or authority of the various organisations involved in the delivery of the vocational qualification.
63. In this context we therefore invite comments on the best option for staffing the role of external verifier on a vocational qualification.

⁶ Individuals qualified to carry out assessments

⁷ Individuals qualified to carry out internal quality assurance activities to ensure all assessors within a centre are working at the same level and to the same standard – also referred to as 'Internal Quality Assurance'.

64. After obtaining the vocational qualification people would apply to the Registrar to have their names entered on the register, subject to meeting the fit and proper conditions set out in 49 and payment of the registration fee.
65. There is no reason why a person wishing to become an ADI should have any contact with DSA before they apply to be placed on the register. Approved training centres would, therefore, be required to make clear to people considering the vocational qualification that it would not be a guarantee of automatic access to the register and that the other conditions of registration in section 125⁸ of the Road Traffic Act 1988 would also have to be met.

Transition arrangements

66. If the vocational qualification is launched those who have started the DSA route and passed the part 1 would be allowed to continue, including giving paid instruction under the conditions of the trainee licence scheme. However, no new applications to start the DSA route would be accepted. Those who had passed the part 1 at this stage would have 2 years from when they passed the part 1 to complete parts 2 and 3.
67. We would seek to avoid raising the fees for the qualifying tests during this period. It is expected that the DSA route, including the trainee licence scheme, would be discontinued 2 years after the vocational qualification is launched. At this point ORDIT would also close. ORDIT fees would be frozen during this 2-year period.
68. Fully replacing the DSA route with a vocational qualification would require an amendment to primary legislation. This can be a lengthy process and we have limited control over the timing of these changes.

Benefits

69. In addition to the benefits from a more effective qualification process, our evidence shows that this option would provide clear benefits to the driver trainer instruction industry and to trainee instructors including:
- a reduction in the costs of qualification for trainee instructors, on average, and an increased ability to gain credit for prior learning
 - an increased likelihood that the trainee would gain the overall qualification
 - improved prospects for trainee instructors who gain only the driving module, as this would be a transferable training credit
 - increased employment mobility across the driver training sector

⁸ Road Traffic Act 1988 Chapter 52 Section 125 3 (b) – (e).

Risks

70. There is a risk that some instructor trainers will choose to leave the industry because of the:
- need to employ or contract for additional personnel to act as internal verifiers or enter into a consortium with other training providers
 - costs of having to gain a qualification in assessment (assessor/internal verifier) where they do not already hold equivalent qualifications
 - additional cost of registration as a recognised training centre
71. Because of the requirement for internal verifiers, it would not be possible for a person to operate a 1 person training business. Current solo trainers would have to enter into a partnership or consortium with other driver instructor trainers if they wished to stay in business – although this would, of course also provide them with opportunities to provide equivalent services for others.
72. Ofqual's General Conditions of Recognition (2012) require, among other things, that awarding organisations have in place processes for identifying any risk which could have an adverse effect on the qualification and to ensure that third-parties are able to deliver, develop and enhance qualifications and to protect the interests of learners. Ofqual has a range of options, and sanctions, that they can apply to an awarding organisation which is seen to be failing to meet any of these conditions. They can direct an awarding organisation to comply with a condition of their approval if it appears that the awarding organisation has failed, or is likely to fail, to comply with a condition and that is likely to prejudice
- the proper award of the qualification or
 - persons seeking to obtain a qualification awarded by the organisation.
73. Ultimately Ofqual may withdraw recognition in respect of the award of a specified qualification, subject to giving suitable notice and receiving representations from the awarding organisation. If it decides to withdraw recognition it may make transitional arrangements.
74. Regulations would provide that the Secretary of State for Transport would still be the provider of last resort in order to carry out their statutory functions. In the unlikely event that an awarding organisation failed and Ofqual were unable to put in place satisfactory transitional arrangements the DSA could be required to go through the process of letting the contract again. This could result in an interruption in the supply of newly qualified ADIs. However, as there are already around 45,000 ADIs on the register this would have little impact on the ability of the industry to satisfy the demand for driver training.

