

Private Hire Vehicle Drivers English Language Requirement - Exemptions

Introduction

On 1 October 2021, Transport for London (TfL) introduced new arrangements for the English language requirement (ELR) for private hire vehicle (PHV) drivers.

The ELR was first introduced in 2016 to ensure that all PHV drivers have adequate English language skills in reading, writing, speaking and listening as we consider all of these skills are essential for working as a PHV driver in London.

In order to meet the ELR, all new applicants, and renewing drivers who have not previously met the ELR, will be required to take and pass:

- A speaking and listening test; and
- An assessment of their safety, equality and regulatory understanding (from which we will derive their reading and writing skills). Even those drivers who have already satisfied the ELR will still need to take the safety, equality and regulatory understanding assessment, which is a new requirement for all drivers.

Further details about the new arrangements are set out in TPH Notice 14/21.

Is anyone exempt?

The Regulations allow an exemption from the speaking and listening elements of the ELR if a disability prevents a driver taking and passing the speaking and listening test.

In order to consider an application for an exemption, we will require the applicant to provide supporting documentary evidence that they are disabled and that their disability prevents them from taking and passing either one of the assessments. We would usually expect this to come from an appropriate professional practitioner e.g. a doctor, consultant, educational psychologist, etc.

Applications for an exemption will be considered on a case by case basis, but we have already identified that applicants who are permanently profoundly deaf will be unable to pass the speaking and listening and speaking test. The guidance below indicates what evidence will be required to allow an individual with profound deafness to be exempt from taking the speaking and listening test.

Profound deafness

Profound deafness is hearing only sounds that are louder than 80 dB HL (pure-tone audiometric threshold equal to or greater than 80 dB HL) at two or more frequencies (500 Hz, 1,000 Hz, 2,000 Hz, 3,000 Hz and 4,000 Hz) bilaterally without acoustic hearing aids¹.

Your GP may have medical reports or assessments confirming that you have permanent profound deafness, including with hearing aids if these are used. We recommend that you get copies of reports or assessments first as this is cheaper than asking for a new assessment. However, if your GP doesn't hold this information then you may need to have a new assessment.

Free hearing tests are available on the NHS with hearing specialists but there might be a wait to be referred and then get an appointment so you may need to pay to have a hearing test done privately.

When exemptions will not be granted

Exemptions will only be considered where an applicant has a disability that prevents them from taking and passing the speaking and listening test.

Exemptions will not be granted:

- When reasonable adjustments can be made to enable an applicant to take an assessment
- When an applicant is not able to take and pass an assessment because of their English language skills
- For financial/hardship reasons

Reasonable adjustments

TfL offers a wide range of reasonable adjustments that are tailored to the individual to ensure that assessments are carried out in a fair and consistent manner.

We will consider what reasonable adjustments can be put in place before an exemption is granted.

If you have a disability or condition which means you will need adjustments to be made at your assessment, then you should let us know before you make a booking. You will then be asked to provide us with a brief outline of the condition and documented evidence from a relevant professional.

¹ National Institute of Healthcare and Excellence (NICE) guidance, <https://www.nice.org.uk/guidance/ta566/resources/cochlear-implants-for-children-and-adults-with-severe-to-profound-deafness-pdf-82607085698245>

How to apply for an exemption

To apply for an exemption you must complete and submit form TPH/213 which is available on request from TfL.

The application must be accompanied by appropriate supporting evidence ordinarily from an appropriate professional practitioner.

Any costs associated with providing this evidence are the responsibility of the applicant.

All applications will be considered on a case by case basis and if necessary, may be referred to TfL's specialist occupational medical advisor.

Next steps

This guidance will be kept under review and updated from time to time. We will monitor all applications for exemptions and the evidence provided which may result in changes to this guidance.

Transport for London
1 October 2021