



**Train Driving Licences
and Certificates
Regulations 2010:
Guide to training and
examination
requirements**

Draft guidance for consultation

February 2019

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1. Introduction

1.1. This guide sets out the requirements of the Train Driving Licences and Certificates Regulations 2010 (TDLCR) for the training and examination of drivers carried out by training and examination centres. The guide covers:

- Responsibilities of those operating training and examination centres;
- What activities they carry out;
- What are the requirements for being recognised by ORR and placed onto its register;
- The appeal process if an application for recognition is refused.

Please note that this draft contains a number of references to the EU and EU-related legislation. This drafting will be revisited following the UK's exit from the EU on 29 March 2019.

Where '[link to be inserted]' appears a working link will be included in final published guide. Links to the consultation versions of these guides are available on the consultation page for guides to train driver licensing.

2. Legal requirements and making an application

2.1. Railway undertakings and infrastructure managers (referred to as ‘train operators’ throughout this guide) who employ drivers are responsible for training, assessing and monitoring the competence of those drivers.

2.2. This training, assessing and monitoring must be performed by persons or bodies **recognised by ORR** to deliver the standard of training which meets the specifications of the TDLCR. We will grant recognition if we are satisfied that an application shows how training provision meets the requirements of the TDLCR of:

Regs
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- Independence (this does not apply to a train operator who provides training to their own staff, but would apply to someone providing training to two or more operators);
- Competence; and
- Impartiality.

2.3. The European Commission has published a [Decision](#) which sets out details on how training centres and examiners will achieve recognition and our recognition process is consistent with this.

2.4. In The TDLCR, Schedule 3 covers the training elements for the general professional competence necessary to be issued with a licence. Schedules 4 and 5 cover the requirements for professional knowledge of infrastructure and rolling stock respectively. Schedule 6 covers the requirements for periodic reassessment and Schedule 7 covers the training method to be used.

What is the relationship between the TDLCR requirements on driver competence training, assessment and monitoring and ROGS?

2.5. The TDLCR do not place additional requirements on train operators when training, assessing and monitoring drivers. This is because driver training and examination are fundamental parts of train operator’s safety management systems under ROGS and the majority of train operators who train their own drivers should have a good understanding of the competence requirements and the right training, assessment and monitoring arrangements already in place. The assessment criteria in ROGS provides more information on this and is available at:

http://orr.gov.uk/data/assets/pdf_file/0020/3593/cert_auth_criteria_mainline.pdf , specifically criteria N and BB are relevant for train driver licensing purposes. Our guidance on competence management systems can be found at http://orr.gov.uk/data/assets/pdf_file/0016/4264/sf-dev-staff.pdf).

Who may carry out training and assessment?

- 2.6. Training and assessment may be done either in-house by a train operator employing the driver or by someone providing training independently to a train operator (as long as in either case they are recognised by us). Regardless of whether the training is carried out by the train operator itself or by an independent provider, training of drivers should be covered in the train operator's safety certificate.
- 2.7. Someone may become either a training centre carrying out training and monitoring of drivers or an examination centre carrying out assessments of drivers. It is also possible to have a centre recognised for **both** training and examination.
- 2.8. Train operators will usually employ competent persons who are responsible for carrying out training and assessment of drivers including responsibility for the general professional competence examination set out in Schedule 3 which is necessary for a driver to obtain a licence.

How to make an application and what should it cover

- 2.9. There is no application form but a document covering the elements required for recognition as a training or examination centre should be submitted to us. These elements are set out in chapters 3 and 4. The application for recognition should include references to key documents that set out training and assessment methods, processes and standards in further detail. We may as part of the assessment of the safety certificate application choose to look at competence management system arrangements in more detail.
- 2.10. In the case of a train operator applying for recognition to train its own drivers, much of this information will be contained in safety management system documents provided for the safety certification process and the two applications can be submitted at the same time and cross-referenced. Independent providers should submit their own documentation covering these elements.

