

## **Ceasing Publication of the Live Theory Test Question Banks: Crown Copyright Licensees' Q&A Brief**

### **Q1. What is DSA doing about the publication of the live question banks?**

DSA is to stop publishing the live multiple choice questions used in all theory tests, whilst still allowing the publication of practice, non- live theory test questions for revision purposes (the Official Revision Question Banks.)

You can read the press release announcing the decision [here](#):

### **Q2. Why is DSA doing this?**

In 2008 DSA consulted on the principle of not publishing any live questions. It was (and is) the case that many people prepare for their theory test by learning the questions and answers by rote, rather than understanding the theory behind the questions - which knowledge and understanding will keep them and others safe on the road. There was considerable support for what DSA wants to achieve.

Now, Road Safety Minister, Mike Penning, has announced that DSA is to stop the publication of the multiple choice questions used in all theory tests. This will be done through a managed process, leading to complete non-publication of the live test questions from 1 January 2012.

*“This emphasises the fact that driving is not just about vehicle-handling skills, but also about having the knowledge and understanding of safe driving theory.*

*“Stopping the publication of the questions and answers will mean that candidates will have to understand the theory rather than memorise which answers to choose in the multiple choice section.”*

*Road Safety Minister, Mike Penning MP*

### **Q3. When will DSA stop publication of the live question banks?**

In September 2011 books and other learning materials using Crown copyright theory test questions to help people prepare for theory tests must change. This will take place at the same time as new case studies are introduced to the car and motorcycle theory tests.

Then, from 1 January 2012, DSA will set theory tests using only items from unpublished question banks.

The Official Revision Question Banks will still be provided to publishers, researchers, trainers and other educators to help candidates to study for their theory test.

#### Q4. How will this affect me as a licensee?

First, we would like to reassure you that you can continue to use the questions you are already using in accordance with the terms of your licence agreement. They will remain in the public domain, but DSA will be working behind the scenes to develop new questions for the theory tests themselves from 1 January 2012 that will not be published.

In addition to being able to continue to use the theory test questions you currently have, DSA will also allow usage of additional materials under the terms of your agreement. This is the knowledge and understanding (the theory) behind the questions, which has previously not been licensed out. (Please see Q5.)

The new questions under development will not radically differ from the existing questions in any way; they will cover the same topics, but may be worded differently to prevent candidate recognition (as opposed to *understanding*) of the questions.

We have also tried to answer some specific questions about your licence agreement with DSA:

**a. Variety of licence** – There are six different types of licence available, none of which will be affected in terms of licence fees or royalty payments as a result of this decision. However, please note the following about the various licences

- **Royalty-based Crown Copyright Licence**– you will still have access to the questions and answers which are currently in the public domain (the Official Revision Question Banks), which you will be free to use under the terms of your agreement. From spring 2011 the licensed bank will include the knowledge and understanding behind each question (please see Q5); however, you will not have access to the new questions which are being developed and which will be used in tests after 1 January 2012.
- **Translation Crown Copyright Licence** – you will still have access to the questions and answers which are currently in the public domain (the Official Revision Question Banks), which you will be free to translate under the terms of your agreement; From spring 2011 the licensed bank will include the knowledge and understanding behind each question (please see Q5); however, you will not have access to the new questions which are being developed and which will be used in tests after 1 January 2012.
- **British Sign Language Crown Copyright Licence** - you will still have access to the questions and answers which are currently in the public domain (the Official Revision Question Banks), which you will be free to translate into BSL under the terms of your agreement. From spring 2011 the licensed bank will include the knowledge and understanding behind each question (please see Q5). DSA will provide this information free of charge on a CD Rom; however, you will not have access to the new questions which are being developed and which will be used in tests after 1 January 2012.
- **Educational Crown Copyright Licence** – This licence is only valid for twelve months so your current licence will not be affected. Any new licensees from January 2012 will have access to the questions and answers which are currently in the public domain (the Official Revision Question Banks), which they will be free to use under the terms of their agreement. From spring 2011 the licensed bank will include the

knowledge and understanding behind each question (please see Q5). DSA will provide this information free of charge for 150 questions on a CD Rom; however, licensees will not have access to the new questions which are being developed and which will be used in tests after 1 January 2012.

- **Approved Driving Instructor Crown Copyright Licence** - This licence is only valid for twelve months so your current licence will not be affected. Any new licensees from January 2012 will have access to the questions and answers which are currently in the public domain (the Official Revision Question Banks), which they will be free to use under the terms of their agreement. From spring 2011 the licensed bank will include the knowledge and understanding behind each question (please see Q5); however, licensees will not have access to the new questions which are being developed and which will be used in tests after 1 January 2012.
- **Research Crown Copyright Licence** - This licence is only valid for twelve months so your current licence will not be affected. Any new licensees from January 2012 will have access to the questions and answers which are currently in the public domain (the Official Revision Question Banks), which they will be free to use under the terms of their agreement and subject to the agreement of DSA's Research Dept. From spring 2011 the licensed bank will include the knowledge and understanding behind each question (please see Q5); however, licensees will not have access to the new questions which are being developed and which will be used in tests after 1 January 2012.

**b. Royalties and licence fees** – as explained above, the current rates and arrangements for royalty payments and licence fees for usage of DSA's Crown copyright materials will not be affected by this decision.

**c. My business** – each and every Crown copyright licensee and producer of learning materials based on Crown copyright material - including DSA itself - will be treated in exactly the same way. No one will be allowed to publish the new live questions; therefore there is no reason that your business will suffer. Also, you can be sure that the questions which will remain available after January 2012 will still carry DSA's authority, insofar as they will form the Official Revision Question Banks and will cover all the topics a candidate could be asked about in the theory test (please see '*Refreshes*' below.)

