



# **The Driving Instruction (Suspension and Exemption Powers) Act 2009**

## **Compensation scheme**

## **Comments**

*An executive agency of the  
Department for  
**Transport***

June 2011

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

**Initial Impact Assessment:** If you think any of the estimated costs or benefits referred to in the Initial Impact Assessment are incorrect please provide alternatives

**Any other comments about the Initial Impact Assessment?**

**Consultation Criteria:** Do you feel that the Consultation Paper meets the consultation criteria at Annex B?

**Is there anything you particularly liked or disliked about the Consultation Paper?**

Respondent: **Approved Driving Instructor**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Largely Agree**

Anything liked or disliked:

No comment made

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Respondent: **Approved Driving Instructor**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Slightly Agree**

Anything liked or disliked: No comment made

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NOT PROTECTIVELY MARKED

Respondent: **Approved Driving Instructor**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Totally Agree**

Anything liked or disliked:

No comment made

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Respondent: **Approved Driving Instructor**

General Comments:

Perhaps there should be some discussion as to how an instructor's integrity could be restored in the event of the instructor being cleared of any mischievous claims?

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Totally Agree**

Anything liked or disliked:

No comment made

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Respondent: **Approved Driving Instructor**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Largely Agree**

Anything liked or disliked:

No comment made

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Respondent: **Approved Driving Instructor**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Totally Agree**

Anything liked or disliked:

No comment made

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Respondent: **Approved Driving Instructor**

General Comments:

The costs and compensation payouts should NOT be recovered from any increase in fees to the learners or instructors in any means or ways.  
Before an instructor is suspended, they should be able to see the evidence against them and an explanation of why they are being suspended.

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Slightly Agree**

Anything liked or disliked:

No comment made

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NOT PROTECTIVELY MARKED

Respondent: **Other**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Slightly Agree**

Anything liked or disliked:

No comment made

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Respondent: **Approved Driving Instructor**

General Comments:

The general wording of the questions is woolly in many cases. It is unclear precisely who DSA wish to approach in such claims. In general, we support the proposals but retain scepticism over the extent of DSA enquiries and demands for proof which may manifest once this becomes law.

We fully support the protection of the public, in this case learner drivers. However, we are most deeply disturbed that we have one and possibly two ADI perverts working in this area. DSA state that unless a pupil makes a personal complaint, nothing can be done! I know of three girl pupils who have suffered physical assault by one instructor. Should DSA, rightly, seek powers as detailed in this consultation, then they also **MUST** take meaningful action to act on information provided. To state that **ONLY** the person assaulted can make a complaint is negligent in the extreme as I have learned that those assaulted believe that they will not be believed and, therefore, do not complain. This leads to the same instructor carrying on as he knows his pupils won't complain. Take action before some poor girl gets raped in an instructors car!

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Slightly Agree**

Woolly questions as previously mentioned.

NOT PROTECTIVELY MARKED

Anything liked or disliked:

In the learning to drive consultation workshops, which we attended, we now find that DSA is doing what it had already decided after a lot of huffing and puffing and expense. We feel that we were not listened to, so why should this be any different.

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Respondent: **Approved Driving Instructor**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Largely Agree**

Anything liked or disliked:

No comment made

---

Respondent: **Approved Driving Instructor**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Largely Agree**

Anything liked or disliked:

No comment made

---

Respondent: **Approved Driving Instructor**

General Comments:

Generally the Consultation paper was informative and thorough.

My main criticisms would be:

1. The consultation consists of a series of closed questions (choose option A or option B).

This form of consultation severely limits the ability of respondent to put forward alternative or creative ideas that may not have been considered by the writers of the consultation paper and may be better than the two alternatives provided for consideration.

2. There is inbuilt bias in the consultation as the writers (who are in a position of power and authority) are clearly expressing their preference - SEE section 10.6 - where the writer states in BOLD "This would be our preference".

This clearly influences the behaviour and responses of the respondents on a subliminal level if not overtly, and thus open free choice in response could be challenged here.

Initial Impact Assessments – estimated costs or benefits:

I have no access to data or information to challenge the costs presented.

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Largely Agree**

Anything liked or disliked:

Disliked the fact that the consultation did not provide for respondents to be actively encouraged to present creative alternatives to the options presented.

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Respondent: **Approved Driving Instructor**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Totally Agree**

Anything liked or disliked:

No comment made

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Respondent: **Approved Driving Instructor**

General Comments:

If the result of this consultation leads to the scheme coming into existence, I hope the DSA will not use this as a tool to try and remove people from the register based on unreliable information and hearsay.

Initial Impact Assessments – estimated costs or benefits:

Was unable to view the Impact Assessment when filling in this reply (page not available)

Comments about Initial Impact Assessment:

Was unable to view the Impact Assessment when filling in this reply

Meets consultation criteria: **Slightly Disagree**

Anything liked or disliked:

A compensation scheme, overall, is a good thing. I just hope it will not be abused by instructors having to claim unnecessarily

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Respondent: **Approved Driving Instructor**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Largely Agree**

Anything liked or disliked:

I think it is the right way to proceed.

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Respondent: **Local Road Safety Officer**

General Comments:

No comment made



Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Largely Agree**

Anything liked or disliked:

No comment made

---

Respondent: **Approved Driving Instructor**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Totally Agree**

Anything liked or disliked:

No comment made

---

Respondent: **Approved Driving Instructor**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Largely Agree**

Anything liked or disliked:

No comment made

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Respondent: **Approved Driving Instructor**

General Comments: No comment made

Initial Impact Assessments – estimated costs or benefits:

Why are you working on the basis of only 28 hours tuition per week? This leads to an estimated income of just under £300 per week, on an accepted 50% profit margin (at best!!). This is where model B fails completely to compensate properly.