Option 2: improve the existing route to ADI qualification

75. Option 2 would make improvements to part 2 and part 3 of the existing DSA qualifying test for ADIs and make reforms to the trainee licence scheme.
76. The trainee licence scheme would be replaced by an instructor exemption. While the effect of this would be similar to option 1 the individual potential driving instructor (PDI) would need to apply to DSA for an individual exemption.
77. The existing DSA 3 part assessment route would be amended to provide some limited improvement to the way it aligns to the national standards.
78. Under this option the costs of training, system changes and progressing proposals would be recovered from ADI fees as set out in the impact assessment. We welcome your input on the accuracy of the figures and assumptions used.

Proposed amendments: trainee licence scheme

79. PDIs would no longer apply for a trainee licence. Regulations would specify that an eligible person would be able to apply for an 'exemption' which would allow them to deliver paid instruction for a period of 6 months only, subject to the following conditions:
 - the PDI would, at all times, be required to be accompanied by an ADI whilst using the exemption
 - the PDI would be required to ensure that the ADI's badge is displayed in the windscreen while using the exemption
 - the PDI would be required to inform the trainee before instruction commences that they are only partially qualified but are permitted to give paid instruction in order to prepare for the part 3 test
80. They would not be able to apply for an extension or for a second exemption. The trainee licence scheme would end on the day that the new scheme is switched on. Under the transition arrangements, any PDI already granted a trainee licence would be allowed to complete that licence. They would not be allowed to apply for another once that licence has expired.
81. Unlike option 1, option 2 does not specify that the ADI accompanying the PDI must be the person who is training them. However there is a strong likelihood that this is the case as the proposed arrangements are designed to make it uneconomic to earn on this basis and restricts these opportunities to training requirements.

Proposed amendments: part 2 (driving test)

82. The format of part 2 of the qualifying test would be improved by requiring the candidate to deliver a commentary while continuing to demonstrate an appropriate level of driving competence. This would test the candidate's ability to communicate effectively in the learning environment and provide additional evidence of their ability to scan and plan.
83. To free up more time for the assessment of driving competence, candidates would be required to perform only 2 specific manoeuvres, instead of 4 as currently required.

Proposed amendments: part 3 (instructional ability test)

84. Part 3 of the qualifying test is based on a set of pre-set scenarios in which the examiner 'role-plays' the part of the learner driver. We believe that this approach encourages trainees to rehearse the pre-set scenarios and to focus on passing the test rather than acquiring the competences required of an effective instructor.
85. Under this option we would end the use of pre-set tests and role-play. Instead we would require candidates to attend with a pupil. The emphasis of assessment would be on instructional competence and the management of risk. This would make for a more realistic test in which the candidate must plan and deliver an appropriately structured lesson to suit the needs of the pupil. This mirrors the proposed improvements to the standards check for ADI and would help to ensure trainees understood more clearly what would be required of them once registered.
86. Driver instructor trainers would be fully briefed on the alterations to the qualifying tests to allow them to amend their training practice accordingly.

Benefits

87. Implementing this option would not require any changes to the structure of the ADI training industry.

Risks

88. These changes would only achieve a partial alignment with the requirements of the national standards.
89. Trainees could 'prepare' the learner they bring with them for the Part 3 test, and thereby manipulate their assessment. However, this risk is not thought likely because:
 - the effort and skill involved in performing the desired 'role' will deter PDIs from taking this option

- the format of the assessment, with its focus on whether learning takes place, will be sensitive enough to identify where a prepared lesson is being given.

90. It is assumed this risk can be managed through careful training of examiner staff and that it will not result in a deterioration of the quality of candidates passing the assessment.

Option 3: make reforms to the trainee licence scheme

91. Under option 3 only the trainee licence scheme would be reformed as set out in option 2. No changes would be made to the DSA tests.

