

## Latest Lockdown FAQs

### November 10<sup>th</sup> 2020

After the advice issued by DVSA on Friday 6<sup>th</sup> November regarding the suspension of testing services and government advice on driver and rider training, NASP raised a number of questions and challenges directly with DVSA.

Below you will find responses to those questions and challenges, where we have received them from DVSA (NASP has also attempted to give advice on some points in lieu of a direct response from the agency). However, as you will see below, there are some questions we are still awaiting advice on.

It is NASP's current position that we advise that members who choose to continue to deliver training do so at this moment do so under their own advisement and at their own risk.

We would strongly urge members to check with their insurers as to whether any policies related to their training business are impacted by this latest lockdown.

Clearly NASP must also highlight the need to help mitigate the spread of infection and protect the NHS that is the basis for the guidance to halt lessons, whilst acutely of the continuing impact of lockdowns on the industry.

#### **1) Is key worker training and testing allowed to continue as they were in the last lockdown?**

DVSA issued further guidance on Friday 6<sup>th</sup> November that there will be no priority provision of critical worker tests during this period. This means key worker lessons should also not be taking place. However, DVSA will keep under review.

#### **2) Are ADI tests and training able to continue i.e. Standards Checks, P2 and P3?**

All testing services in England have been suspended from 5<sup>th</sup> November to 2<sup>nd</sup> December, including ADI assessments. In Scotland these assessments are continuing and additionally Standards Checks, Parts 2 and 3 tests will resume in Wales from Monday 9<sup>th</sup> November.

If you have an upcoming assessment it will be helpful to appraise yourself of the changes to the Standard Operating Procedures in the context of COVID-19. On the NASP website you will find some useful guidance as to what you can expect.

<http://www.n-a-s-p.co.uk/coronavirus-advice>

**3) What impact is this going to have on practical tests that were booked during the lockdown? Will they be given priority to rebook?**

DVSA are emailing everyone with a test booked between Thursday 5 November and Tuesday 1 December to let them know it will be rescheduled to a new time and date.

**4) What about motorcycle training and testing - can that carry on?**

It is Government advice that during the lockdown period, driving lessons and practical rider training should not take place in England

As with the previous lockdown, we advise that members who choose to continue to deliver training in any lockdown do so under their own advisement and risk, and we would strongly urge members to check with their insurer in terms of whether the latest government guidance impacts any policies related to their training activity,.

We have asked DVSA for clarification as to whether there would be any action taken by the Registrar to remove trainers who ignore this advice under Fit and Proper guidelines. Their response below:

*Enforcement of Covid rules is a police matter. The position remains, if an ADI or a motorcycle instructor is convicted of an offence the ADI or CBT Registrar will take all the circumstances into consideration when deciding whether or not they are a fit and proper person to remain on the register of instructors.*

**5) Can vocational training and testing still take place?**

We are seeking clarification on the subject of vocational training as it has been noted the advice issued by DVSA on Friday 6th November did only refer to ADI and ATBs.

**6) Will I be breaking the law if I carry on training my pupils? What enforcement will there be?**

It is Government advice that during the lockdown period, driving lessons and practical rider training as well as testing should not take place in England.

We have asked DVSA for clarification as to whether there would be any action taken by the Registrar to remove trainers who ignore this advice under Fit and Proper guidelines. The advice we have received is below:

*Enforcement of Covid rules is a police matter. The position remains, if an ADI or a motorcycle instructor is convicted of an offence the ADI or CBT Registrar will take all the circumstances into consideration when deciding whether or not they are a fit and proper person to remain on the register of instructors.*

As with the previous lockdown, we advise that members who choose to continue to deliver training in any lockdown do so under their own advisement and risk, and we would strongly urge members to check with their insurer in terms of whether the latest government guidance impacts any policies related to their training activity,

#### **7) I deliver classroom-based training - can it continue under the lockdown conditions or not?**

The latest guidance issued by DVSA covers training in or on vehicle. Provided social distancing and COVID safe measures are in place, some classroom training can be delivered. You could also consider switching to virtual classrooms.

Current position of DVSA was issued by DVSA Direct on Tuesday 3<sup>rd</sup> November and states "Driver CPC courses can continue during these dates if they are delivered online. All face to face CPC courses will be suspended until Wednesday 2 December.

#### **8) As ADIs are an educator, can we not continue to work as schools and colleges do?**

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**9) I live just inside the English border. I have lots of pupils in Scotland. Can I travel to Scotland and continue training them?**

If you live in England but your pupil does not, you will need to follow the government guidance on travelling and work. At present (09/11/2020) "Where people cannot [work from home] they should continue to travel to their workplace". In the case of Scotland and Wales you may cross the border to continue training them in those areas. We advise you to closely monitor changes in guidance and that of local areas.

