



Australian Driver Trainers
Association (Victoria)

Code of Practice

Updated
June 2017

Executive Summary

The Australian Driver Trainers Association (Victoria) Inc is the peak representative body of professional driving instructors in the State of Victoria. Members of the ADTAV are qualified driving instructors or persons employed in any area involving road safety or driver training.

The ADTAV aims to raise awareness of the importance of driver training provided by trained professionals and helps improve young driver road safety through improved driver education. The ADTAV places great emphasis on professional standards and business ethics.

This Code of Practice is the minimum standard with which all Victorian driver trainers are expected to comply. Adherence to this Code is compulsory for ADTAV members.

The Code of Practice covers eight (8) key behaviour categories:

- provide a suitable safe car for learners to learn in;
- maintain high personal standards of hygiene and grooming;
- display excellent driving behaviour at all times;
- behave with the utmost integrity;
- always exceed the minimum teaching standard;
- follow professional business practices and comply with relevant legal requirements;
- support professional industry practices; and
- adopt minimum child safety standards to help protect learners under 18 years.

Contents

Executive Summary	1
Introduction	3
Application	3
Summary	3
1. Provide a suitable safe car for learners to learn in	4
2. Maintain high personal standards, hygiene and grooming	4
3. Display excellent driving behaviour at all times.....	5
4. Behave with the utmost integrity.....	5
5. Always exceed the minimum teaching standard	6
6. Follow professional business practices and comply with relevant legal requirements.....	7
7. Support professional industry practices	7
8. Adopt minimum child safety standards to help protect learners under 18 years	8
ADTAV's Child Safety Statement of Commitment	9
Breaches of the Code	9
Dispute Resolution Procedure.....	9
Complaints Procedure	10

Introduction

The Australian Driver Trainers Association Victoria (ADTAV) places great emphasis on professional standards and business ethics. As a result, this Code of Practice has been revised with assistance from the industry regulator (Taxi Services Commission), the State licensing authority (VicRoads) and the Victorian Government's Commission for Children and Young People. It is the minimum standard with which all Victorian driver trainers are expected to comply. Adherence to this Code is compulsory for ADTAV members.

Application

A person who gives driving lessons in a motor car for payment must hold a Driving Instructor Authority (DIA) issued by the Taxi Services Commission (Driving Instructor Division).

DIA's are issued by the Taxi Services Commission (TSC) to driver trainers who:

- have satisfactorily completed a Certificate III in Road Transport (Motor Vehicle Driving Instruction) course prior to 1 July 2009, or have satisfactorily completed a Certificate IV in Transport & Logistics (Road Transport – Car Driving Instruction) - course post 1 July 2009;
- hold a full Victorian Driver Licence;
- have passed a medical examination and eyesight test;
- have undergone a Victoria Police criminal and driving records check to confirm that he/she is a fit and proper person; and
- have a current Working with Children Card (if working with under 18 year olds on a regular basis).

Members of the ADTAV who have a DIA are required to comply with this Code as a condition of membership of the Association. Members who do not hold a DIA, as well as staff, contractors and volunteers, are also required to comply with this Code where applicable. Non-member DIA holders are encouraged to comply voluntarily.

Summary

This Code requires instructors to:

- provide a suitable safe car for learners to learn in;
- maintain high personal standards of hygiene and grooming;
- display excellent driving behaviour at all times;
- behave with the utmost integrity;
- always exceed the minimum teaching standard;
- follow professional business practices and comply with relevant legal requirements;
- support professional industry practices; and
- adopt minimum child safety standards to help protect learners under 18 years.

1. Provide a suitable safe car for learners to learn in

Vehicles must not show any of the following ageing signs or faults:

- panel damage, or different paint colours on external panels, including bumper bars;
- opaque or cracked lenses on any headlights, brake lights, indicator lights etc;
- sandblasting, cracks or star fractures on the windscreen or other windows;
- torn, split or badly worn carpets and/or floor mats and seat coverings; or
- difficulty in adjusting seat positioning or in operating any of the driving controls, including the dual controls.

It is recommended that instructor vehicles are no more than 10 years old.