Benefits

92. Reforming the trainee licence would mean that an ADI would always be present whilst the PDI was giving paid instruction and learners would be aware that they were being taught by a partially qualified instructor.

Risks

93. Implementing option 3 would not align the qualification process with the national standards.

94. Under this option the costs of system changes and progressing proposals would be recovered from ADI fees as set out in the impact assessment.

Questions about the options

Question 1: How strongly do you support the option to introduce a vocational qualification to replace the current qualifying tests (including reform of the trainee licence scheme)?

Question 2: How strongly would you support a proposal to recruit external verifiers from outside the DSA, as long as they can demonstrate an appropriate level of occupational competence and are formally qualified in the quality assurance of vocational qualifications?

Question 3: How strongly would you support the option to improve the existing ADI qualification route (including reform of the trainee licence scheme)?

Question 4: How strongly would you support the option to make no changes other than to reform the trainee licence scheme?

The impact assessment

Some of the figures in the impact assessment are indicative and we would welcome your feedback on those areas. Areas where further information is welcomed are identified in the impact assessment as follows: 'Further information welcomed through consultation'.

Question 5: Do you agree that the costs, benefits and assumptions set out for each option in the impact assessment present an accurate picture?

Question 6: Do you believe there is any further evidence about the costs and benefits of these proposals which we should take into account?

Related items on which we seek your views

Civil sanctions

95. The Registrar is considering the introduction of civil sanctions under the provisions of the Regulatory Enforcement & Sanctions Act 2008.⁹ These would be applied in circumstances where an ADI had failed to comply with a condition of approval and where it was reasonable to assume that the imposition of the sanction would encourage improved compliance.
96. As noted at 24, this would provide the Registrar with a greater range of compliance tools than is currently available.
97. The standard of proof for civil sanctions is the same as that for criminal offences. The Registrar would have to be satisfied beyond reasonable doubt that the ADI had committed the offence. Sanctions would be imposed with a view to:
- improving the ADI's behaviour
 - ensuring that there was no financial benefit to the ADI from non-compliance
 - imposing a penalty that was appropriate to the offence
98. It is anticipated that the level of the fixed monetary penalty would be in the region of £200. DSA would work with the ADI consultative groups to identify the circumstances when a fixed penalty may be appropriate.

⁹ Part 3 of the Regulatory Enforcement Act 2008, C13. New civil sanctions could be introduced by the Secretary of State by statutory instrument, in accordance with the requirements of that act. The Registrar acts on behalf of the Secretary of State.

99. This would form part of a revised enforcement policy for most instances of non-compliance. Where the Registrar was satisfied that the ADI had committed an offence (eg failing to display their badge while giving paid instruction) they would:
1. Where it was a first failure to comply with a particular condition of approval, issue a warning letter about the ADI's future conduct (stage 1)
 2. Where the ADI had failed to comply with the **same** condition of approval within 12 months of a previous failure, inform the ADI that they were intending to impose a fixed monetary penalty of £200 via a 'notice of intent' - the ADI would then have 28 days in which to make representations
 3. If, after taking account of any representations made, the Registrar believed that the penalty should be imposed, they would issue a 'final notice' – the ADI would have the right of appeal to the First-Tier Tribunal in respect of the Registrar's decision (stage 2)
 4. Where the ADI failed to comply with the **same** condition of approval within 12 months of a previous failure, the procedure outlined at (b) could be applied. The Registrar would consider whether a further fixed monetary penalty would achieve the change in behaviour being sought. If they decided that such a penalty would be likely to be ineffective, they could commence proceedings to remove the ADI's from the register and/or ask the police to take criminal action against them (stage 3).
100. Effectively the slate would be wiped clean if the ADI did not commit the same offence within 12 months. Where an ADI failed to comply with 2 different conditions of approval (eg failing to display his badge and failing to notify the Registrar of a criminal conviction) during a 12 month period, these would be treated separately so both compliance failures would be at stage 1.
101. Where a fixed monetary penalty is not paid, this can be enforced through the civil courts. Once a monetary penalty had been imposed the ADI could not subsequently be prosecuted for the offence that had been committed on that occasion.

