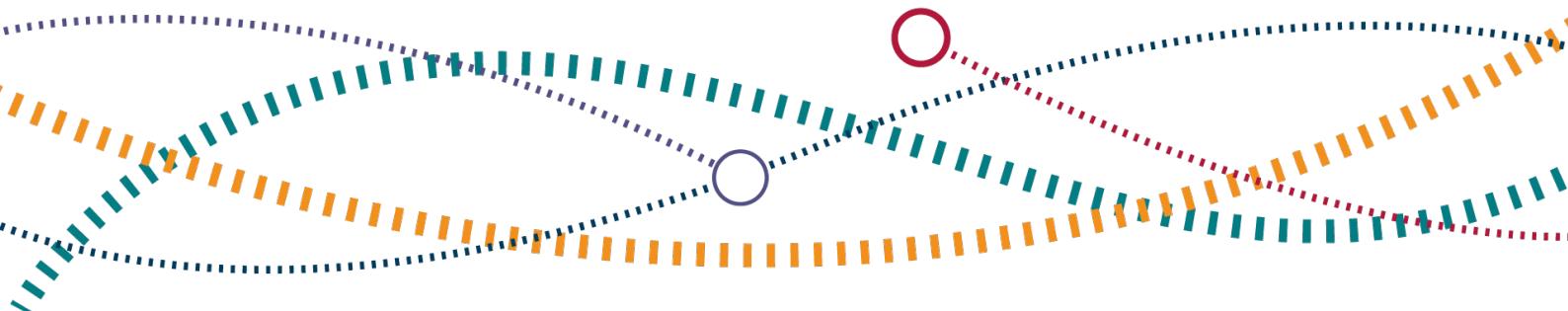




# Guide to training and examination requirements

## Train Driving Licences and Certificates Regulations 2010

16 December 2021



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# Background

The Train Driving Licences and Certificates Regulations 2010 (as amended) (TDLCR) give duties to different organisations and people. We have produced a series of separate guides to explain the duties and responsibilities arising from the TDLCR and how you can take appropriate action. Together these guides form a complete set of guidance. However, please note that the guidance does not cover all aspects of the legislation and that it is the responsibility of the duty holders to ensure compliance with legislation.

There are separate guides:

- [for train operators](#)
- for the [medical and occupational psychological fitness requirements for train drivers](#) and recognition process
- for [train driver training and examination requirements and recognition process](#)
- for [suspending or withdrawing a train driving licence](#)
- for [train drivers appealing against decisions made by their employer about the train driving certificate](#) issued to them

We have also published a ‘key facts’ leaflet for [train drivers](#) and key facts for operators for the recruitment of train drivers.

We have produced this guide to assist you in meeting the requirements of the Train Driving Licences and Certificates Regulations 2010 (TDLCR). However, we do not seek to cover every aspect of the legislation. It remains **your** responsibility to ensure that you are compliant with the relevant legislation. Following our exit from the EU please be aware that TDLCR and associated legislation has been amended by the following regulations:

- **the Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019, (S.I. 2019/677) as amended by**
- **the Railways (Miscellaneous Amendments, Revocations and Transitional Provisions) (EU Exit) Regulations 2020. (S.I. 2019/345) and;**
- **the Railways (Miscellaneous Amendments, Revocations and Transitional Provisions) (EU Exit) Regulations 2020 (S.I. 2020/786).**

and should therefore be read in conjunction with those regulations.

The guidance does not introduce new duties or requirements, but it sets out what we consider to be good practice.

*This guidance is not intended for use in Northern Ireland*

We periodically update these guides, and you can download the latest version of any of these guides from our [website](#).

# 1. Introduction

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

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

## 2. Legal requirements and making an application

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

### Reg 23(1)

- 2.2 Under the TDLCR we are required to have, and keep up to date, a register of persons we have recognised as competent to carry out the training and examination of train drivers.