The instructor's vehicle must:

- be clean both inside and out;
- always be maintained in a fully roadworthy condition;
- have its registration up to date;
- be maintained to the manufacturer's recommended service requirements;
- be checked frequently to ensure at least the following are safe and legal: windscreens, lights, tyres, mirrors, fuel, oil, and reservoirs for coolant, wipers, brakes and steering;
- have the instructor's Identification Card clearly visible from both front seats;
- be fitted with a full set of dual controls for the instructor's use - 3 pedals for manual vehicles and 2 for automatic vehicles;
- be fitted with a buzzer attached to the dual controls;
- be fitted with seat belts for all occupants;
- be able to maintain a comfortable interior temperature;
- have a primary speedometer which is visible to a Licence Testing Officer sitting in the rear passenger seat, or have a secondary speedometer installed that meets VicRoads requirements;
- be fitted with solid "L" plate holder brackets at front and rear;
- be equipped with regulation "L" and/or "DRIVER UNDER INSTRUCTION" plates, and "P" plates when applicable; and
- be equipped with at least one additional interior rear vision mirror for the instructor's use – to monitor the traffic situation behind the vehicle.

All driving lessons and tests must be provided in a smoke free environment.

It is strongly recommended instructors maintain Comprehensive Motor Vehicle insurance, as well as Professional Indemnity and Public Liability insurance.

2. Maintain high personal standards, hygiene and grooming

The instructor must:

- maintain professional standards of dress and personal hygiene;
- maintain high standards of punctuality and reliability;
- refrain from using a mobile phone for making calls or messaging during lessons and tests;
- not smoke in the vehicle during lessons and tests;

ADTAV Code of Practice

- at no time initiate physical contact with the student, except to shake hands, accidentally, in a driving emergency or if anyone with a disability requires additional assistance; and
- have a zero Drug and Blood Alcohol Concentration.

3. Display excellent driving behaviour at all times

The instructor must:

- have a comprehensive knowledge of, and comply with relevant road law, rules and regulations;
- be competent to use various training controls;
- exhibit accurate, smooth, systematic and courteous driving behaviour;
- display safe driving behaviour and maintain a speed and position that minimises the chance of a crash;
- have safety as their highest priority whenever in a vehicle, which requires appropriate intervention using the dual controls on drive tests when the safety of the vehicle's occupants or other road users' risks being compromised;
- critically review the role they played in any driving near miss or crash incident, whether or not they were legally in the right;
- reflect on, willingly talk openly about, and fix their own mistakes; and
- only provide driver training and attend drive tests when medically fit to do so.

4. Behave with the utmost integrity

Instructors must:

- behave fairly, honestly, courteously, transparently, and never engage in unacceptable behaviour in person or online;
- at all times behave in a proper and professional manner towards students, parents/guardians, VicRoads employees, officers from the Taxi Services Commission, other instructors, ADTAV members and staff;
- at no time subject students to harassment (sexual or otherwise); abusive, foul or suggestive language or unwanted attention of any kind;
- provide only accurate (not false or misleading) information to learner drivers, prospective learner drivers and supervising drivers, parents/guardians, the Association, VicRoads employees and Taxi Services Commission officers;
- at the earliest opportunity report to the applicable jurisdiction any impropriety, offer of a bribe or threat they become aware of;
- inform the learner driver before, or at the commencement of their first driving lesson, of the normal fee structure for a lesson (or package of lessons) and of the acceptable methods of payment, as well as details about the instructors' Terms and Conditions, including Refund and Cancellation Policy;
- express opinions, make statements, or give evidence only on the basis of appropriate knowledge and experience;
- willingly cooperate with any authorised person for the purposes of assessing compliance with this Code of Practice, or an officer of the applicable regulatory authority conducting any investigation; and
- adhere to the ADTAV's Social Media Policy (attached) when engaging in social media discussions and forums that are related to the ADTAV.