Question 7: Would you support the introduction of civil sanctions as part of the process by which the Registrar enforces compliance within the ADI registration process?

Revisions to the standards check booking system and the fee structure for registration

102. At the moment a large number of ADIs fail to attend for their check test or cancel it at short notice¹⁰. This makes the process more expensive, because examiner time is normally lost and extra administration is required to re-booked the assessment.
103. Some ADIs wish to deliver fleet training or other specialised training for local authorities or others, many of which currently require the instructor to have obtained a high grade in their check test. Such ADIs may seek to improve their grade in order to obtain or retain this additional work and look for an early standards check. However, they cannot book such a test and DSA could not charge for the costs incurred in providing it.
104. All ADIs pay the same £300 registration fee. This includes the cost of the check test. However some ADIs have more check tests than others in a registration period. For example around 15% of ADIs fail the check test and are given a second, and if necessary, a third attempt.
105. Possible solutions to these issues are:
- developing an on-line system for ADIs to book their standards check appointments at a time and date that better suits them
 - changing the fee structure so that an ADI pays a lower initial fee for registration and a separate fee for the standards check at the time the test is booked

Question 8: Would you support the introduction of an online booking process for the standards check?

Question 9: Would you support the restructuring of the registration fee so that the standards check is paid for separately at the time of booking?

The ADI grading structure

106. ADIs are graded at the end of the check test. An ADI receiving a grade 1, 2 or 3 is substandard (i.e. below the minimum standard required to stay on the register). Grade 4 is the minimum standard of performance required. Grades 5 and 6 indicate that the ADIs performance is above the minimum standard. An 'Educational' grade is sometimes given when an ADI is new on the register. The current system is felt to be confusing for some who normally expect grade 1 to be the highest grade.

¹⁰ Of all check tests booked in 2012 to 2013, 25% are cancelled by ADI, 10% failed to attend.
Source: DSA database.

107. We will be removing the existing 'Educational' grade. The new standards check form will score an ADI's competence, in a particular area, between 0 (no evidence of competence) and 3 (competence demonstrated in all areas). We are, therefore, considering whether to move to a grading system for ADIs which:
- uses 4 grades as per the standards check form
 - uses descriptors as per the standards check form, rather than numbers (ie 'Not acceptable' or 'Fully competent')
108. Changing the grading system will also have the advantage of differentiating the old check test and the new standards check processes.

Question 10: Would you support changes to the ADI grading structure?

Question 11: If yes, what would your preferred structure be?

Consumer information

109. The government's proposed wider consultation on measures to improve the safety of young drivers will invite views on how to improve the general information that is available to learners and parents.
110. Some pupils have particular needs when it comes to selecting an ADI, eg they may be looking for expertise in supporting very nervous learners. We want to help people to choose the ADI best able to meet their learning needs.
111. DSA already operates a 'find your nearest' facility. This is available at www.gov.uk/find-driving-schools-and-lessons.
112. Commercial websites already provide some, limited, information about driver training services. However, the Registrar is in a unique position to publish information about all ADIs - their specialisms, the standards to which they operate, etc.

Question 12: What information about ADIs do you think it would be useful and fair for DSA to make available to potential consumers?

Requalification

113. Currently, ADIs who allow their registration to lapse for longer than 12 months must re-qualify by passing the 3 elements of the qualifying test again before they can re-register.

This creates an additional burden for those ADIs. An average of 25 ADIs re-qualify each year.¹¹

114. We propose to end this requirement. Instead, the Registrar would treat the ADI the same as any other new entrant to the register but ensure they undergo a standards check soon after re-registration.

Question 13: Do you agree that an ADI whose registration has lapsed for more than 12 months should no longer be required to re-qualify but instead undergo a standards check soon after re-registration?

