



# Driving Licensing: Call for Evidence

CTA Response

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[www.ctauk.org](http://www.ctauk.org)

## Introduction to the CTA

The Community Transport Association (CTA) is the national charity that represents and supports providers of community transport (CT) - thousands of local charities and community groups in all parts of the UK that provide transport services which fulfil a social purpose and community benefit.

Our vision is of a world where people can shape and create their own accessible and inclusive transport solutions and our mission is to achieve this through championing accessible and inclusive transport, connecting people and ideas, and by strengthening our members and raising standards.

We do this by contributing to the formation of public policy that affects our sector and their service users and showing how better outcomes are achieved for people and communities when they have access to community transport. We create partnerships with like-minded organisations across all sectors; manage a national programme of quality assured education and training; provide comprehensive advice and guidance to those delivering community transport; and we take every opportunity to champion the vital and indispensable work that our members do.

## Summary

CTA welcomes the call for evidence on driving licencing. CTA believes changing D1 licencing to grant drivers who have a category B licence entitlement to a minibus category D1 is vital for the future of the CT sector. This change will alleviate some of the current driver shortages that are caused by the current D1 licensing system that threaten the sector's future and the provision of essential transport services.

Taking this action will have a very significant impact on the supply of drivers in the CT sector by:

- Removing the high costs incurred when funding an employee to have the D1 entitlement.
- Increasing the number of volunteers able to enhance the sector and support its growth potential.
- Increasing the ability for younger people (under 42) to volunteer or be employed in the sector and improving the long-term sustainability of the sector.
- Making it easier to employ drivers in the sector, support with retention and reduce competition with commercial operators through a larger potential pool of employees.

By increasing the supply of paid and volunteer drivers it supports the sector to deliver services to those that need it most in our communities. These services are critical for the physical and mental health of so many often-vulnerable people currently not served by mainstream transport services. This change should make it easier for CT organisations to hire drivers, which will help secure and expand CT services. The continuing provision of these services and the

addition of new ones will benefit communities and often the most vulnerable in these communities that would otherwise face increased isolation and transport poverty.

Removing the need for people who passed their B licence test post-1997 to have to face tests to obtain D1 may seem to signal a reduction in safety. However, this does not need to be the case. CTA believes that safety within the CT sector is of the highest importance, and there are ways to ensure safety remains high despite people no longer requiring tests. Safety could be ensured by adding additional requirements such as experience, but more importantly, through the MiDAS training program. MiDAS is a nationally recognised training programme used to train experienced drivers and those who did not go through D1 tests ensuring they are ready to drive a minibus at a high level of safety. CTA want to work with DfT to discuss how MiDAS can play its part in ensuring the safety of drivers remains high if the change to D1 is made.

## CTA Response – Driving Licensing Call for Evidence

### Challenges for the CT Sector

The CT sector is facing driver shortages, both paid and volunteer drivers, and it is expected this will continue to worsen in the future. These shortages have a direct link to the current D1 driver licencing system in Great Britain. This driver shortage has been an issue for longer than 3 years and we expect to see this set to continue for at least the next 5 years and longer if no change is made.

**If the requirement to have a D1 licence to drive a minibus was removed, then we think there would be the potential for a significant increase in the number of drivers able to work or volunteer in the community transport sector.**

The barriers to obtaining a D1 license have resulted in the low numbers of drivers in the CT sector holding one. In 2021 in Scotland, only 27% of CT drivers held a D1 licence. This number of drivers is worryingly low, given the importance of the minibus in CT. 66.8% of CT vehicles in Scotland are a form of minibus.<sup>1</sup> Therefore, the sector desperately needs more drivers allowed by law to operate these vehicles.

There are several reasons that have either a very or significant impact on the driver shortages and demonstrate why the current system does not work for the CT Sector either now or in the future.