**10) I live in Cheshire, which is just inside the English border. I have lots of pupils in Wales. Can I travel to Wales and continue training them?**

If you live in England but your pupil does not, you will need to follow the government guidance on travelling and work.

At present (09/11/2020) "Where people cannot [work from home] they should continue to travel to their workplace". In the case of Scotland and Wales you may cross the border to continue training them in those areas. We advise you to closely monitor changes in guidance and that of local areas.

**11) My franchisor says it is up to me whether I continue to work or not. Is this right and should they still be charging me a franchise fee if I can't work?**

If the franchisor is not withdrawing their service, they may still have grounds to charge a fee. We are aware that the larger franchises are offering deferred payments for this period to help manage the financial impact of this latest lockdown.

Check the terms and conditions of your franchise contract to see whether there are any terms regarding what happens when you are unable to deliver training

**12) Why can delivery drivers still do in vehicle work when I can't?**

Delivery drivers are judged to be less at risk, and less of a risk, as there is only

one occupant in the vehicle.

**13) Can I train someone in my household or support bubble?**

Pupils can still have private practice using their own car as long as they and the supervising driver are from the same household and it is travel for work, education or for other legally permitted exemptions

**14) Can we start delivering lessons again on 2nd December?**

In England lessons can resume on 2nd December, in Wales from Monday 9th November. In Scotland lessons are currently permitted.

**15) Theory tests are resuming on 2nd December but can you confirm this for practical tests and training?**

See Question 14

**16) I have a pupil's test on 3rd December. Can I continue to train them during the lockdown?**

Not according to current government guidelines

**17) I am an ADI. Am I eligible for any financial help?**

There are a number of financial support measures in place, for general advice and specific guidance suited to your individual needs you can contact your ADI association, the Money Advice Service or Citizens Advice Bureau who can sign post you to further assistance.

<https://www.moneyadviceservice.org.uk/en>

<https://www.citizensadvice.org.uk/>

Another highly useful source of advice is Money Savings Expert:

<https://www.moneysavingexpert.com/news/2020/04/self-employed-help-coronavirus/>

**18) Please confirm if delivering driver training / assessment is permitted in the following settings; Emergency Services (Police, Fire, Ambulance, Mines Rescue, RNLI, Blood Service and so on), Ministry of Defence, Key worker / workforces (supermarkets, home delivery operations etc), Local authority run licensing (Taxi testing and assessing), School transport companies and authorities, Local healthcare teams and companies, Please**

**also confirm if delegated examiners will be permitted to provide tests during this lockdown, when DVSA test centre's are closed.**

We have recommended that the police and fire carry on as normal under delegated examiner arrangements. We are working with the ambulance service as we did previously to provide priority tests specifically from frontline ambulance drivers (C1/D1). Given the short period of time the new restrictions will be in place, we will not be offering a critical workers priority service. We will keep this under review.

**19) Will pupils that have a test booked in this lockdown have any availability to get an early test after lockdown instead of waiting until March?**

We are emailing everyone with a test booked between Thursday 5 November and Tuesday 1 December to let them know it will be rescheduled to a new time and date. Candidates will of course be able to login and choose a different date, but this is likely to be later than that offered. We are utilising all vacant slots and opening up additional capacity beyond the 18 week booking window to accommodate the circa 120,000 tests that need rescheduling.

**20) Can the police be made aware in England to conduct random stop checks on ADI cars out on lessons and ensure the non compliant ones are penalised**

Enforcement of Covid rules is a police matter. The position remains, if an ADI or a motorcycle instructor is convicted of an offence the ADI or CBT Registrar will take all the circumstances into consideration when deciding whether or not they are a fit and proper person to remain on the register of instructors.

**21) Why can't examiners, move to other test centres to reduce waiting times. Example I use Chester, (England) why can't they go to Wrexham or Rhyl( both in Wales) ?And why can't Wrexham and Rhyl go to Chester to reduce waiting times?**

In keeping with the principle of national restrictions and we are not redeploying Driving Examiners during the England lockdown.

**22) What's happening with DBS checks, reminders to renew badge for early next year?**

DBS checks are conducted by DVSA's contractor, GB Group, whose service is continuing as normal. A small number of the ADI team volunteer to attend the office and have been since early June. They will continue to do so for this shorter restrictive period. Renewal reminder letters are sent out on or around the

4th of the month 7 months prior to ADIs' registration lapsing. These are sent to the postal address held.