Voluntary removal from the register

115. There is no provision in the current legislation for ADIs who do not wish to remain on the register to have their name voluntarily removed. Although the Registrar currently acts on such requests, his actions are purely administrative as there is no specific legal base for doing so.
116. We propose to change the legislation to allow the removal of an ADI's name from the register on request. However it should be noted that there would be no refund of any part of the registration fee.

Question 14: Do you agree that the legislation should be changed to allow the Registrar to remove an ADI from the register at their request?

¹¹ Figures from DSA database.

How to respond

117. Please tell us what you think of the proposals in this consultation by completing the reply form at: www.research.net/s/modernisingdrivertraining.
118. If you have difficulties downloading the consultation paper or using the online reply form or have any questions on the consultation paper please email us at: consultations@dsa.gsi.gov.uk You can also contact us on 0115 936 6093, or minicom 0115 936 6660, and we will send you a hard copy, including a hard copy response form.
119. If you are unable to respond electronically, please reply by post, using the hard copy response form we can send you, to:
- DSA Policy Team
The Axis Building
112 Upper Parliament Street
Nottingham
NG1 6LP
120. The consultation period will last for 6 weeks from 27 June to 8 August 2013, in accordance with the principles set out in Annex B.
121. Responses must arrive no later than 8 August although earlier receipt would help us. Please note that **we are unable to consider any comments received anonymously** and only those responses received using the [online](#) or hard copy reply form will be accepted. We will acknowledge every response.
122. 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.

Freedom of Information

123. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.
124. If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

125. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.
126. The department will process your personal data in accordance with the Data Protection Act 1998 (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

What will happen next

127. We will use your responses to this consultation exercise to inform ministers. A report based on the responses will be produced and published on the website: www.gov.uk/government/consultations/modernising-driver-training.
128. Once ministers have considered the report they will make their decision on how to proceed.
129. We will contact everyone who sends us comments to tell them when the response to consultation report is available.

Annex A: initial impact assessment

1. The initial impact assessment (IA) analyses the costs and benefits of each of the qualification proposals in this paper in more detail. It can be found at www.gov.uk/government/uploads/system/uploads/attachment_data/file/204885/annex-a-impact-assessment.pdf.

Exemption from regulation for micro-businesses and start-ups

2. The government announced in the March 2011 Budget that it would introduce a moratorium exempting micro and start-up businesses from new domestic regulation for 3 years from 1 April 2011. Our preferred proposal will require major changes to domestic regulations and therefore any such alterations could not be in force before April 2014.

Annex B: consultation principles

1. Consultation principles:
 - departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
 - departments will need to give more thought to how they engage with and consult with those who are affected
 - consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy
 - the principles of the Compact between government and the voluntary and community sector will continue to be respected
2. If you have any queries about the consultation principles or have comments about the consultation process please contact:

Bob Hannigan
Consultation Co-ordinator
Driving Standards Agency
The Axis Building
112 Parliament Street
Nottingham
NG1 6LP

Email: bob.hannigan@dsa.gsi.gov.uk
Phone: 0115 936 6145
Fax: 0115 936 6573

Application within the United Kingdom

3. The responsibility for the driving ADIs qualification and register in Scotland and Wales remains with the Secretary of State for Transport.
4. The arrangements regarding driving instruction are delivered separately in Northern Ireland.