ADTAV Code of Practice

Unacceptable behaviour can include, but is not limited to, the following:

- intimidation, abuse or threats to a person;
- offensive jokes;
- offensive language;
- suggestions or derogatory comments about a person's racial or ethnic background, sex, sexual preference, disability, physical appearance or religious preference;
- expressing stereotyping such as making assumptions about a person's peer group behaviour, values, culture or abilities;
- abusive or derogatory comments about a person's learning or driving ability;
- comments or questions about a person's sex life or any other personal issues;
- deliberate touching of the learner driver;
- the display of pictures or other material which can be interpreted as offensive and/or obscene;
- coercive behaviour intended to inappropriately influence the learner driver;
- misrepresenting drive test pass rates, instructor's experience or training history;
- providing statements to the media on behalf of the Association (without the express permission of the ADTAV Council);
- posting inappropriate comments, images, videos or links on social media pages including the ADTAV Members Only Facebook Group or individual business pages that promote driver training activities (refer to the Social Media Policy attached); and/or
- "friending" learners under the age of 18 years on social media for reasons other than driver training when no other previous relationship exists ie family, family friend etc.

5. Always exceed the minimum teaching standard

Instructors must:

- provide a physically and emotionally safe learning environment at all times;
- follow a well-considered teaching process that is clear to the learner;
- facilitate purposeful and valuable learning experiences, clearly explaining learning objectives before each session;
- provide very clear instructions and directions;
- adapt learning experiences to suit the changing situation;
- deliver relevant, valid and reliable content;
- provide timely and meaningful feedback;
- provide meaningful practice guidelines at the end of lessons;
- reflect on, and work to improve, their teaching practice during and after lessons;
- keep complete and accurate training and assessment records;
- teach the student correct driving skills; and
- endeavour to ensure that the student is fully prepared with the necessary skills to drive a motor vehicle unassisted in a safe and competent manner and in compliance with road laws.

The ADTAV encourages professional development and recommends that members update to the most current Transport and Logistics (Driving Instruction) qualification.

6. Follow professional business practices and comply with relevant legal requirements

Instructors must:

- obey all relevant State and Federal legislation and guidelines pertaining to business management and the commercial provision of driver training. They can include but are not limited to Privacy, OH&S, Road, Consumer and Child Protection legislation;
- keep sensitive client information private and abide by privacy laws;
- keep and maintain accurate business records;
- provide a tax receipt for all monies received for the provision of services if requested, as required by law;
- have a policy, written in plain English, in relation to refunds, the collection of advanced payments, and cancellation fees for services to be rendered;
- use a diplomatic response to any complaint; and
- not undertake any actions that are contrary to the interests of the ADTAV or which could bring the driver training profession into disrepute.

The advertising of driving lessons/driving schools must be:

- accurate, honest and any claims made will be capable of verification;
- not misleading, for example, any “pass first time” guarantees must be given in writing, with any exclusion clauses fully explained; must not be open to misinterpretation; and the basis on which the calculation is made should be made clear; and
- legally placed, ie no advertising on property belonging to others without their written approval, for example shop windows, commercial buildings, school buildings, bus shelters, road signs etc.

7. Support professional industry practices

Instructors must:

- turn off, put on silent or divert their mobile phone calls during driving lessons;
- focus solely on teaching activities during driving lessons and not perform other activities such as shopping or errands;
- encourage parents/supervising drivers to attend driving lessons with their learner drivers;
- ensure that the only third parties in the car will be the supervising driver, licence testing officer, or other person involved in the lesson, and only with the permission of the learner (or parent/guardian for learners under 18);
- advise clients of the presence of any recording devices (such as dash cams) being used in the instructor’s vehicle. A notice should appear in the vehicle as well as details provided in the Terms and Conditions document;
- dress in neat, conservative and tidy apparel, and wear safe and practical footwear;
- be prompt and punctual for appointments with clients. Where a delay or cancellation is unavoidable, endeavour to contact the client and advise him or her of the extent of the delay. The instructor shall provide an opportunity for the learner to cancel the appointment and make other arrangements without any financial loss;

ADTAV Code of Practice

- identify the general geographical locations (such as streets and suburbs) where the training will occur. If the learner driver is under the age of 18 then this information must also be provided to a parent/guardian, if requested; and
- only employ or contract a person to give pre-licence driver training for a fee or reward when that person is licensed as a driving instructor in Victoria.

The driver trainer, on or before the first lesson, should provide the student with a written copy of his/her terms of business which should include, but not be limited to:

- the legal identity of the driving school/trainer with the telephone number at which the trainer may be contacted;
- the cost and duration of lessons;
- the cost of the VicRoads drive test; and
- the terms under which cancellation of lessons by either party may take place, payment of fines/penalties for traffic infringements and payment of excess in case of a crash/damage during a lesson.

