

## **REQUEST**

My daughter has just failed her practical driving test. She had 3 minors and 1 major. The major my daughter told me she committed does not sound like a major to me.

Please can you advise me of the appeals procedure and give clear guidance on what constitutes a major. Please also provide me with the different pass rates of all examiners in Tunbridge Wells

## **DSA RESPONSE**

A copy of some of the information that you requested is enclosed at Annexes A and B. A copy of our 'Putting Things Right' leaflet which explains the appeals procedure on page 8 was sent to your postal address.

We can confirm that the information you requested for all the pass rates of all individual Driving Examiners at the Tunbridge Wells Driving Test Centre will not be disclosed, as approval for the information to be withheld under section 36 (2) (c) of the Freedom of Information Act; 'Prejudice to the conduct of public affairs', has been granted by the Minister.

In applying for the Minister's opinion on this exemption we have had to balance the public interest in withholding the information against the public interest in disclosing the information. The attached Annex C to this letter sets out the exemption in full, as well as the factors we have considered when deciding where the public interest lay.

## **Annex A**

### **Faults are defined as follows:-**

A driving fault is one which in itself is not potentially dangerous. However, a candidate who habitually commits a driving fault in one aspect of driving throughout the test, demonstrating an inability to deal with certain situations, cannot be regarded as competent to pass the test, as that fault alone must be seen as potentially dangerous.

A **serious** fault is one which is potentially dangerous.

A **Dangerous** fault is one involving actual danger to the examiner, candidate, the general public or property.

**Note:** Fails as a result of either one serious fault or one dangerous fault and an accumulation of 16 or more driving faults- the written report will need to cover both the driving faults and the more serious fault.

Faults should be marked with an oblique stroke in the appropriate box.

## Annex B

Pass rate at Tunbridge Wells Driving  
Test Centre

	Fail	Pass	Total	% Pass
TUNBRIDGE WELLS	1853	1830	3683	49.7%

## **Annex C**

## *Exemption in full*

### **Prejudice to effective conduct of public affairs.**

- 36.** (1) This section applies to-
- (a) information which is held by a government department or by the National Assembly for Wales and is not exempt information by virtue of section 35, and
  - (b) information which is held by any other public authority.
- (2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act-
- (a) would, or would be likely to, prejudice-
    - (i) the maintenance of the convention of the collective responsibility of Ministers of the Crown, or
    - (ii) the work of the Executive Committee of the Northern Ireland Assembly, or
    - (iii) the work of the executive committee of the National Assembly for Wales,
  - (b) would, or would be likely to, inhibit-
    - (i) the free and frank provision of advice, or
    - (ii) the free and frank exchange of views for the purposes of deliberation, or
  - (b) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.
- (3) The duty to confirm or deny does not arise in relation to information to which this section applies (or would apply if held by the public authority) if, or to the extent that, in the reasonable opinion of a qualified person, compliance with section 1(1)(a) would, or would be likely to, have any of the effects mentioned in subsection (2).
- (4) In relation to statistical information, subsections (2) and (3) shall have effect with the omission of the words "in the reasonable opinion of a qualified person".
- (5) In subsections (2) and (3) "qualified person"-
- (a) in relation to information held by a government department in the charge of a Minister of the Crown, means any Minister of the Crown,
  - (b) in relation to information held by a Northern Ireland department, means the Northern Ireland Minister in charge of the department,
  - (c) in relation to information held by any other government department, means the commissioners or other person in charge of that department,
  - (d) in relation to information held by the House of Commons, means the Speaker of that House,
  - (e) in relation to information held by the House of Lords, means the Clerk of the Parliaments,
  - (f) in relation to information held by the Northern Ireland Assembly, means the Presiding Officer,
  - (g) in relation to information held by the National Assembly for Wales, means the Assembly First Secretary,
  - (h) in relation to information held by any Welsh public authority other than the Auditor General for Wales, means-

- (i) the public authority, or
    - (ii) any officer or employee of the authority authorised by the Assembly First Secretary,
  - (i) in relation to information held by the National Audit Office, means the Comptroller and Auditor General,
  - (j) in relation to information held by the Northern Ireland Audit Office, means the Comptroller and Auditor General for Northern Ireland,
  - (k) in relation to information held by the Auditor General for Wales, means the Auditor General for Wales,
  - (l) in relation to information held by any Northern Ireland public authority other than the Northern Ireland Audit Office, means-
    - (i) the public authority, or
    - (ii) any officer or employee of the authority authorised by the First Minister and deputy First Minister in Northern Ireland acting jointly,
  - (m) in relation to information held by the Greater London Authority, means the Mayor of London,
  - (n) in relation to information held by a functional body within the meaning of the Greater London Authority Act 1999, means the chairman of that functional body, and
  - (o) in relation to information held by any public authority not falling within any of paragraphs (a) to (n), means-
    - (i) a Minister of the Crown,
    - (ii) the public authority, if authorised for the purposes of this section by a Minister of the Crown, or
    - (iii) any officer or employee of the public authority who is authorised for the purposes of this section by a Minister of the Crown.
- (6) Any authorisation for the purposes of this section-
- (a) may relate to a specified person or to persons falling within a specified class,
  - (b) may be general or limited to particular classes of case, and
  - (c) may be granted subject to conditions.
- (7) A certificate signed by the qualified person referred to in subsection (5)(d) or (e) above certifying that in his reasonable opinion-
- (a) disclosure of information held by either House of Parliament, or
  - (b) compliance with section 1(1)(a) by either House,
- would, or would be likely to, have any of the effects mentioned in subsection (2) shall be conclusive evidence of that fact.

<i>Factors for disclosure</i>	<i>Factors for withholding</i>
<ul style="list-style-type: none"> <li>• Promoting accountability and transparency for decisions taken by DSA. Placing an obligation on authorities and officials to provide reasoned explanations for decisions made will improve the quality of decisions and administration.</li> <li>• Allowing individuals to challenge decisions made.</li> <li>• Promoting confidence from the general public for DSA services.</li> </ul>	<ul style="list-style-type: none"> <li>• Current practice is to disclose Test Centre statistics on request, and DSA is currently undertaking a review to potentially have these published on the website.</li> <li>• Disclosure could prejudice the impartiality of Driving Examiners throughout the examinations, and the effectiveness / efficiency of the service.</li> </ul>
<p style="text-align: center;"><i>Reasons why public interest favours withholding information</i></p> <p>This is because current practices are sufficiently robust in ensuring information is released to the public in a useful and understandable format.</p>	