

## Vehicle & Operator Services Agency Operations Manual

28/05/08

### Section 3 Vehicle Testing Scheme

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## **31 MOT 19(I) Inverted Appeal**

Investigation of a complaint concerning a vehicle recently issued with a test certificate and necessary follow-up action including report writing.

**Note:** This OI is part of section 22.1 - [MOT Scheme Complaints](#) and referral must be made to this section with regard to overall policy and procedures regarding the receipt and processing of complaints in general. An MOT19i requires inputs on a VTS Device at the time of inspection and additionally the appointment arrangements and outcome must be shown on the MOT Computerisation Complaint log via a laptop or PC. Specific referral to section 23 – [Complaints, Computerisation Record](#) is shown at the relevant points in this OI.

### **31.1 Review of Complaint**

Refer to section 22.1.6 – [Review Complaint](#) regarding the considerations and decision as to whether a re-examination should take place.

### **31.2 Pre Inspection Arrangements**

The alleged condition of the vehicle should dictate whether it is the interest of road safety for the vehicle to be driven to a VTS for re-examination. Where doubt exists, consideration should be given to carrying out a pre-check to assess the vehicle's fitness to be driven safely (see [31.2.2](#) – Pre-checks).

Where a vehicle is considered to be sufficiently roadworthy to be driven to a VTS, the nearest most suitable one to vehicle's current location should be chosen.

### 31.2.1 Vehicles which cannot or should not be driven.

If the vehicle cannot be driven to a VTS, as thorough an examination as possible should be carried out at the vehicle's current location limiting the scope to only those Mols which are safe and practical.

If the vehicle is located at a residential address the appellant should be made aware that the AEDM and NT will be invited to attend. In exceptional circumstances, at the discretion of the AM/SVE, vehicles may be recovered to the nearest VTS and returned to the complainant's residential address after the examination. Any payment for recovery will be met from the Area budgets.

It should be borne in mind that the system will permit a vehicle to be re-examined at premises which are not approved for that class. The VTS however must have equipment listed as 'acceptable' for the class otherwise the system may not permit Registration of the MOT19i test.

### 31.2.2 Pre-checks

Pre-checks should normally be avoided. It is considered that making the vehicle available twice if a full examination is subsequently required may inconvenience the complainant. It may also be claimed by the AEDM, NTs and their representatives that defects have occurred or have been exacerbated during the pre-check examination. However, AMs/SVEs may consider pre-checks in the following circumstances:

- To assess alleged defects where the "defending" VTS has to travel a long way and the subject matter of the appeal may not be robust.
- Complainant or their advisor alleges defect(s) relating to a safety critical component which could represent a risk to road safety if the vehicle were driven.

**In all cases, pre-checks must be fully documented** on the case file and on MOT Computerisation using 'Notes' in the Process Complaint function (refer to section 23.3.1 - [Complaint Details \(Process\)](#)). **The AE/NT must be advised of the pre-check and its scope in any subsequent correspondence regarding disciplinary action.** If it is decided that a full inspection is required it should be recovered to the VTS where the examination is to be performed. The cost of all transportation

will be met by the Area.

### 31.2.3 Appointments

A host VTS is obliged under the MVTR to allow the use of their premises for the purpose of investigating a complaint however it should be noted that under [section B5.18 of the MOT Testing Guide](#) the host VTS may ask for up to 3 days notice.

Where possible, the re-inspection should take place at a VTS where a 'like for like' inspection can be carried out e.g. if the original MOT test was carried out at a VTS using OPTL, ideally the appeal inspection will be booked at a VTS that has OPTL.

Once the venue is arranged the 'defending' AEPDM must be contacted and informed that a complaint regarding the issue of a test certificate has been made. Where possible the NT should be personally advised of the same details. Both parties will be informed of the time, date and place that the re-examination will be conducted; this may be followed up by a system message where personal contact was not possible. (**Note:** the AEDM is referred to in this OI, being the most senior knowledgeable role holder, however the AE can be represented by anyone they wish including an AEP, SM, consultant etc).

The person making the appointment should record the time, date and the name of the person and their position in the company spoken to in their notebook or on the appeal form, and the Complaints Log on MOT Computerisation must be updated using the Process Complaint function (refer to section 23.3.3 – [New Communication](#)).

The AEDM and NT should normally be given at least 24 hours notice of the re-examination. AMs/SVEs may, at their discretion, consider that there is justification for conducting an Inspection with less than 24 hours notice. This will normally be on the grounds of road safety or other information available to them. If 24 hours notice is not given the reasons why should be detailed and placed on the case file.