The ADTAV discourages reliance on test route training.

8. Adopt minimum child safety standards to help protect learners under 18 years

Members of the ADTAV who work with children under 18 years of age and are incorporated are legally required to comply with the Child Safe Standards. Non-incorporated ADTAV members are encouraged to comply with the standards voluntarily. In addition to the behavioural standards already set out above in this Code of Practice, driving instructors must:

- hold a valid Working with Children Check;
- encourage parental/guardian participation in driving lessons;
- avoid special relationships with learners including in person and online through Facebook or other social media platforms;
- communicate with learners under the age of 18 years for professional driver training purposes only;
- pick up and drop off learners in a public place. Where drivers and parents/guardians have agreed to pick up and drop off learners from and to their homes at prescribed times, the driver is encouraged to remain outside at all times (unless invited by a parent/guardian);
- adhere to the ADTAV's Child Safety Statement of Commitment (see below); and
- if incorporated, adopt a Child Safety Statement of Commitment or Child Safe Policy for their own business.

ADTAV's Child Safety Statement of Commitment

The Association and its members are committed to the safety, participation and empowerment of all children. We promote diversity and tolerance within our organisation and expect our members to do the same.

Our members, staff and volunteers must agree to abide by this Code of Practice which specifies the standards of conduct required when working with children and other clients and colleagues.

The ADTAV takes all reasonable steps to approve only members who are suitable to work with children. All people engaged in child-related work, including volunteers, are required to hold a Working with Children Check and to provide evidence of this Check. All members who hold a Driving Instructor Authority receive police record checks as part of the DIA regulatory process through the Taxi Services Commission.

We have zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously. We will report an allegation of abuse if we have a reasonable belief that an incident took place.

If you believe a child is at immediate risk of abuse, phone 000 or the Child Protection Crisis Line (after hours) on 13 12 78.

Breaches of the Code

If in the opinion of the ADTAV Council, an ADTAV member breaches any part of this Code, then the Council may fine, suspend or expel the member in accordance with the provisions of the ADTAV's Rules of Incorporation.

Dispute Resolution Procedure

If a dispute exists between:

- a) a member and another member; or
- b) a member and the Association

the dispute resolution procedure set out in the ADTAV's Rules of Incorporation will be followed. A copy of the Rules of Incorporation can be found by members on the ADTAV website.

Complaints Procedure

Complaints by students (or their representative) should be made in the first instance to the driver instructor or driving school. If the matter is not resolved or there has been a breach in this Code of Practice, a written complaint should be sent to the Association office for an internal review and possible disciplinary action.

Serious matters will be referred to the Taxi Services Commission (Driving Instructor Division) and potentially Victoria Police.

The Taxi Services Commission (Driving Instructor Division) is contactable on 1800 638 802 (toll free).

Acknowledgement

In developing the first version of this Code, reference was made to the Codes of Conduct and Codes of Ethics of various driver training professional associations in Australia and in particular the Code of Conduct developed by the Australian Automobile Association for its keys2drive program.

ADTAV Code of Practice

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ADTAV Social Media Policy

(Attachment to the ADTAV's Code of Practice)

INTRODUCTION

The Australian Driver Trainers Association (Victoria) Inc believes that everyone has the right to receive and share information in an environment that is safe and comfortable and where all parties have the right to be treated with dignity and respect.

The ADTAV has an obligation and responsibility to provide and encourage a safe physical and emotional environment for all stakeholders. This responsibility is increasingly linked to the internet and information and communication technologies, including social media platforms such as (but not limited to) Facebook, Instagram, Twitter, LinkedIn and Snapchat.

The ADTAV supports the appropriate and acceptable use of information and communication technologies for the benefit and use of its members, as well as encouraging members who are active social media users in their capacity as driver instructors to adopt similar practices and guidelines.

The ADTAV Social Media Policy has been written in conjunction with the ADTAV *Code of Practice* and the Victorian Child Safe Standards. It covers:

- ADTAV Members Only Facebook Group
- Individual Member Social Media Pages/Groups

ADTAV MEMBERS ONLY FACEBOOK GROUP

Introduction

The ADTAV Members Only Facebook Group is a closed group that has been created for members to share their experiences and to raise awareness about issues that are important to them and other driver instructors.