**23) I have a standards check on the 2nd Dec. What is the likelihood of this going ahead?**

As things stand at the moment, Yes, however that may change as time goes on and DVSA will notify you if they need to alter

**24) I have read the Health Protection Regulations 2020 which is being put before parliament. I cannot find specific reference to driving lessons or driving tests. Have I missed something or is the requirement to stop giving lessons not official? Can you clarify please.**

The Government has announced new national restrictions will be in place in England from Thursday 5 November until Wednesday 2 December to help stop the spread of coronavirus. We will continue to keep the situation under review in line with Government advice.

The Government has announced that during these dates, driving lessons should not take place in England

**25) I have a (2nd) Standards Check on 7th December. I have already been granted a later appointment to enable me to get some training (A one day seminar), but will have no chance to get any practice with a pupil before my next attempt, because of the Lockdown. Might/should this be grounds to request another delay?**

Every decision is on its own merits, however we will move a standards checks for training with an ORDIT trainer if evidence is provided as we want to encourage ADIs to improve their skills. This question should, as always, be put to the booking team, with appropriate evidence, to the address on the invitation – [standardscheck@dvsa.gov.uk](mailto:standardscheck@dvsa.gov.uk) so that the individuals' circumstances can be taken into account

**26) Will pupils with suspended tests be put to the back of the queue when rescheduling OR will pupils with tests booked post 3rd December have their tests delayed to allow for the suspended tests?**

We understand this may be disappointing but to minimise disruption to the majority of driving test candidates we are only moving tests of candidates affected by the new national restrictions in England. We are emailing everyone with a test booked between Thursday 5 November and Tuesday 1 December to

let them know it will be rescheduled to a new time and date.

Candidates will have the opportunity to stick with the test they have been given or move to another available date and may be able to find an earlier date by checking DVSA's booking service regularly.

**27) Will the test booking system remain open to book tests after 2 December or will it be closed to all as in previous lockdown**

The public booking system will not be closed, of course it will only display bookable test slots.

**28) If the test has been booked through ADI business services, will I receive the email?**

Yes

**29) What will happen to lost time on trainee licence**

There are no powers to extend the validity period of a trainee licence, which is set out in regulation.

**30) Should I move my Car Driving Tests now to available slots or should I wait for the email, will moving them cause more delay.**

You can of course reschedule your test anytime, online, free of charge. It could take up to a week for us to reschedule all tests so please ask your pupils to be patient.

**31) Can I train a nurse during lockdown she has a test in December**

No. Given the short period of time the new restrictions will be in place, we will not be offering a critical worker priority service. We will keep this under review. This means that you should not offer lessons to critical workers in England during the new national restrictions period. Critical workers will need to follow the Government's travel guidance.

**32) Are you saying all driver CPC training has to be stopped as well?**

As communicated on 3<sup>rd</sup> November via DVSA Direct, "Driver CPC courses can continue during these dates if they are delivered online. All face to face CPC courses will be suspended until Wednesday 2 December."

**33) When will the booking system open for pupils booking their tests for**

**the first time?**

The public booking system will not be closed, of course it will only display bookable test slots.

**34) the email from the DVSA today regarding cancelling theory tests, it said that pupils would be responsible for rebooking their own tests. this is different to what has just been reported. Could you please clarify that the DVSA will be rebooking theory tests and not students**

There are different systems for practical and theory test services. PRACTICAL tests will be rescheduled by DVSA and the candidate will receive an email with a new test slot, which they can change online if inconvenient. THEORY tests are managed by our contractor Pearson Vue who will email everyone with a test booked in England to let them know their test has been put on hold and they will need to login to reschedule it.

**35) Will the DVSA make the wearing of masks compulsory when giving training as I see a number of people in my area who do not. I find that very frustrating.**

This is not a matter for DVSA, it is for central government and has wider implications than driving lessons. Also, please note, this is a devolved matter. The Scottish government introduced a new law mandating that candidates and instructors wear face coverings during driving lessons and on tests from 2 November.

**36) Will the OBS be staying open? And can we continue to use it? (For Cat B testing)**

Yes, OBS will remain open.

**37) Since we've lost almost 5 months of the registration would we get an extension**

There are no powers to extend the registration period beyond 4 years. This period is set out section 126 of the Road Traffic Act 1988

**38) Some pupils are trying to rebook, there are no tests available at some centres, how do you propose to rectify that**

We continue to release test slots on a rolling basis. We suggest the candidate checks availability each Monday.