### Reg 23(3)

- 2.3 We will grant recognition when we are satisfied that an application shows how training and examination provision meets the requirements of the TDLCR of:
- 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). It applies to examiners who must be independent from the training provided;
  - Competence; and
  - Impartiality
- 2.4 The European Commission published a [Decision](#) (European Commission Decision 2011/765/EU), setting out the recognition process for individuals, training and examination centres. This is now incorporated into UK domestic law as provided in the background information on page 3.
- 2.5 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, monitoring and examination, and The Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGs)?**

- 2.6 Driver training and examination are fundamental parts of a train operator's safety management system (SMS) under ROGS (as amended). The TDLCR do not place additional requirements on train operators when training, monitoring and carrying out examinations of drivers' competence. 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 should already be in place.
- 2.7 Our guidance document - Assessment criteria for mainline railway safety certificate and safety authorisation applications - provides more information on this. Specifically, criteria N and BB are relevant for train driver licensing purposes. We have also published [guidance on competence management systems](#) (CMS) which you should read alongside this guide.

## **Who may carry out training and examination of train drivers?**

- 2.8 Training and examination may be done either in-house by a train operator employing the driver or by an external training provider (as long as in either case they are recognised by ORR).
- 2.9 An organisation 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. Training and examination of drivers must be carried out by competent persons as set out in the criteria for recognition.

## **How to make an application for recognition and what should it cover?**

- 2.10 There is no application form but a document covering the elements required for recognition as a training or examination centre should be submitted to ORR. These elements are set out in chapters 3 and 4 of this guide. The application for recognition should include references to key documents that set out training and examination methods, processes, and standards in further detail. We may, as part of the assessment of the train operator's safety certificate application, choose to look at CMS arrangements in more detail.

- 2.11 In the case of a train operator applying for recognition to train its own drivers, much of this information will be contained in SMS documents provided for the safety certification process and the two applications can be submitted at the same time and cross-referenced. External providers should submit their own documentation covering these elements.

## What happens once an application for recognition has been received by ORR?

- 2.12 Once ORR have received an application, we will review the information and carry out any checks to verify the information or evidence that has been submitted. ORR may ask the applicant to provide additional information to support the application and may visit the site where the training or examination will be carried out to check that it is suitable.
- 2.13 When we have reviewed all of the information we will write to the applicant with our decision. This will usually take approximately 3 weeks, assuming the information provided is comprehensive and satisfactory.

## What happens when recognition has been granted?

### Reg 23(1)

- 2.14 Regulation 23 of TDLCR 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 examination.
- 2.15 Once ORR has granted recognition, the training and/or examination centre will be added to our register and will be issued with a unique registration number which must be provided on all licence application forms for which they have carried out the training or examination of the applicant driver.

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

- 2.16 Recognition is not time limited but for an in-house training or examination centre run by a train operator, we will monitor continued compliance with the criteria for recognition through the five yearly safety certification process under ROGS. For training and examination centres that do not come under ROGS, we will check every five years that they continue to meet the criteria for recognition. Guidance on the criteria is in chapters 3 and 4 of this guide.

## **Keeping information on the register up to date**

- 2.17 The recognised examiner should inform ORR as soon as possible after any changes to the information that appears on our register (including changes to contact emails) so that we can update accordingly.

## **Can ORR remove me from its registers?**

- 2.18 ORR may decide to remove a training or examination centre from the register if we believe that it no longer meets the criteria for recognition. If this is the case, we will write to the training or examination centre concerned informing it of our decision and providing our reasons. The training or examination centre has the ability to appeal under the process set out in chapter 5.

## **What happens if ORR refuses to grant recognition?**

- 2.19 If we decide not to grant an application for recognition, our letter will set out the reasons. If the applicant believes that we should have granted recognition, then the applicant may appeal against the decision and the appeal process is set out in chapter 5.

## **Training trainers and examiners on new rolling stock or infrastructure**

- 2.20 In order for trainers and examiners to train and carry out examinations of train drivers they must have the competence set out in the competency certificate to do so. Where new rolling stock is introduced, we would expect trainers and examiners to be the first to undergo familiarisation in order to acquire professional knowledge on new rolling stock before they begin any training of drivers. This might be done on a test track, in a simulator or through the rolling stock manufacturer.
- 2.21 Similarly, for new infrastructure, we would expect familiarisation and development of competence to happen before the new infrastructure has been brought into use. This is important because as soon as the infrastructure is in use, the requirements of the TDLCR to have knowledge of the specific route before driving trains on it will apply immediately.