Reference should **not** be made to the vehicle or test details in order to prevent identification of the complainant and only a rough time indication of the test date should be given, taking into account the VTS throughput. The AEDM **must** be advised to bring with him copies of any hand written advisory documents that the VTS may have issued in place of VT32s.

**Note:** If the AEDM or NT does not attend or cannot be represented at the MOT19i inspection, the AEDM/NT should be informed where the vehicle can be inspected, subject to the complainant's agreement, and a note made on the case file of the action taken. Where appropriate the VE may attend. All such communications must be logged on MOT Computerisation as

above.

#### 31.2.4 Staffing

This activity should be conducted by a VE and another VOSA member of staff, irrespective of whether the Appeal Inspection is to take place at an ATL/OPTL authorised VTS. The second member of staff will assist the VE during the appeal test, take notes, witness the VE's findings and assist the VE in their dealings with complainants, AEDMs, NTs, and their representatives.

If the second member of staff is a VE they should not be involved in the examination or decision making process as this could suggest to the AEDM/NT that it takes two VEs to decide the outcome of an inspection and may prejudice the case.

The inspecting VE should record the assistant's involvement in the appeal inspection on MOT Computerisation at the test result entry stage where there is an opportunity to record Inspection Witness Details.

AMs/SVEs may at their discretion, forego the need for a VOSA assistant. The reason/s why no VOSA assistant was used should be noted on the case file.

**Note:** Although any suitable member of VOSA staff may act as the VE's practical assistant only a person holding a VE role on MOT Computerisation can input test result details onto the database as an 'assistant' i.e. an SVE holding only an AO(1) role would not be able to carry out this function.

#### 31.2.5 Inspections involving more than one test

Where the Test Certificate and VT30 Notification Refusal of an MOT Test Certificate have been issued by separate VTSs or different NTs at the same VTS. The following guidance should be followed:

- Journal Code as MOT19iv1 & v2 and MOT19 ONE & TWO as appropriate putting actual times against each code.
- No fee will be taken from the complainant.
- All sets of AEDMs and NTs will be invited.
- Activities should be double manned.
- The single inspection registered on the VTS Device and shown on the Complaint log should be MOT19i.
- Test numbers of the associated tests must be recorded on MOT Computerisation using Review Complaint if they have

not been captured at the initial complaint recording stage (refer to section 23.2.1 – [Complaint Details \(Review\)](#)).

### 31.2.6 Fees for use of VTS

VOSA must **always** offer to pay the VTS where the appeal Inspection is carried out unless the arrangement is cancelled at least 24 hours ahead of the agreed appointment. This will be half the current full test fee to cover the use of test equipment where another member of VOSA staff acts as an assistant. The full test fee will be paid if a VTS employee is used as an assistant during the appeal test. Any such fee charged must be VAT exempt. The VTS must issue an invoice in respect of the required fee to the VOSA local office. Fees must be accounted for (refer to section 12.9.1 – [Accounting for Money Received](#)) and recorded on the computerised complaint log (refer to section 23.3.1 – [Complaint Details \(Process\)](#)).

### 31.2.7 Equipment

The VE should ensure that they take appropriate equipment to the appeal Inspection which should include;

- Personal protective equipment (PPE),
- Camera, charged batteries & memory card,
- A tape measure/ruler,
- Tyre tread depth gauge,
- Corrosion assessment tool,
- Their **Smart Card**. (**Note!** The system will prevent the VE from logging onto a VTS Device if the user has not correctly logged out of MOT Computerisation following a corporate terminal session. As a normal matter of course, whenever a user is timed out on a corporate terminal session they should always log back into MOT Computerisation and log out correctly.)

### 31.2.8 Documents

The VE will require the following documentation:

- VT40 Vehicle Inspection Check Lists (required for non-VTS inspections).
- The VT80 or printout of the complaint.
- The complaint details and any test documentation already received and copies of previous documents issued at test.
- A copy of the original VT40(s) relating to the test(s) in

question. This needs to be produced prior to the VTS visit from the AO VTS Device using the function [Reprint Inspection Checklist](#) (refer to VOSA User Guide – BX2).

- Means of issuing PG9 (Laptop or pad)
- Standard Letter to complainant or headed paper and laptop.
- Record of Interview forms and/or their notebook.
- The VE will use the VTS's test documentation via the VTS Device.
  - A VT40 will be printed prior to the Inspection and must be retained for our records.
  - A VT20 will be issued on the completion of a satisfactory full examination.
  - A VT30 will be issued on the completion of a partial Inspection or if the vehicle is defective.
  - A VT32 will always be issued to record the fact that VOSA have conducted a 'Quality Check' when a VT30 is issued and additionally to record any advisory defects.