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Largely Agree**

Anything liked or disliked:

No comment made

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Respondent: **Approved Driving Instructor**

General Comments:

My main concern is the fact that an accusation of misconduct could take several years to go through the judicial process. How will this be addressed in compensation factors, for loss of reputation and good name. Also, the fact that any ADI who is cleared of misdoing, will then have extra costs involved with additional advertising to try to ensure all know he/she is innocent and that he/she is now back in business. Advertising is an expensive necessity.

Initial Impact Assessments – estimated costs or benefits:

As long as these figures are estimates only, and all compensation packages are tailored to the individual, then these should be a good working figure.

Comments about Initial Impact Assessment:

The effects on a sole trader, working in an isolated, probably, rural area, could be devastating. Word of mouth is everything, and bad publicity sticks, no matter what the result of any tribunal or investigation. With limited competition, bad publicity could finish a well established and flourishing business.

The effects of making any such allegations public should be treated with much concern.

Meets consultation criteria: **Largely Agree**

Anything liked or disliked: No comment made

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Respondent: **Approved Driving Instructor**

NOT PROTECTIVELY MARKED

General Comments:

Overall, I feel that this paper is a fair and reasonable assessment of the situation.

I do feel that these powers if granted will be used only very rarely and as such have no objections to supporting the proposals.

I have no objections to all or part of my comments being made available etc.

Initial Impact Assessments – estimated costs or benefits:

In agreement

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Totally Agree**

Anything liked or disliked:

No comment made

---

Respondent: **Local Road Safety Officer**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Totally Agree**

Anything liked or disliked:

No comment made

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Respondent: **Approved Driving Instructor**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

NOT PROTECTIVELY MARKED

4 hours worked, taught per day seems very low to me. Most instructors that I know, teach for an average of between 6-8 hours per day.

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Totally Agree**

Anything liked or disliked:

Mainly liked the fact that the consultation gives ADI's like myself an opportunity to be involved with the process of new legislation in our own industry.

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Respondent: **Approved Driving Instructor**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Largely Agree**

Anything liked or disliked:

No comment made

---

Respondent: **Approved Driving Instructor**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Totally Agree**

Anything liked or disliked:

NOT PROTECTIVELY MARKED

No comment made

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Respondent: **Other**

General Comments:

It all seems fair

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

I need to admit that this level of administration is for too deep for me, but your proposals all appear reasonable

Meets consultation criteria:

Your consultation papers are always within the criteria

Anything liked or disliked:

Apart from the complexity of it being far beyond my specialities the one factor I always abhor is reference to carbon emissions - which is politically unsound and offensive. Yes I do know about EU.

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Respondent: **Approved Driving Instructor**

General Comments:

1) If an ADI is wrongly suspended from the register and later reinstated, the last thing the ADI needs is to be caught up in wrangling with the DSA over amounts of compensation.

2) To have varying levels of compensation, where third parties get involved, where trading accounts from the past might not be up to date, will inevitably lead to disputes, potential litigation delays and upset and could prove an administrative nightmare.

3) If an ADI is reinstated after wrongful suspension, the onus must be on the DSA to inform him of his rights to compensation and reasonable, fixed scales of compensation should be promptly paid out to the wronged party.

4) Non income related payments should reflect the time an ADI was on the register. Non income losses to a newly qualified ADI franchised to a driving school will be far less (but no easier to work out) than a well established ADI of many years standing who traded independently.

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

A fixed sliding scale of compensation would virtually eliminate the need of the DSA to have any costs of administering this compensation scheme, and would result in wronged parties being paid out far quicker.

Meets consultation criteria: **Slightly Agree**

Something simple, fair, transparent and able to be rapidly paid out to aggrieved parties is a must.

Anything liked or disliked:

It seemed to me to be full of unnecessary complexities regarding the administration.

It would be cheaper to the DSA and quicker to pay out to wrongly suspended ADI's if fixed fees for losses, perhaps with reflection regarding an ADI's time on the register were in place.

There should be a requirement on the DSA to inform reinstated ADI's of the compensation scheme at the point of reinstatement.

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Respondent: **Approved Driving Instructor**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Slightly Disagree**

Anything liked or disliked:

Needs to be more clearly laid out.

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Respondent: **Driver Training Representative Organisation**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria:

No comment made

Anything liked or disliked:

No comment made

---

Respondent: **Driver Training Representative Organisation**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Totally Agree**

Anything liked or disliked:

No comment made

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Respondent: **Local Road Safety Officer**

General Comments:

As a local authority road safety team we are particularly concerned with ADIs making full use of their time with learner drivers in order to give them a good, safe basis to their driving future.

We have no particular strong views about the details of compensation for those ADIs that are wrongly removed from the registrar but have supported the proposals as a means of dealing fairly with those ADIs.

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Totally Agree**

NOT PROTECTIVELY MARKED

Anything liked or disliked:

The consultation paper was straight to the point and easy to complete. It didn't require comments unless they were particularly relevant.

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Respondent: **Driver Training Representative Organisation**

General Comments:

No comment made

Initial Impact Assessments – estimated costs or benefits:

No comment made

Comments about Initial Impact Assessment:

No comment made

Meets consultation criteria: **Largely Agree**

Anything liked or disliked:

No comment made

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