What happens once an application for recognition has been sent?

- 2.11. Once we have received an application we will review the information and carry out any checks to verify the information or evidence that has been submitted. We may ask the applicant to provide additional information to support the application and visit the site where the training or examination will be carried to check that it is suitable.

2.12. When we have reviewed all of the information we will write to the applicant with our decision. This will usually take approximately 3 weeks

What happens when recognition has been granted?

2.13. Once we have granted recognition and the training provider has a unique registration number, this must be provided on all train driver licence application forms where they have carried out the training or assessment of that driver.

How long is recognition valid for and how is it renewed?

2.14. Recognition is not time limited but train operators are expected to demonstrate that they continue to meet the elements for recognition as part of an application for a new safety certificate. As part of the renewal process, the train operator has to demonstrate that it is continuing to meet the requirements set out in the assessment criteria. When considering a renewal application, ORR will review supervision results from inspections carried out on the CMS in place for train drivers as well other safety critical staff.

2.15. Independent training providers should demonstrate every 5 years that their training continues to meet all of the necessary elements.

Can ORR remove me from its registers?

2.16. We may decide to remove a training or examination centre from the register if we believe that it no longer meets the criteria for recognition on to the register. Such circumstances may include the withdrawal of a safety certificate. If this is the case we will write to the training and examination centre concerned informing it of our decision but the training or examination centre has the ability to appeal under the process in chapter 5.

What happens if ORR refuses to grant recognition?

2.17. If we refuse to grant an application for recognition, the applicant may appeal against our decision and the process for this is set out in chapter 5.

3. Training centres: recognition criteria

What are the criteria for becoming recognised as a training centre or provider?

3.1. When making an application for recognition, the applicant must make sure the application provides us with the following:

- An explanation of how the training is delivered in an impartial manner regarding all participants;
- Evidence to demonstrate technical and operational competence and suitability to organise training courses appropriate to the training tasks;
- Details of how training delivery is adequately staffed and equipped;
- Details of how training is delivered in an environment suitable for preparing train drivers for the examinations to obtain or maintain licences and certificates;
- Description of an effective management structure which ensures that trainers are competent, have adequate qualifications and experience to provide training;
- Evidence that trainers have a minimum of 3 years professional practice of train driving for practical training;
- Evidence that trainers are holders of both a valid train driver licence and a valid certificate covering the subject of training or a similar type of line/rolling stock. Where the trainer does not hold a valid certificate for the relevant infrastructure/rolling stock, a driver holding the certificate for that infrastructure/rolling stock must be present;
- An explanation of how the content, organisation and duration of training courses, training plans and competence schemes is kept up to date;
- An explanation of how the training activities including information on participants, trainers and the number and purpose of the courses will be recorded;
- Information on the quality management system or equivalent procedures in place to monitor compliance with, and the adequacy of, the systems and

procedures which ensure that the training provided satisfies the requirements set out in Schedules 3 to 7 of the TDLCR;

- An explanation of how they provide competence management, on-going training and measures to keep trainers' professional skills updated; and
- Demonstration that there are procedures in place to keep training methods, tools and equipment updated, including training literature, training software, documents provided by the infrastructure manager such as rulebooks on operational rules, signals or safety systems.

4. Examination centres: recognition criteria

What are the criteria for becoming recognised as an examination centre or provider?