The Association encourages members to share general ideas and opinions on issues relevant to the industry.

All information shared and discussed on the Members Only FB Group is expected to stay within the group and therefore for the benefit of members of the ADTAV. ADTAV encourages members of the group to share the group with other members so they too can join the discussions.

Appropriate Use

The objective of this Social Media Policy is to assist users of this private forum feel comfortable and safe with the information submitted. All members are expected to treat each other fairly, in a friendly manner and with respect at all times. Information shared and opinions published within the Members Only Group are to be professional, considered and relevant.

Non-compliance

The Group's administrators and moderators reserve the right to moderate or remove any posts that are deemed inappropriate and not in the spirit of the Group's intended use. These include posts that are:

- Rude, offensive, insulting or defamatory against other ADTAV members, driving instructors, VicRoads staff, students, supervising drivers, other businesses, individuals or forums;
- Intentionally causing disharmony among ADTAV members;
- Personal attacks against other ADTAV members;
- Primarily or deliberately designed to inflame others;
- Terrorist based or religiously or racially motivated;
- Images, videos or links that contain blatant graphic, obscene, offensive or sexually orientated content;
- Advertising a member's business, product or service (paid ads can be accepted and are administered by the ADTAV); and/or
- Spam of any kind.

Inappropriate use of the Members Only Facebook Group will not be tolerated. Group administrators and/or moderators will warn offending members that their behaviour is inappropriate and repeat offenders will be suspended from the Group. Any breach by a member after returning from suspension will result in that member being permanently removed from the Group.

If any member of the Group is concerned that their post has been moderated or removed unnecessarily and they wish to discuss it further, the Association encourages the member to contact the ADTAV directly by phone or email, or private message their concerns to the Group administrator and/or moderator/s.

Whilst robust discussion, where appropriate, is encouraged among members, the ADTAV discourages all members of the Group from engaging in aggressive and argumentative behaviour in response to another member's post or opinion. If a member is concerned about the content of a post, then that member is encouraged to contact

ADTAV directly to discuss further or report the post to the administrator and/or moderator/s.

Any personal grievances about other driver instructors, ADTAV members and/or VicRoads staff should be dealt with via personal message and/or telephone call or email and should not be shared in this forum. All members must treat other users with respect at all times.

Disputes

Where disputes arise as a result of using this Group and cannot be settled by the actions identified above then members have the right to lodge their dispute or concern in a more formal environment as set out in the ADTAV's Rules of Incorporation.

INDIVIDUAL MEMBER SOCIAL MEDIA PAGES/GROUPS

Introduction

The ADTAV acknowledges and respects the right of individual members to promote their businesses, share information and contact clients through their own individual social media platforms and pages.

Although the Association has no legal right to enforce specific ADTAV social media policies against a member's individual professional or private social media account, we do place great emphasis on high professional standards and appropriate business ethics as set out in the ADTAV Code of Practice. As such we expect all members to comply with those practices when engaging with individual stakeholders through social media.

If member's social media activity reflects negatively on the ADTAV, this may be considered a breach of the ADTAV's Code of Practice.

Using Social Media to Communicate with Children

Anyone under the age of 18 years is legally identified as a child. ADTAV is committed to child safety and encouraging and assisting all members to adopt child safety policies in all aspects of their driver training activities including the use of social media.

ADTAV encourages members to adopt social media practices that are in line with the ADTAV's Code of Practice, including the Child Safety Statement of Commitment.

These include:

- using age appropriate language when posting information to individual social media pages/accounts;
- posting information that is relevant to driver training only;
- communicating with learners under the age of 18 for professional driver training purposes only; and
- refraining from “friending” learners under the age of 18 when no other previous relationship exists ie family, family friend etc. A member must not send personal social media “friend requests” to a learner under the age of 18 years. The Association recommends that members set up business profiles/pages on social media so clients can “Like” or “Follow” rather than becoming personal “friends”.

Summary

The above social media guidelines that relate to individual member’s use of social media to promote and/or communicate driver training activities have been written to assist members create safe and comfortable communication environments with their learners, learners’ parents or guardians and other business stakeholders. They are also in place to protect our members from disputes or accusations that may arise out of using social media and other online communication technologies.