



Neutral citation number: [2025] UKFTT 113 (GRC)

Case Reference: D/2024/0638

**First-tier Tribunal
(General Regulatory Chamber)
Transport**

**Heard by Cloud Video Platform
Heard on: 13 January 2025
Decision given on: 7 February 2025**

Before

**TRIBUNAL JUDGE MATON
TRIBUNAL MEMBER MARTIN SMITH
TRIBUNAL MEMBER GARY ROANTREE**

Between

KEITH CHARLES DEADMAN

Appellant

and

THE REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Respondent

Representation:

For the Appellant: in person

For the Respondent: Darren Russell, Deputy Registrar

Decision: The appeal is Dismissed.

REASONS

1. This is an appeal by the Appellant against the decision of the Registrar dated 3 July 2024 to remove the Appellant's name from the register of approved driving instructors.

2. The Tribunal received and considered a bundle of documents. The Appellant and the Respondent's representative, Mr Russell, attended a hearing by Cloud Video Platform ("CVP").
3. The Tribunal is satisfied that this was a fair and just way to decide the Appeal.

Relevant law

4. The Registrar maintains the register of approved driving instructors, pursuant to s125 Road Traffic Act 1988 ("the Act").
5. When a person applies to be registered as an approved driving instructor, the Registrar must enter that person's name in the register if he fulfils certain conditions, including, in s125(3)(e), that the applicant is a fit and proper person to have his name entered in the register of approved driving instructors. The Act does not specify what this standard requires.
6. Section 128 of the Act provides that the Registrar may remove a person's name from the register if one or more of a number of conditions is fulfilled. One of these conditions is that the person has ceased to be a fit and proper person to be registered (s128(2)(e)).
7. In *Harris v The Registrar of Approved Driving Instructors* [2010] EWCA Civ 808, Richards LJ said that, when applying this standard:

"a central question is an applicant's fitness to be a driving instructor – that he has the requisite instructional ability and driving ability and that he does not pose a risk in any respect to his pupils or other users of the road. The "fit and proper person" condition has obvious relevance to that issue, though the more technical aspects are covered by other, more specific conditions relating to tests, driving licence and the like. But the condition is not simply that the applicant is a fit and proper person to be a driving instructor; it is that he is a fit and proper person to have his name entered in the register. Registration carries with it an official seal of approval: those registered are known as "Driving Standards Agency Approved Driving Instructors".

8. The powers of this Tribunal in relation to appeals against decisions of this nature are set out in s131 of the Act. When making a decision on any such appeal, the Tribunal stands in the shoes of the Registrar and takes a fresh decision on the evidence available to it, giving appropriate weight to the Registrar's decision as the person tasked by Parliament with making such decisions.

Background

9. The Appellant's name was first entered in the register in 2005.
10. In 2019 the Registrar considered a complaint from a student regarding the Appellant's conduct. The Registrar decided not to take any action against the

Appellant at the time, but expressed concern regarding the complaint, reminded the Appellant of the standards expected of approved driving instructors, and stated that if the Appellant were to incur a similar complaint in future, then the Registrar may have to consider whether the Appellant remained a fit and proper person to remain on the register.

11. In November 2023 the Registrar was asked to attend a meeting with representatives of the relevant local authority and the police to discuss complaints (“the Complaints”) which had been made by three students regarding the Appellant’s behaviour and conduct.
12. In summary, the Complaints alleged that the Appellant:
 - a. made inappropriate comments to and asked inappropriate questions of students, including comments and questions regarding students’ appearances, relationships, and personal and sexual lives, and comments regarding the Appellant’s relationships with his ex-wives;
 - b. encouraged a student to disclose personal details about another student;
 - c. made racist and sexual comments about pedestrians;
 - d. touched students by placing his hand on top of theirs while steering; and
 - e. spoke angrily or rudely to students, including threatening to charge them money for potential damage to his vehicle.
13. The Registrar subsequently carried out an investigation into the Complaints. By letter dated 4 June 2024 the Registrar stated that he was considering whether the Appellant’s name should be removed from the register on the ground that the Appellant was not a fit and proper person to remain on the register.
14. The Appellant made representations by email dated 1 July 2024.
15. By letter dated 3 July 2024 the Registrar confirmed that he had decided to remove the Appellant from the register.
16. The Appellant appealed to the Tribunal.