These can be summarised under the 3 areas of;

- The financial and time costs to gain a D1 licence
- The creation of an ageing workforce due to the age restrictions from existing legislation

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<sup>1</sup> <https://cta.uk.org/wp-content/uploads/2022/09/More-Than-a-Minibus-CTA-2022.pdf>

- Vehicle size restrictions impacting the supply of potential volunteer drivers

The next sections highlight the current challenges CT providers face.

### **Challenge - Financial and time cost to gain a D1 licence**

CT organisations have financial and time costs if they employ a driver who doesn't have an existing D1 licence entitlement. The process for an employee to gain a D1 licence is unaffordable in terms of time and money for CT providers. It can take almost 12 months from the start of the process to gain a D1 licence. During this time, a CT organisation would have to employ an individual but would be unable to put them behind the wheel to deliver the vital services they provide. A CT organisation cannot afford to pay drivers for 12 months when they cannot deliver services.

In addition to the salary expense, it can cost a CT organisation over £1,000 to get one driver a D1 licence. This cost can be prohibitive for many CT providers, since they are operating a non-profit service and so have less unrestricted funding to invest in driver training in this way. There is also a significant risk that once trained the staff will move roles to commercial operators and so face not seeing the return on their investment with staff retention. Many CT providers have reported commercial transport companies are targeting their D1 drivers, meaning they are struggling to retain them. This competition comes not only from commercial operators being able to offer a higher salary, but CT providers like the rest of the voluntary sector are more likely to only be able to offer part-time contracts.

The £1,000 price for D1 training also has an opportunity cost. For many CT organisations that are small charities, £1,000 is a lot of money that is desperately needed elsewhere and could be used to help the often-vulnerable people CT serves. This is demonstrated by the income of CT providers. Currently, 34% of the primary and secondary purpose CT providers in the CTA membership in England have a turnover of less than £25,000. The CT providers who would face the greatest outlay in regard to funding these costs are providers we define as primary providers. These are organisations whose main purpose is to provide community transport and so are more likely to have larger minibuses and more vehicles in their fleet. 38% of the CTA members in this category have a turnover of less than £25,000 and only 4% have a turnover of more than £1m.

### **Challenge - Creation of an ageing workforce**

Whilst there are currently some drivers that hold D1 and can drive a minibus without a test, the pool of people in this number is declining. The number who obtained their licence pre-1997 and are entitled to D1 without a test grows smaller yearly. The youngest it is possible for someone to be to hold the D1 grandfather rights is 42, meaning that people between 17-41, half of the working ages, are excluded from freely entering the CT sector as paid minibus drivers without having to overcome the significant barrier of passing a D1 test. The result of this is an ageing workforce and a sector that struggles to recruit young workers.

In Scotland, in 2021, 92% of CT organisations struggled to attract young people.<sup>2</sup> As the group of drivers with D1 grow older, more drivers will retire and leave the sector, which the Covid-19 pandemic has accelerated. Additionally, those drivers who do not retire will eventually require regular medicals to drive a minibus adding further barriers to them playing their part in the sector. Therefore, every year, the percentage of people leaving and being partially excluded from the sector will rise, and the pool of drivers with D1 entitlement will decrease. Driver shortages the sector is facing will continue to worsen unless there are positive changes to the licencing system.

### **Challenge - Vehicle restrictions limiting volunteer involvement**

The current legislation on volunteer drivers is also too restrictive. Under current restrictions, volunteer drivers are limited to only driving vehicles with a maximum authorised mass (MAM) under 3.5 tonnes or 4.25 tonnes if accessible. These MAM restrictions are too low as many standard minibuses now have a MAM higher than the allowed weight, so volunteers cannot drive them. In the future, this may worsen as the sector makes the vital step toward electric vehicles. Despite their benefits, electric vehicles usually are heavier than their internal combustion counterparts. Heavier vehicles mean that either vehicle payloads decrease, meaning minibuses could carry less equipment and passengers, or MAMS will continue to increase, excluding yet more volunteers from driving minibuses.