To help you to develop your products along the lines which we know promote better learning and understanding, you will also be given access to additional text about knowledge and understanding (please see Q5) to add value.

**d. Refreshes** – these will become much less frequent than in the past. Currently when DSA refreshes a theory test question bank under Clause 4.7 of your licence agreement we notify licensees so you can refresh your materials accordingly.

In future, we will provide you with new practice questions to reflect changes to the content of tests, such as new topic areas or changes in emphasis owing to changes in the nature of road safety priorities. We may also, far less frequently withdraw questions if their subject becomes less relevant for the same reasons.

**e. My contract** – the licence agreement you currently have with DSA will not need to be amended to reflect DSA's alteration of live tests from "*The Official Theory Test Question Bank*" for the relevant categories listed in Schedule 1 of the agreement.

**f. HPT Clips** - the change relates only to multiple choice questions. This brings them into line with the HPT clips licensed for publishing, which are also not live clips used in tests..

**g. Case studies** – there is currently one purely illustrative case study available for use under licence, which is not affected by this change.

**h. Artwork** - at the moment we stipulate that you gain our approval for your artwork before you can publish or produce your materials. We also require you to include a Crown copyright acknowledgement and a statement about which question bank is being used eg: car, motorcycle, etc and its validity eg: “*valid for tests taken after September 2008*” or “*valid until autumn 2011*”

We will still need to look at your artwork and will ask for a Crown copyright acknowledgement. We will also ask that you state which category of vehicle your product relates to, but we will no longer require a statement about the validity of the questions.

If your product currently carries a message like:

*“Every question you could be asked in your theory test until 2011”,*

then, by January 2012, you should revise it to read:

*“Questions covering everything you could be asked in your theory test”*

or something similar.

## **Q5.What is the new material included in the licensed question banks?**

In spring 2011 DSA will make the knowledge and understanding information, previously exclusive to DSA’s official publications, part of the Official Question Bank in Schedule 1 of your licence agreement. This will allow you time to develop your materials by September 2011.

This additional information is the ‘blue text’ that appears in DSA’s theory test question books. For example:

Question:

*Before you make a U-turn in the road, you should:*

Options:

*Give an arm signal as well as using your indicators*

*Signal so that other drivers can slow down for you*

✓ *Look over your shoulder for a final check*

*Select a higher gear than normal*

The blue text for this question reads:

*“If you want to make a U-turn, slow down and ensure that the road is clear in both directions. Make sure that the road is wide enough to carry out the manoeuvre safely.”*

This information explains all the things the learner must consider in this situation. By understanding this context, they will be able to apply their knowledge to the question and answer it correctly.

When they approach their revision for the theory test in this way, rather than remembering questions and answers word for word, learners develop a better understanding of safe and responsible motoring.

### **Q6. Will DSA expect me to present the revision theory test questions and answers in a certain way?**

Yes. On any page, the knowledge and understanding ('blue text') should appear with the question. The correct option must not be indicated with the question itself, but instead listed at the back of the section or the book or elsewhere. (There is no requirement on you to use the text in blue of course.)

Clause 5.3 of your Crown copyright licence agreement applies:

5.3 ...the Licensee will use the Licensed Materials in accordance with the reasonable instructions of the DSA and will observe any reasonable directions given by DSA as to the presentation and disposition of the Licensed Materials on Products and on packaging for Products.

In mock tests or quizzes in electronic products, the correct option should not be indicated until after the user has indicated their choice. We recommend that the knowledge and understanding text should be used as feedback to the user and/or as a hint.

This requirement will take effect from September 2011 for all licensees, including DSA's own publishing operation, at the same time as new case studies are introduced to car and motorcycle theory tests.

### **Q7. How does this decision relate to the new Open Government Licence for public sector information?**

The Open Government Licence grants the user worldwide, royalty-free, perpetual, non-exclusive licence to use public sector Information, including the content of official government web sites. This covers DSA's National Standards and syllabi and The Highway Code, among other content. You can read more about the Open Government Licence here: <http://www.nationalarchives.gov.uk/doc/open-government-licence/>.

The theory test question banks, hazard perception clips and most still and moving imagery are not covered by the Open Government Licence. They are managed by DSA under a delegation granted by the Queen's Printer and Controller of HMSO. More information is available here: <http://www.nationalarchives.gov.uk/information-management/our-services/delegations-of-authority.htm>.

## **Q8. How does this decision relate to DSA's membership of the Information Fair Trader Scheme (IFTS)?**

DSA manages its Crown copyright material under the terms of the Public Sector Information Regulations (for details, please visit the website [www.nationalarchives.gov.uk/information-management/ifts/members.htm](http://www.nationalarchives.gov.uk/information-management/ifts/members.htm).)

The Information Fair Trader Scheme (IFTS), of which DSA is a member, is founded on the principles of openness, transparency, fairness, compliance and challenge and helps re-users of public sector information to know that they will be treated reasonably and fairly.

DSA was audited by the IFTS in 2009 and found to be fully compliant and low risk. You can read the audit report in full here:

<http://www.nationalarchives.gov.uk/documents/dsa-ifts-report.pdf>

One of things for which IFTS commended DSA was:

*“how central educational imperatives are to the overall aims of the Agency”*

Our reasons for discontinuing the publication of the live theory test question banks as set out at Q2 are the Road Safety Minister's concerns about learner drivers' understanding of driving and riding theory – an educational imperative.

If you would like further advice about how this could affect you as a copyright licensee, the DSA Crown Copyright Team will be happy to help:

Email: [Crowncopyright@dsa.gsi.gov.uk](mailto:Crowncopyright@dsa.gsi.gov.uk)

Tel: 0115 936 6271