**Note:** The system will automatically recognise the use by VOSA of any test slots and Siemens will charge VOSA for the test slot and not debit the AE(VTS) account.

### 31.2.9 Vehicle Data

If the NT incorrectly identified the vehicle or by-passed VSI this may have a material bearing on the outcome. It is a useful exercise to use the original VT40(s) (see 31.2.8 above) for this exercise as it will also compare the observed details with those recorded by the NT. The original VT40 details can also be checked against those recorded by DVLA. MOT Computerisation provides this data via a by-product of the [Select or Extend Mystery Shopper Vehicle](#) function. The subject vehicle VRM should be keyed into this function and the 'Continue' key clicked. The information listed is Full VIN/Chassis No, Make, Colour, Registration, Model, Other Colour and Manufacture date. This information may differ from the information listed on the test report as it reflects what information is held by DVLA and not the vehicle details entered by the NT on test registration.

**Note:** It is important that after checking this information the 'Return to Menu' key is clicked and **not** the 'Update' key.

### 31.3 Preliminary arrangements at VTS

The VE and the assistant will aim to arrive at the venue shortly before the examination is due to start. The VE will ensure that all equipment needed for an appeal Inspection is available, serviceable and that they are familiar with its use.

**Note:** When VOSA's staff are not familiar with any item of test

equipment, then they will request that the equipment be operated by competent VTS staff.

When all parties have arrived, the VE will explain the procedure and invite the AEDM and NT to observe the Inspection if they wish, provided they view the examination from the viewing area and do not obstruct or interrupt the VE during the appeal test.

The VE must obtain the identification of any other witnesses to the re-examination as all witnesses should be entered onto the test record at the point of Result Entry.

The VE should ask the AEDM and NT to confirm that the vehicle is the one that the NT issued a test Certificate to. If it is claimed that it is not the vehicle that was tested the reasons should be documented at the interview and the AEDM/NT should be advised to notify the Police.

Before the examination takes place the VE must ask the NT for any copies of manually produced advisory documents if these were issued instead of VT32s. Where any such document is subsequently found to be material to the outcome of the examination, the VE should question the NT if the document cannot be audited i.e. is not a dated copy in a serialised previously used pad.

### **31.3.1 Filming or Photographing by Witnesses**

The AE/NT or their representative may wish to video or photograph the appeal Inspection re-examination. Under no circumstances should the VE be distracted or interrupted during the appeal Inspection and such filming is considered to be a distraction. Only at the completion of the Inspection should the AEDM/NT or their representative/s be permitted to take photographs or video evidence. If the AEDM/NT or their representative/s do not comply with this requirement, the VE should consider re-arranging the re-examination at a GVTS where such filming can be prevented.

### **31.3.2 Identification of Vehicle**

Prior to the appeal Inspection the VE should check the VIN and number plate fixings, checking for signs of recent tampering which should include a check of fixing bolts, screws and/or rivets. Cross-reference of VIN plate and VIN body stamps may be required. In all cases, photographs should be taken of the VIN plate and number plate fixings along with a photograph of the mileage reading in case, at a later date, the AEDM or NT claim that the vehicle is not the one they tested. Photographs should also be taken of the front, rear and sides of the vehicle giving a general view, showing the door configuration and true colour,

bearing in mind that other VOSA staff and third parties may have to review the case at a later stage.

## **31.4 The Inspection**

The appeal Inspection should then proceed without interruption or distraction except for necessary referral of defects to the NT where such defects can only be seen efficiently using test equipment. In such instances it is important for the VE to complete the particular stage of the test before calling the NT over.

### **31.4.1 Registration on VTS Device**

The VE must collect the following information in readiness for input to the system:

- Complaint Number
- VRM where present
- VIN where present.
- Make.
- Model Including No of doors
- Year.
- Engine Code where known.
- Engine number where present
- Transmission

In normal circumstances (see [31.4.5](#) - Fallback & SAT) all inspections must be recorded using the function “Register Vehicle by VE” on the VTS Device.

Refer to the VOSA User Guide section CX2 –[Inspection Tests](#) for details of this procedure.

### **31.4.2 Inspection Procedure**

The VE should ensure that any mobile phones are switched off. The Inspection must be completed in its entirety, including completion of documentation, and strictly in accordance with the Inspection Manual and any relevant Special Notice/s.