Annex C: scope of the new regulatory framework

The scope of the new regulatory framework

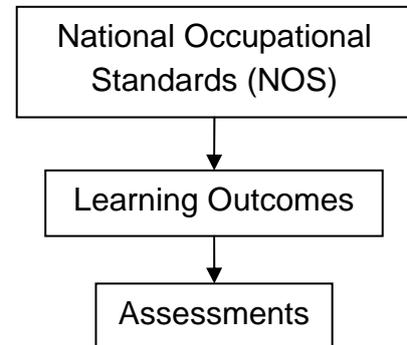
1. Unless stated in the consultation paper, the statutory obligations would be on individual ADIs and those who teach ADIs ie instructor trainers.
2. The proposals in this consultation paper will regulate the qualification, registration and standards of:
 - all qualified ADIs¹² providing paid 'in vehicle' instruction to a person holding either a provisional or full category B driving licence (ie car or light van)
3. In this context 'in vehicle' covers instruction in a vehicle, whether moving or stationary, that has the potential to influence how people drive on the public highway. This would include any on-road driver training provided by vehicle manufacturers. Paragraph 6 below provides a fuller description.
4. The regulatory framework will also cover the approval of organisations (this could be an individual or a company) to deliver the new vocational qualification for instructors. Approval will be on the basis of their ability to deliver the whole training syllabus, which includes both 'in-vehicle' and other aspects of instruction.
5. We propose to activate Schedule 6 of The Road Safety Act 2006 which allows more flexibility in defining which paid in car training activities fall within the definition of professional driving instruction. This also enables the regulations to include business owners and those who franchise instructors to provide services. Many of these will be ADIs, and therefore already subject to the various statutory obligations. We are not at this stage proposing to regulate those business owners who are not ADIs. We shall however keep this under review.
6. At its introduction, the following training activities would not be covered by the new regulatory framework:
 - paid 'in-vehicle' instruction in respect of other categories of motor vehicle
 - paid 'in-vehicle' instruction in respect of category B+E
 - any statutory assessment of driving, including the driving tests
 - training provision given outside of the vehicle or off-road, including:
 - 'classroom based' training
 - skid pan training
 - recreational off-road driver training; for example mud, 4x4

¹² including ADIs who are registered disabled

- recreational track days
- instrument familiarisation provided by vehicle manufacturers
- driver training provided by MOD instructors to its own operational staff
- driver training provided by police instructors to police staff

Annex D: how vocational qualifications work

1. Vocational qualifications offer a practical learning programme that relates directly to a specific job role or sector. They emphasise practical skills and knowledge, are usually mapped against National Occupational Standards (NOS) and reflect current industry practices.
2. NOS define everything a person needs to know, understand and be able to do to demonstrate competence in a specific role. The existing Driver Training NOS have been revised so that they are now a verbatim match with the DSA's National Driver/Rider Training Standards
3. NOS are expressed in terms of 'learning outcomes' i.e. the learner will 'be able to' undertake particular tasks or will 'know and understand' particular elements of supporting knowledge.
4. Vocational qualifications are usually assessed in several ways, in order to create a 'portfolio' of evidence. This allows for triangulation in the assessment process. In developing any qualification a standards setting body will work with an awarding organisation to define what level of competence must be demonstrated, what 'competence looks like' and what is acceptable evidence of competence. This information is embodied in a qualification 'workbook' or similar document. They will also, normally define, what qualifications are required by those who undertake training and assessment.
5. The awarding organisation recruits and approves training centres to deliver a qualification. They are responsible for the administration of assessment, the operation of quality assurance processes and the certification of successful students.
6. First level quality assurance processes are operated by staff within the training centres, who are qualified to administer internal quality assurance processes. They check the work of staff carrying out assessments within a particular approved training centre to ensure all the required competences are being demonstrated consistently and to the required level.
7. A further level of quality assurance, known as external quality assurance or external verification is provided by suitably qualified professionals contracted to the awarding organisation. These individuals undertake audit visits to ensure consistency of provision across training centres. If they detect quality problems they work, initially, with the internal quality assurance staff at the training centre to solve them. Where problems are



not resolved they can be escalated through the awarding organisation's internal processes e.g. to regional advisors etc.

8. Ultimate responsibility for the quality of regulated qualifications lies with Ofqual who can, if required, require an awarding organisation to take action. If all such action fails they can remove the awarding organisation's approval to deliver the qualification.