The issues outlined have contributed to a driver shortage in the CT sector. These shortages are having a significant detrimental impact on the services CT organisation provides. Many organisations do not have enough drivers to deliver the services that they would like to. This shortage has resulted in CT organisations being increasingly dependent on existing drivers or unable to provide for all people requiring their services. Therefore, changes to the D1 system are desperately needed to help remove some of the factors contributing to driver shortages.

## **Impact for the CT Sector**

As the previous section has set out, the CT sector is experiencing a significant driver shortage that will worsen if the current D1 licencing system remains unchanged. CTA believes that to secure the sector's future and help alleviate some of the driver shortages, DfT needs to restore pre-1997 rights to D1 to the B licence holders. **Overall this change would ensure there was a sustainable workforce for the community transport sector.** By enabling the expansion of the pool of potential drivers and simplifying rules about volunteers, it would have the impact of supporting the sustainability of the sector and providing operators with increased potential for growth.

### **Impact - Retain and grow driver base**

Another reason granting category B licence holders D1 and extending the pool of potential drivers is vital is that it would make it easier for CT organisations to retain and regain drivers. As previously mentioned, CT organisations have found commercial companies targeting their

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<sup>2</sup> <https://ctauk.org/wp-content/uploads/2022/09/More-Than-a-Minibus-CTA-2022.pdf>

D1-trained staff. This targeting is leading CT organisations to lose staff that are in short supply putting their services under pressure. If category B licence holders are granted D1, a significant additional amount of people will be allowed to operate minibuses. If this change goes ahead and more people can drive a minibus, commercial operators may be less likely to target CT staff as workers with this entitlement will be elsewhere. Therefore, the change in D1 licencing may help CT organisations retain their staff. On the other hand, if commercial operators continued to target CT drivers, the change to D1 entitlement would make it easier for the CT organisation to replace these staff members. As a result, CT services and the vulnerable people that depend on them will be less affected by staffing changes.

As well as benefiting CT organisations that use paid drivers in their services granting category B licence holders D1 will help organisations that use volunteer drivers, not for hire and reward. The current legislation contains significant barriers, particularly concerning weight restrictions, as many minibus MAMs are now heavier than a volunteer is allowed to drive. By granting D1 entitlement to category B licence holders, volunteer drivers will no longer face these restrictions, because D1 will allow them to drive a minibus with any MAM. Without these restrictions, the volunteering process would be much simpler for both the volunteers and CT organisations. Simplifying this process is vital as MAMs will increase further with the move to electric minibuses, preventing volunteers from driving many more vehicles as we advance.

### **Impact – Clarity on D1 need for employees**

The change to D1 would also benefit those driving not for hire and reward because it would simplify the system. There is much disagreement between different organisations as to whether a person in a paid role can drive a minibus without a D1 licence when driving is not a specific part of their role, for example, a paid teacher who takes a group of students to a sports tournament. Some believe it is not hire and reward if driving is not in their job description. Yet, other organisations do not see this as the case. There is clearly a grey area here present within the current legislation. This grey area would be removed by granting B licence holders D1 privileges. Making this change would remove this grey area as if the person has a B licence, and by extension, D1, they could drive the minibus irrespective of whether it is hire or reward.

### **Impact – Growth of services**

A further reason entitling category B licence holders to D1 would be a positive change for CT is that as well as helping to secure existing services, it may enable CT organisations to expand provision. In 2021 69% of Scottish CT organisations wanted to expand their service.<sup>3</sup> This ambition within Scotland is also present with many CT organisations across other British nations. However, it will not be possible for many to meet this ambition to expand without recruiting drivers with D1 entitlement. As previously stated, granting category B licence holders D1 will lessen the driver shortage, making this recruitment far easier. Recruitment being easier will mean CT organisations will be able to recruit additional staff, making the ambition of expansion more possible. If this expansion can go ahead, thousands of people, who are unable

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<sup>3</sup> <https://ctauk.org/wp-content/uploads/2022/09/More-Than-a-Minibus-CTA-2022.pdf>

to access mainstream transport for a range of reasons, will benefit and transport poverty will reduce.