The Appeal

17. The Appellant submits that:
 - a. many of the allegations made by the complainants are untrue, while others are made without giving relevant context;

- b. there might have been some unspecified collusion between one or more of the complainants and the Appellant's ex-wife regarding the Complaints;
- c. he has many students who are happy with his teaching;
- d. many of his students join him via recommendations, and this would not happen if his behaviour was inappropriate;
- e. he would only grab a steering wheel to prevent a collision, and without intending to touch a student's hand;
- f. he would occasionally touch a student on the leg with one finger to indicate incorrect braking procedure – he submitted that he had done this on a very small number of occasions;
- g. his teaching relationships with students, including one of the Complainants, end for a variety of reasons which are entirely appropriate.

18. The Registrar submits that:

- a. while the Appellant has not been convicted of any offence, he has pursued an inappropriate course of conduct;
- b. the Appellant was warned previously in relation to similar conduct;
- c. teaching people to drive is a responsible and demanding task and should be entrusted to those with high standards;
- d. approval is not limited to instructional ability but extends to a person's character, behaviour and standard of conduct;
- e. the good name of the register would be tarnished and public confidence undermined if it were known that the Appellant's name had remained on the register; and
- f. it would be offensive to other approved driving instructors and persons trying to qualify as approved driving instructors who had been scrupulous in their behaviour to allow the Appellant's name to remain on the register.

Discussion

19. The Driver and Vehicle Standards Agency and the National Associations Strategic Partnership have agreed a Code of Practice for approved driving instructors, a copy of which was provided to the Tribunal. This includes commitments by driving instructors, among other things:

- a. to avoid inappropriate physical contact with clients (students);

- b. to avoid the use of inappropriate language with clients;
 - c. not to initiate inappropriate discussions about their own personal relationships and take care to avoid becoming involved in a client's personal affairs or discussions about a client's personal relationships, unless safeguarding concerns are raised; and
 - d. to avoid circumstances and situations which are or could be perceived to be of an inappropriate nature.
20. The Appellant said that he mainly operates through word of mouth and recommendations, indicating that this would not be possible if he behaved inappropriately. He said that in some cases students can become stressed and react badly to driving situations.
21. The Registrar's notes include two "QA Responses". Mr Russell explained that these would have been the result of requests being sent to a number of students associated with the Appellant - in this case six students - seeking feedback on the Appellant. The notes seen by the Tribunal include two responses, which are both very positive in favour of the Appellant.
22. The Appellant stated that there may have been some collusion between some of the Complainants, who attend the same school. He said that their witness statements are "the same" - although the Tribunal notes that the statements are different in a number of ways. The Appellant also said that his ex-wife might have been "involved" in some way. He provided no evidence to support this and acknowledged that he could not do so.
23. The Complainants have given witness statements to the Registrar, each one of which is given subject to a warning of the potential criminal penalties for knowingly making false statements.
24. The Appellant was interviewed by the Registrar's investigating officer on 28 May 2024, under caution. This interview and the Appellant's evidence to the Tribunal disclose some inconsistencies.
25. In his representations to the Registrar regarding the Registrar's decision he acknowledged that he might grab a steering wheel to avoid a collision but would not intentionally touch a student's hand. He also says "Apart from grabbing the steering wheel, as I have stated. I would [not] and never have, touched a student!"; although he goes on to acknowledge touching a small number of students on the leg with a finger. His evidence was inconsistent as to whether this was twice, or perhaps five times, in his career, but he submitted that this was very rare in any event.

26. The notes of his interview record the Appellant saying that he asks students about their boyfriends or girlfriends “to avoid him saying anything Non-PC”, and that “he was unable to explain what he may have said that was Non-PC”. When asked about this by the Panel the Appellant was unable to offer any explanation of this statement and said that he could not remember this section of the interview.
27. The interview notes record the Appellant denying that he had discussed the Israel-Palestine conflict with students, as had been claimed, “citing that it wasn’t happening at the time of the lessons. Following the interview this was checked, and the initial attack was on 7th October 2023, so would have been at the time the complainants were having their lessons.”

Conclusion and decision

28. The Tribunal has considered all of the evidence and submissions by the parties.
29. The Tribunal does not doubt that the Appellant has had a long and successful career as a driving instructor. The Tribunal notes the Appellant’s denials of most of the allegations made, his evidence regarding the context of the allegations, and his submissions regarding his career history and client base.
30. The Tribunal also notes that his behaviour as demonstrated by the evidence, even if limited to the extent that he acknowledges it, is inconsistent with the Code of Practice. The Appellant has acknowledged touching students’ legs, and that he might “say non-PC things” to students. The Appellant has been the subject of a previous complaint from a student regarding his conduct, and a warning from the Registrar as a result. The evidence against the Appellant includes three sworn statements from separate individuals alleging behaviour which is clearly inappropriate in any professional context.
31. The Tribunal is not persuaded that the Registrar’s decision was wrong, and accordingly dismisses the Appeal.

Signed:

Tribunal Judge Maton

Date:

3 February 2025