How the vocational qualification in driving instruction would work

9. When an awarding organisation has developed a set of units which make up a particular vocational qualification these are placed on the Qualification and Credit Framework (QCF). The QCF recognises qualifications and units by awarding credits.
10. DSA's preferred option is for a 2 part qualification under which all assessment would be carried out by approved training centres. The first part, which would be based on a DSA 'Developed Driving Standard' would require PDIs to demonstrate they have sufficient understanding of driving theory to be able to explain it to learners and that they can drive at level 3¹³. The second, based on the NOS¹⁴ aligned with the National Driver/Rider Training Standard, would require candidates to demonstrate their ability to provide effective driving instruction.
11. It is likely that the first part would constitute an Award (1-12 credits) at level 3. Both parts are likely to constitute a Certificate (13-36 credits) at level 3.
12. The rules which define the required content of a qualification are known as the rules of combination.

Draft rules of combination for the ADI vocational qualification

To achieve the **Level 3 Award in Driving Ability** learners must achieve:

1- 6 (?) credits against each of the following units:

- Unit 1 – Demonstrate developed understanding of the 'National standard for driving cars (category B)' and 'The Highway Code'
- Unit 2 – Demonstrate developed driving competence

To achieve the **Level 3 Certificate in Driving Instruction** learners must achieve:

¹³ This can be found at www.gov.uk/government/organisations/driving-standards-agency/series/national-driving-and-riding-standards

¹⁴ These can be found at: www.people1st.co.uk/hidden-section/passenger-transport-nos/driver-training

1- 6 (?) credits against each of the following units:

- Unit 3 (PPLDT01) - Prepare to train learner drivers ensuring that all legal and regulatory requirements are met
- Unit 4 – (PPLDT02) - Design learning programmes for learner drivers
- Unit 5 – (PPLDT03) - Enable safe and responsible driving
- Unit 6 – (PPLDT04) - Manage risk to trainer, learner driver and third parties

13. The criteria for assessment would be set down in the definitive documentation agreed between DSA and the awarding organisation.
14. It is proposed that DSA as the standards setting authority, would contract with a single awarding organisation, or with a consortium working through a single lead organisation, to develop the units which will make up the qualification and to deliver it. When the units are agreed they would be placed on the QCF as a 'restricted units'. The DSA has decided on this approach - in line with Ofqual guidance on qualifications for licence to practice purposes – to reduce the possibility of variation creeping into the interpretation of the learning outcomes etc.
15. The awarding organisation would then recruit training centres, ensure that they have appropriately qualified staff, suitable systems etc, and approve them. They would train staff at the centres in the correct interpretation of the qualification documentation and the operation of quality assurance systems.
16. In the first 1 or 2 years of delivery an approved training centre is not usually permitted to certify its students until it has been subject to the external quality assurance process and that has confirmed that assessment has been carried out correctly. (There may be exceptions where a centre has proved its competence delivering closely related qualifications.) This may mean some, initial, delay before students can gain their certificate and apply for entry onto the ADI register. However, once an approved centre has demonstrated that it is operating, consistently, to the appropriate standard, the external quality assurance process will be carried out post-hoc and the awarding organisation will be permitted to certify on its own authority.
17. Industry stakeholders have suggested that DSA staff should undertake the external quality assurance role and this option has been costed, as part of the initial IA. However it should be noted that, because of the overheads that DSA staff would have to recover, this would make the process very much more expensive than the normal procedure. It should also be noted that placing DSA in this role would, potentially, run counter to practice within the QCF environment where there is a clear line of accountability through the awarding organisations to Ofqual.