4.1. When making an application for recognition, the applicant must make sure the application provides us with the following:

- Details of the general professional competence examination designed to test the requirement of Schedule 3 of TDLCR;
- Evidence that examiners have the minimum train driving experience of 4 years' duration within a period of not more than 5 years before the application date, including experience in train driving. This may include periods of experience as a manager of train drivers who holds a valid train driver licence and complementary certificate or as a trainer for training tasks relevant to the application submitted;
- Evidence that examiners hold both a valid train driver licence and a valid certificate covering the subject of examination or a similar type of line/rolling stock for practical examinations. When the examiner does not hold a valid certificate for the infrastructure/rolling stock of the examination, a driver holding the certificate for that infrastructure/rolling stock shall be present at the examination;
- Demonstration as a minimum of how examiners
 - will meet the requirement to be competent in listening and spoken interaction at minimum level B2 of the European Framework for Language Competence (EFLC) established by the Council of Europe, in the language of examination;
 - will meet the requirement to have the skills and the aptitude required for the purpose of conducting examinations, and have thorough knowledge of the relevant examination methods and examination documents;
 - will keep their professional competences regarding the subjects they examine updated; and
 - are familiar with the certification scheme for train drivers.

5. Appeal process against ORR refusal to grant recognition of training or examination centre

- 5.1. This Annex outlines the process that we will follow when considering appeals against our decision to refuse entry on to the registers of recognised persons under regulation 23 of the TDLCR or against a decision to remove someone from our register of recognised persons. We will process these appeals within two months of receipt of all of the relevant paperwork.
- 5.2. Regulation 23 requires us to have, keep up to date and publish registers for examination and training centres recognised as competent to carry out functions in relation to driver training and assessment.
- 5.3. The appeal will be heard by persons not involved in the original assessment and decision to not recognise the person for the purpose outlined in regulation 23 or in relation to a decision to remove from the register.

Receiving the appeal

- 5.4. You should address your appeal to ORR's Director of Railway Safety and you will be sent an acknowledgement that your appeal has been received. A case officer will be appointed to deal with your appeal and all contact with us on your appeal will be dealt with by this case officer.
- 5.5. A case team will be formed to review your appeal and this will consist of:
 - The Director (or their delegate) as the Chair;
 - an ORR lawyer;
 - specialist advisors, as needed (e.g. independent trainer or examiner etc.)
 - your case officer.

Deciding to proceed

- 5.6. The case team will decide whether it will proceed with your appeal and we aim to do this within 10 working days of receiving the appeal. Completing this within 10 days will depend on the quality and completeness of the appeal information submitted by you and the 10 day period will not start until we have sufficient information to proceed.

5.7. Circumstances in which we may decide that we cannot proceed with hearing the appeal include:

- The appeal concerns matters outside the remit of regulation 23 of TDLCR; or
- The appellant has not provided us with sufficient information.

5.8. Following the case team's first meeting, the case officer will write formally to the appellant with the outcome. This should be sent within 3 working days of the case team meeting in order to ensure a response is received within 10 working days of the appeal being received.

5.9. The letter will set out either:

- That we will hear the appeal, how long the case review will take and when a decision will be made;
- That we are minded to hear the appeal, but that we need further information from you at this point. This will have the effect of 'restarting the clock' on the time required to process the appeal.
- That we have decided that the appeal is outside the remit of regulation 23 and the process ends here.

5.10. If we decide to hear the appeal, and to ensure that we can process the appeal within two months of receiving it, we will ask you to make any further representations to us within 20 working days from the issue of our letter to proceed with the appeal.

Hearing the appeal

5.11. A case officer will be appointed to deal with your appeal and all engagement with us on your appeal will be dealt with by this case officer. Once the 20 day period for representations has expired, the case team should aim to reach a decision within further 10 working days. This decision will be arrived at over the course of two formal, minuted case team meetings:

- The first meeting takes place within 5 working days of all final information submissions being received. This meeting should discuss the representations and reach a position where a draft decision can be prepared;
- The second meeting takes place as soon as possible after the first (and at most within 5 working days) to agree and sign off that decision.

5.12. The minutes of the meeting will be made available, if appropriate.

5.13. The draft decision will be written by the case officer before being discussed and agreed by the case team.

ORR Decision

5.14. Once the decision has been agreed it is signed off by the Director or the delegated chair.

5.15. The case officer will send a copy of this decision to you, along with a letter explaining what course of action is necessary (if any) following our decision.



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