This section has highlighted the significant benefits of restoring the right to D1 to B category licence holders. This action is urgently needed to secure the future of the sector. It will reduce the driver shortages that are threatening the viability of current services and potentially enable ambitions of expansion. The change will also make it much easier for CT organisations to use volunteer drivers to deliver their services. These benefits for community transport will have a positive impact on the people that they serve and the additional people they would be able to serve. It will help CT alleviate transport poverty and continue the vital work they do in their communities.

## Consideration for additional stipulations

Whilst the CTA supports the removal of the requirement to obtain a D1 licence test to drive a minibus it is recognised that there are additional stipulations that should be considered to ensure there continues to be a sustainable employment offer and that the safety of the passengers, driver and other road users is preserved.

### Drivers wages

Within the call for evidence, a point is raised concerning driver wages. In theory, the increase in the supply of drivers with D1 may reduce pay for existing drivers in the sector, or the potential to involve more volunteers may reduce the need for as many paid roles. However, this is not necessarily the case in practice, as whilst D1 is a contributing factor to driver shortages, it is not the only factor. Other factors causing driver shortages have been present in the transport sector, creating a challenging market for employers. Hence, wages offered by CT organisations are likely to remain at current levels to continue competing for the limited employees available. Furthermore, the change could help to increase wages for many people. It could do this because those with a B licence would have an additional attraction in D1, which may enable them to get higher-paid jobs they may not have been able to before.

While the increased ability for volunteers to undertake driving roles will exist we would expect to see these roles filling gaps in services and enabling providers to deliver more services not replace existing staff posts. There also remains legislation in place to protect paid posts being replaced with volunteer positions and so there are safeguards in place to ensure that this does not impact the availability of paid roles.

### Safety within the CT Sector and MiDAS

CTA acknowledges driving a minibus is not the same as driving a car. Minibuses are heavier, have larger dimensions, and are slower to accelerate. We are also aware that carrying passengers brings additional responsibilities, and their safety and that of the drivers are paramount. However, CTA believes that granting B licence holders D1 does not have to come at the expense of safety, and there are measures which, if put in place, can ensure safety

levels remain high. Measures could include an additional requirement for category B holders to qualify for driving a minibus and, most importantly, using MiDAS training as an alternative to D1 licencing training and tests.

The call for evidence mentions the possibility of adding additional requirements for B licence holders to drive minibuses' such as minimum age and years of driving experience to drive a minibus. CTA can see the reasoning for including measures like these. We know that young drivers and those with the least driving experience are likelier to have an accident than more experienced drivers. Therefore, if it can be shown it is the case that safety will be improved by having requirements such as a minimum age of 21 and 2 years of driving experience, CTA would not be against such measures.

It is important to mention that it is, and will remain, against the interests of the CT organisations to put an unsafe driver behind the wheel. The CT sector is committed to safety, and CT organisations value the safety of their drivers, passengers, vehicles and other road users. This commitment can be demonstrated by the serious nature that CT organisations carry out maintenance responsibilities. Last year DVSA roadside checks listed only three section 19 vehicles. Two were not entitled to run the permit, and the other had just one defect. Given the scale of the DVLA checks, this number is negligible, and the minor nature of it demonstrates CTs commitment to vehicle safety.

Due to their commitment to safety, CT organisations would not take the risk of allowing an unfit driver to drive a minibus with passengers on board. Doing so is not only a risk to lives but also to the finances of CT organisations through vehicle repair costs and lawsuits. Due to these risks, if B licence holders are granted D1, CT organisations will continue to ensure safety by not allowing a person with a B licence to drive their minibus if they deem them not safe drivers. To secure the safety of the driver, passengers and vehicles, many CT organisations are already taking steps to ensure drivers are ready to drive a minibus by putting drivers through the Minibus Driver Awareness Scheme (MiDAS).