During the Inspection it is important to note any recent dismantling or removal of under shields etc, the time and nature of which must be taken up with the complainant if they are material in the outcome of the inspection.

#### 31.4.2.1 Defects

If, during the inspection defects are found, the VE or assistant should record these in detail on the VT40 MOT Inspection report. It is important when dealing with suspected excessive corrosion that no attempt should be made to further assess the defect using prescribed methods without the AEDM and NT being present. At the completion of the Inspection the VE will ask the AEDM and NT to formally comment on any failure items found.

#### 31.4.3 Result Entry on VTS Device

Specific test item results may be entered after the examination by the assisting VE using the function Enter Test Results by Administration (refer to the VTS Device User Guide 10.F15 - [Enter Test Results by Administration](#)). Care needs to be taken to ensure that the assistant selects the correct vehicle & test number (from the VT40) if there are other incomplete tests being conducted by the VTS staff. In all cases the inspecting VE must confirm the overall result and print the appropriate documents.

The inspecting VE **must** record or confirm the MOT19i result using "Enter Test Results by NT" and using the advisory defect free text box, record the level of inspection carried out e.g. full or partial inspection.

In section CX2 – [Inspection Tests](#) it is important to note the sub section instructions relating to Inspection Witness Details. Here the VE should record the assisting VE's name, if applicable, and record the scope of the inspection; Full or Partial. Note that a 'Fail' result can only be recorded where only a partial inspection has been carried out irrespective of whether no defects were found.

#### 31.4.3.1 Print Documents

An MOT19i can result in any of the normal test documents being issued (refer to Appendix 13 – [Test Documentation Issued from a VTS Device](#)). VEs are advised to obtain copies of any documents issued for report purposes by using the Reprint (F4) button at the time of test rather than obtaining duplicates at the AO.

#### 31.4.4 Inspection Duration

Remember that the time of registration and the time of entering test results will be captured by the system to record the length of the test. The re-examination procedure should not be constrained by this fact. In some circumstances the NT may be shown defects before the vehicle is removed from the hoist or pit and in addition the MOT19i procedure requires the recording of witness details during result entry. It is recommended that the

assisting VE records the time of such additional procedures and that this time is shown on the report.

#### **31.4.5 Fallback & SAT**

If the VTS is operating in Fallback or SAT the MOT19i examination must be carried out using manual recordings on a VT40 as the Siemens Service Desk and SAT do not support VOSA inspections.

#### **31.4.6 Inspections at non VTS**

There may be occasion when MOT19is are partially completed other than at a VTS. This could be in the kerbside where recovery of the vehicle has been rejected by the AO or a repair location where a vehicle is partially dismantled. Ideally the partial inspection should still be recorded on the database and this can be achieved by recording the Registration and test result entry on a GVTS VTS Device or at any VTS which is willing to allow its VTS Device to be used.

All attempts should be made to input this MOT19i on the same day. It is vitally important to edit the inspection record by showing the original location in the Test Location field of the 'Test Results (NT) – Inspection Witness Details' screen (see VOSA User Guide Annex C2 - [Inspection Tests](#)). The field can accommodate text such as "10:26 24/05/2006 AT COMPLAINANT'S ADDRESS".

These details are then shown on the MOT Test Detail screen although the VT30 will show the input date and time and location of the VTS Device. The VT30 and VT32 printed as a result of such retrospective keying must be forwarded onto the complainant.

#### **31.5 Photographs**

If the examination outcome is likely to result in formal disciplinary action, photographs should be taken of all components that are the subject of differing test standards. Refer to section 41 – [Evidential Photographs](#) for details.

#### **31.6 Prohibitions**

The issue of a PG9 to a vehicle which has been voluntarily presented by a complainant needs very careful consideration. The ultimate objective of the complaint system is road safety by revealing examples of sub-standard testing. The public must be encouraged to bring any such suspicions to our attention without undue fear of being penalised. Nevertheless VOSA is also an

enforcement agency and is bound to prevent the use of defective vehicles which create an immediate risk to road safety.

If a dangerously defective vehicle is examined at an appeal Inspection the VE must be satisfied that:

- The vehicle will be safely removed to a place of repair.
- or
- An effective repair can be completed on site.

If co-operation is not forthcoming an immediate prohibition is to be issued as a last resort, delayed prohibitions and defect notices are not to be issued.

### 31.7 Dealing with the Complainant

The complainant should not be delayed more than necessary and after any defects have been shown to the AEDM/NT, the VE should issue the appropriate documentation (see VOSA Documentation > MOT Scheme > Forms on the laptop). If an interview is to be conducted, ideally the assisting member of VOSA staff should give the complainant this and the standard letter and deal with any enquiries the complainant may have, thanking them for bringing the matter to our attention.