**39) Will vocational trainers lose their test quotas again? Or if they cancel any tests before lockdown starts, will this affect their booking capabilities when bookings open again, i.e. someone has built up their allowance to 10 a week but after last lockdown we're pushed back to only 1 per week.**

Quotas will carry forward and remain as was prior to England restrictions.

**40) Will DVSA prioritise part 2 & 3s before restarting Standards Checks**

PDIs have a time-limited period to pass the part 2 and book a part 3, so as with the recovery from the previous restrictions, parts 2 and 3 will be the priority.

**41) When will the lack of theory tests across Scotland be addressed - some remote test centres are still not open, when will Machrihanish & other Argyll test centres open**

As a result of the lockdown, 2 metres physical distancing and the Scottish Government's apprenticeship scheme for the logistics industry, DVSA is facing unprecedented demand for theory tests in Scotland.

We continue to work with our supplier Pearson to monitor demand and review capacity on an ongoing basis and have increased the number of tests we carry out in Clydebank and Greenock. We are also working to set up a temporary site in the Glasgow area. As a result of the Scottish Government's physical distancing restrictions we are unable to increase the number of tests we provide. We are sorry for the inconvenience this may cause but we ask that you are patient as we continue to protect our customers and staff from COVID-19 whilst continuing to carry out tests.

DVSA have been able to hire space at Machrihanish LGV since 14th Sept. Other 'casual' sites still affected by the initial lockdown, there are only a handful of these where stat compliance still has not been confirmed by the venue. As they are casual sites, where we have no security of tenure, DVSA have no leverage in terms of pushing this. It will be when the venue/s re-open and confirm statutory compliance.

**42) Do you have any feedback from the nine test centres on the waiting room trial**

We are reviewing and will provide further updates on waiting rooms as soon as we are able.

**43) In this lockdown what exactly do PDIs on a pink licence do now - i.e PDIs who have applied but yet to be granted a licence, so will the DVSA delay their badges being issued?**

The trainee should contact the ADI team at [PADI@dvsa.gov.uk](mailto:PADI@dvsa.gov.uk) and either request a new start date or that we hold the application until restrictions are lifted.

**a. What then happens re the 40hrs being out of date?**

The minimum training prior to the issue of a trainee licence is 40 hours within the 6 months prior to the application being made. There are no powers to extend this period and we cannot issue a licence if the training does not meet the legislative requirements. Trainers and trainees should be mindful of the length of time passed since the earliest training and can seek advice from the ADI team at [PADI@dvsa.gov.uk](mailto:PADI@dvsa.gov.uk)

**b. PDIs whose badges arrived in the last few days/hours?**

Any trainee who requested a start date for their licence a week prior to, or after the start of, the restrictions should contact the ADI team at [PADI@dvsa.gov.uk](mailto:PADI@dvsa.gov.uk) to arrange for a later start date. This includes first and replacement licences

**c. PDIs who have a current badge they have had for a while and can't use... and how they prove it's not in use.?**

Current advice is that no driver training should be taking place in England. The Registrar will take that into account if the trainee is in a position to apply for a further licence.

**d. Where do PDIs stand with applying for second/thirds please?**

The Registrar will take into account the effect of previous and current restriction periods when making a decision whether or not to issue a further licence.

**6. Do pink licences need to be cut up?**

Trainees should seek individual advice from the ADI team at [PADI@dvsa.gov.uk](mailto:PADI@dvsa.gov.uk)

**44) In the past week I have had enquiries from Aberdeen, Glasgow, Manchester, and Cheshire from people wanting to book lessons in Inveraray, presumably as they have a test booked here. Travel restrictions did not seem to be a concern to them. I was wondering what would be the examiner's response if the candidate's address is in a more restricted tier than Argyll and Bute -would the test still proceed?**

Your pupils should not travel out of England to take a driving test. If they travel out of England to come to their driving test our examiners will not be able to test them. This was also the case for Welsh candidates with a test booked in

England.

Regards taking tests in other parts of the country, it is perfectly legal for a candidate to book a test at any DTC. Indeed, DVSA actively encouraged this when there was limited availability. Provided travel restrictions have not been imposed in either the candidates home area or the DTC area, the test will go ahead.

**45) What specific sanctions are DVSA currently threatening ATBs with in terms of those who decide to operate training? And what basis is there for these sanctions?**

Enforcement of Covid rules is a police matter. The position remains, if an ADI or a motorcycle instructor is convicted of an offence the ADI or CBT Registrar will take all the circumstances into consideration when deciding whether or not they are a fit and proper person to remain on the register of instructors.