### **3. Training centres: recognition criteria**

#### **What are the criteria for recognition as a training centre?**

- 3.1 When making an application for recognition, the applicant must make sure the application to ORR includes the following:
- (a) An explanation of how the training is delivered in an impartial manner so that all participants are treated consistently;
  - (b) Evidence to demonstrate technical and operational competence, and suitability to organise training courses appropriate to the training tasks;
  - (c) Details of how training delivery is adequately staffed and equipped;
  - (d) Details of how training is delivered in an environment suitable for preparing train drivers for the examinations to obtain or maintain licences and certificates;
  - (e) Description of an effective management structure, which ensures that trainers are competent and have adequate qualifications and experience to provide training;
  - (f) Evidence that trainers have a minimum of three years professional practice of train driving for practical training;
  - (g) Evidence that trainers are holders of both a valid train driving 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 in the cab with the trainer.
  - (h) An explanation of how the content, organisation and duration of training courses, training plans and competence schemes are kept up to date;
  - (i) An explanation of how the training activities including information on participants, trainers and the number and purpose of the courses will be recorded;
  - (j) 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;

- (k) An explanation of how the training centre provides competence management, on-going training, and measures to keep trainers' professional skills updated; and
- (l) Demonstration that there are procedures in place to keep training methods, tools and equipment updated, including training literature, training software, and 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 recognition as an examination centre?

- 4.1 When making an application for recognition, the applicant must make sure the application to ORR includes the following:
- (a) Details of the general professional competence examination designed to test the requirements of Schedule 3 of TDLCR;
  - (b) Evidence that examiners have the minimum train driving experience of four years' duration within five years of the application date. 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;
  - (c) 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 must be present in the cab at the examination.
  - (d) Demonstration as a minimum of how examiners:
    - (i) 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, for the UK this is English.(see the Commission [decision](#));
    - (ii) 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;
    - (iii) are not able to carry out examinations of drivers who they have trained personally;
    - (iv) will keep their professional competences regarding the subjects they examine updated; and

- (v) are made aware of and kept familiar with the certification scheme for train drivers.

## **5. Appeal process against refusal to recognise or against removal from the register of training and examination centres**

- 5.1 This chapter outlines the process that ORR will follow when considering appeals against a decision to refuse entry onto the registers of recognised training or examination centres under regulation 23 of the TDLCR or against a decision to remove someone from that register.
- 5.2 We will normally process these appeals within two months of receipt of all of the relevant paperwork.
- 5.3 Regulation 23 requires us to have, keep up to date, and publish, registers for trainers and examiners or training and examination centres recognised as competent to carry out functions in relation to the required general professional competence and professional knowledge of rolling stock and infrastructure.
- 5.4 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**

- 5.5 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.
- 5.6 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.
- 5.7 A case team will be formed to review your appeal - this will consist of:
  - The Director of Railway Safety (or their delegate) as the Chair;
  - an ORR legal adviser;
  - specialist advisers, as needed (e.g. independent trainer or examiner etc.); and
  - your case officer

## **Deciding to proceed**

- 5.8 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, and the 10 day period will not start until we have sufficient information to proceed.
- 5.9 Circumstances in which we may decide that we cannot proceed with hearing the appeal include:
- The appeal concerns matters outside the scope of regulation 23 of TDLCR; or
  - The appellant has not provided us with sufficient information.
- 5.10 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.
- 5.11 The letter will set out one of the following:
- 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; or
  - That we have decided that the appeal is outside the remit of regulation 23
- 5.12 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 and making the decision**

- 5.13 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 by the case officer;
- The second meeting takes place as soon as possible after the first (and at most within 5 working days) to agree and recommend a draft decision.

5.14 The minutes of the meeting will be made available to you, if appropriate.

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

## **Informing you of the decision**

5.16 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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