MiDAS is a training programme for minibus drivers. Managed by the CTA and Hampshire Council, MiDAS is a nationally recognised brand within the transport sector with a history of delivering high-quality training to both new and experienced minibus drivers. CTA believes that MiDAS can become a mandatory requirement, ensuring drivers have additional health and safety knowledge, if changes to D1 licencing go ahead. The MiDAS programme is undergoing a transformation programme and so is in a position where it is ready to step in for current D1 training.

MiDAS would be the best alternative to D1 that maintains safety levels as CT organisations are already using the programme to train drivers who have not had to complete the D1 licence process. MiDAS is purposely designed to teach those with little to no minibus driving experience to have the skills and prepare them to drive a minibus, care for passengers and carry out safety checks on the vehicles. It focuses on teaching learners the best practice of driving a minibus and observing their driving skills to ensure they are at a good standard. In some cases, MiDAS goes further than D1 training by ensuring learners gain additional practical skills such as passenger assistance. MiDAS offers this high-quality level of training



without creating the barriers of high cost and long wait times that the current D1 training does.

MiDAS would also work as an alternative to D1 training as the structures to deliver nationwide are already in place. In 2021 almost half of Scottish CT organisations put their drivers through MiDAS. There is currently a network of trainers situated across the UK. Whilst it would take some work to scale this process up to deliver to a larger volume, the base is already operating.

Looking forward, MiDAS is improving. It is currently undergoing a process of development which is working to ensure that the programme continues to cover all the topics and teach the skills essential for a modern minibus driver to be fully prepared to transport passengers. CTA would welcome and be open to working with DfT on any enhancements to the MiDAS programme they deem necessary to ensure that it is a ready alternative to D1 training.

MiDAS, therefore, is a viable alternative to D1 training. It is nationally recognised and is delivered to both D1-trained and non-D1-trained drivers. It has ensured drivers are ready to drive minibuses, deliver services and care for passengers, helping improve both the safety of the drivers and the passengers. Therefore, the potential changes to D1 entitlement do not have to sacrifice safety. CTA is willing to work with DfT and discuss how MiDAS can play its part if B licence holders are given D1 entitlement.

## Conclusions

CTA believes that D1 should be granted to category B licence holders. Taking this action will help, to some extent, to alleviate the driver shortages facing the CT sector. The current D1 system is a key reason for this shortage, as it restricts volunteering and creates high barriers to D1, such as cost and time. These barriers and restrictions are too much for many CT organisations, resulting in them depending on the D1-entitled drivers who passed their B licence test pre-1997. However, this group of drivers is getting smaller yearly as more retire and leave the workforce and are not replaced at the same rate by new D1-entitled drivers. It is essential that D1 is granted to B licence holders to remove the barriers to D1 and increase the pool of potential drivers. It would make recruitment easier, which would secure existing services and help the expansion of others, all for the benefit of the vulnerable people CT serves.

This change to D1 does not have to lead to a fall in safety levels. The safety of drivers and passengers is paramount in the CT sector. This view is why many providers across the UK are already putting drivers of all experience levels through the MiDAS training program. CTA believes that MiDAS is a viable alternative to D1 training. It can be this alternative as it has UK-wide structures in place, teaching the best practice of operating a minibus and caring for passengers. Additionally, MiDAS is undergoing a transformation to ensure it continues to provide relevant training for now and in the future. CTA would welcome the opportunity to involve DfT in this transformation.

## Further Information

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*The Community Transport Association (CTA) is the UK charity that represents and supports providers of Community Transport. Our 1200 members across England, Wales, Scotland and Northern Ireland are local charities and community groups which provide transport services always for a social purpose and never for profit. We believe in accessible, inclusive and sustainable transport for all.*