**Note:** It is important that VOSA staff do not suggest or imply in any way that reports of Vehicle Inspections following an MOT19i may assist appellants in their pursuit of the matter against the VTS. Although such comment may be made in the spirit of helpfulness we have been officially criticised by the Ombudsman where a plaintiff failed to succeed in such a case following this advice.

### 31.8 Interviews

Where defects found during an inspection were deemed to have been present and detectable at the time the VT20 was issued, and these defects amount to 30 points or more under Appendix 8.2, the case should be considered for Formal Disciplinary Action. It is important in such cases to interview the NT concerned and to record the details of this interview. Refer to section 40 – [Interview Procedures](#) for details regarding this procedure.

#### 31.8.1 Unsatisfactory Inspections following Cessation.

When an unsatisfactory MOT19i involves an ex NT or ex AE where the approval or authorisation has ceased or has been voluntarily surrendered, it should be investigated in the normal way as either the ex-AE or any associated NT could be re-authorised or continue within the testing scheme. Where the NT or AE turns up for the inspection an interview should be

conducted in the normal way.

If the VE's investigation takes place concurrently with an appeal against withdrawal, or disqualification, Appeals Branch should not be informed. The ex-AE and NT should be informed in writing that a further case is pending which may lead to further disciplinary action.

## **31.9 Inspection reports**

MOT19i reports should be factual, concise and must not include any subjective or flippant comments.

Everything in connection with the case must be included in the report. This includes anything that happened to the vehicle before or since the test obtained from previous test history and information obtained from the complainant.

No reference should be made to the possible outcome of the case, this would pre-judge any representations made by or on behalf of the interested parties. Any indication of the outcome would prevent a different line of action being taken, based on any other information that might be available when the case is finally considered for possible disciplinary action.

Contemplated disciplinary letters must include all items under consideration. Reference to MOT Computerisation data e.g. test times or failure rates, in the form of screen prints or reports is acceptable as secondary evidence but copies of the print or report must be copied to the AE and NT. The principal to be observed is that no further evidence can be used in a case unless it has been made available to the interested parties.

### **31.9.1 Description of Defects**

It is important that each defect is numbered and the same numbering reference is replicated on any letters and photographs. The defect number reference(s) from the MOT19i VT30 should be used as the datum point.

In order to be consistent, defect descriptions should follow the wording of the VT30 and it is possible to cut and paste text directly from the MOT Test Details enquiry screens.

Amplification should accurately describe the extent and severity of the defect. In the case of corrosion the total area affected by corrosion will be described; the dimensions provided will include not just the area holed but also that which yielded to pressure. The proximity of corrosion to the relevant component mounting will also be recorded. These measurements assume even

greater importance in the absence of any photographs. It is important to record how the corrosion was detected and why the VE considered no abnormal force had been used in cases of pre-existing holes e.g. the area surrounding the hole was not flared in or out, the hole was made larger by finger or thumb pressure only, etc.

It is equally important to record factors as to why the condition of a component may have altered since the original test, e.g repairs or signs of previous examination.

### **31.9.2 Section 9 Statement**

This must be provided to the appellant or other directly involved party if requested.

### **31.9.3 Referral for Further Action**

Completed reports, including a set of photographs for both AE and NT, and any other relevant evidence should be forwarded to the AM/SVE, in adequate time, in order to meet current service standards, normally 14 calendar days.

**Note:** Delays beyond 14 days and reasons for these should be recorded on the file stating why this would not disadvantage the AE or NT.

### **31.10 Update Complaint Record**

Details regarding repairs or changes in condition of the vehicle must be recorded on the MOT Computerisation Complaint record under 'Vehicle Current Condition' (refer to section 23.2.1 – [Complaint Details \(Review\)](#)). The 'Follow Up Action' and 'Notes' sections of the Complaint must now be completed (refer to section 23.3.1 – [Complaint Details \(Process\)](#)) and an 'Assessment Code' and 'Text' recorded against each test that was subject to the MOT19i (refer to section 23.3.1.1 – [Test\(s\) Associated to Complaint](#)).

### **31.11 Finalise Complaint Record**

Following a review of the VE's report, the AM or SVE must record the outcome of the complaint which will seal the record. The complaint record will only show the intended course of action and decision regarding whether the complaint was justified, not the result of any disciplinary action. Refer to section 22.1.8 – [Agree Complaint Outcome](#) for further details.