18. Successful completion of the vocational qualification would not be sufficient to grant an individual an automatic right to be placed on the ADI register. They would still have to satisfy the Registrar's 'fit and proper' and Disclosure and Barring Service (DBS) requirements. This will be through a criminal records disclosure check through DSA. A fee would be charged for this as set out in the IA (these costs are currently recovered through the part 1 fee). The date of the DBS check would need to be no more than 6 months before the PDI applied to register with DSA as an ADI. For this reason the approved training centres will be charged with counselling all applicants for a place on the qualification to ensure that they did not proceed if they were aware of any reason why they would not be able to meet those checks.
19. DSA proposes to enter into a tendering process with AOs to develop and deliver the vocational qualification. We believe that recognition as an awarding organisation by Ofqual effectively constitutes a call-off framework of those eligible to bid.
20. The operation of the contract between the DSA and the awarding organisation will be clarified as proposals are developed further - in particular around the mechanisms by which DSA project costs are recovered. It is envisaged that the initial concession/contract will be let for a minimum of 5 to 7 years.

Annex E: example of the new standards check form

Standards Check Form SC1



INFORMATION

Trainer Name Location Outcome/Grade

PRN Date / /

Valid Certificate Yes No Dual Controls Yes No

Reg No.

Accompanied? QA Trainer Other

ASSESSMENT		Competence				
		0	1	2	3	
Pupil: Beginner <input type="checkbox"/> Partly Trained <input type="checkbox"/> Trained <input type="checkbox"/> FLH New <input type="checkbox"/> FLH Experienced <input type="checkbox"/>		No evidence	Demonstrated in a few elements	Demonstrated in most elements	Demonstrated in all elements	
Lesson theme: Junctions <input type="checkbox"/> Town & city driving <input type="checkbox"/> Interacting with other road users <input type="checkbox"/>						
Dual carriageway faster moving roads <input type="checkbox"/> Defensive driving <input type="checkbox"/> Effective use of mirrors <input type="checkbox"/>						
Independent driving <input type="checkbox"/> Rural roads <input type="checkbox"/> Motorways <input type="checkbox"/> Eco-safe driving <input type="checkbox"/>						
Recap a manoeuvre <input type="checkbox"/> Commentary <input type="checkbox"/> Recap emergency stop <input type="checkbox"/> Other <input type="text"/>						
LESSON PLANNING						
Did the trainer identify the pupil's learning goals and needs?						
Was the agreed lesson structure appropriate for the pupil's experience and ability?						
Were the practice areas suitable?						
Was the lesson plan adapted, when appropriate, to help the pupil work towards their learning goals?						
Score for lesson planning <input style="width: 20px;" type="text"/>						
RISK MANAGEMENT						
Did the trainer ensure that the pupil fully understood how the responsibility for risk would be shared?						
Were directions and instructions given to the pupil clear and given in good time?						
Was the trainer aware of the surroundings and the pupil's actions?						
Was any verbal or physical intervention by the trainer timely and appropriate?						
Was sufficient feedback given to help the pupil understand any potential safety critical incidents?						
Score for risk management <input style="width: 20px;" type="text"/>						
TEACHING & LEARNING STRATEGIES						
Was the teaching and learning style suited for the pupil's level of ability?						
Was the pupil encouraged to analyse problems and take responsibility for their learning?						
Were opportunities and examples used to clarify learning outcomes?						
Was the technical information given comprehensive, appropriate and accurate?						
Was the pupil given appropriate and timely feedback during the session?						
Were the pupil's queries followed up and answered?						
Did the trainer maintain an appropriate non-discriminatory manner throughout the session?						
At the end of the session - was the pupil encouraged to reflect on their own performance?						
Score for teaching and learning strategies <input style="width: 20px;" type="text"/>						
REVIEW		Yes	No	N/A		
Was a score of at least 8 achieved on risk management? (A No in response to this question will result in an automatic fail)						
Did the trainer manage actual safety critical incidents appropriately? (A No in response to this question will result in an automatic fail)						
Did the trainer identify significant weaknesses and give correct and sufficient information to avoid safety critical situations occurring? (a No in response to this question will result in an automatic fail)						
Overall score <input style="width: 20px;" type="text"/>						
Feedback offered to trainer						
Examiner Name <input style="width: 150px;" type="text"/>	Signature <input style="width: 150px;" type="text"/>					

03/2013

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