



## SATA Patient Information Sheet

# Detailed DVLA Guidance for UK Drivers with Sleep Apnoea Revised – January 2019

## 1. DVLA Rules

### 1.1 Categories of Driver

The DVLA rules for drivers of cars and motorcycles (Group 1) are slightly different than those for bus and lorry drivers (Group 2). Taxi drivers, and drivers of emergency vehicles, e.g. police, fire, coastguard, ambulance and health service vehicles may have to comply with additional medical standards set by their relevant tax licensing authority, or their individual force, service, or other relevant body. The DVLA recommends to local authorities that taxi drivers should meet at least the same medical standards as Group 2 bus and lorry drivers.

### 1.2 Diagnosis

**NB. Whenever the term “excessive sleepiness” is used it means “excessive sleepiness having, or likely to have, an adverse effect on driving”, as defined by the DVLA. Where DVLA guidance refers to “drowsiness” it should be interpreted as excessive sleepiness.**

#### 1.2.1 Group 1, Car and Motorcycle Drivers

**Mild, moderate or severe Obstructive Sleep Apnoea (OSA) without excessive sleepiness:**

You may continue to drive as normal and you do not need to notify the DVLA.

**Mild Obstructive Sleep Apnoea Syndrome (OSAS), i.e. Obstructive Sleep Apnoea with the symptom of excessive sleepiness:**

You must **not** drive until your excessive sleepiness symptom has been satisfactorily controlled. If your excessive sleepiness symptom cannot be controlled within three months you must notify the DVLA.

**Moderate or severe Obstructive Sleep Apnoea Syndrome (OSAS) i.e. Obstructive Sleep Apnoea with the symptom of excessive sleepiness:**

You must **not** drive until your Sleep Clinic has confirmed to you that your OSAS is under control, your sleepiness is no longer excessive, and you are complying with CPAP treatment. You must notify the DVLA. The DVLA will require medical confirmation that your symptoms are under control. If your driving license has already been revoked, you then can apply for it to be restored.

**Excessive sleepiness where Obstructive Sleep Apnoea Syndrome (OSAS) is suspected:**

You must **not** drive until OSAS has been diagnosed and your Sleep Clinic has confirmed that your excessive sleepiness is being satisfactorily controlled by treatment. If moderate or severe OSAS is diagnosed the notification requirements in the previous paragraph will apply. If mild OSAS is diagnosed you only need to notify the DVLA if your excessive sleepiness cannot be controlled within three months.

#### 1.2.2 Group 2, Bus and Lorry (and Taxi) Drivers

**Mild, moderate or severe Obstructive Sleep Apnoea (OSA) without excessive sleepiness:**

You may continue to drive as normal and you do not need to notify the DVLA.

### **Mild Obstructive Sleep Apnoea Syndrome (OSAS), i.e. Obstructive Sleep Apnoea with the symptom of excessive sleepiness:**

You must **not** drive until your excessive sleepiness symptom has been satisfactorily controlled. If your excessive sleepiness symptom cannot be controlled within three months you must notify the DVLA.

### **Moderate or severe Obstructive Sleep Apnoea Syndrome (OSAS) i.e. Obstructive Sleep Apnoea with the symptom of excessive sleepiness:**

You must **not** drive until your Sleep Clinic has confirmed to you that your OSAS is under control, your sleepiness is no longer excessive, and you are complying with CPAP treatment. You must notify the DVLA. The DVLA will require medical confirmation that your symptoms are under control. If your driving license has already been revoked, you then can apply for it to be restored.

### **Excessive sleepiness where Obstructive Sleep Apnoea Syndrome (OSAS) is suspected:**

You must **not** drive until OSAS has been diagnosed and your Sleep Clinic has confirmed that your excessive sleepiness is being satisfactorily controlled by treatment. If moderate or severe OSAS is diagnosed the notification requirements in the previous paragraph will apply. If mild OSAS is diagnosed you only need to notify the DVLA if your excessive sleepiness cannot be controlled within three months.

## **1.3 Review of Treatment.**

The DVLA guidelines require you, as the driver, to confirm that a review of your condition has been undertaken at least every three years if you are a Group 1 driver, and at least annually if you are a Group 2 driver. It will be your responsibility to contact your Sleep Clinic to arrange for this review in good time before the end of each three-year, or annual, period. How this review will be undertaken will be a matter for your Sleep Clinic, and options may range from a simple telephone conversation to a visit to the Sleep Clinic.

## **1.4 What Should I do?**

### **1.4.1**

There is a common element in these revised DVLA Guidelines. This is that where excessive sleepiness is present and OSAS is suspected you must **not** drive until a diagnosis is confirmed, and the excessive sleepiness symptoms are controlled.

### **1.4.2**

If you have some of the symptoms described above, particularly excessive sleepiness, do **not** drive, seek an appointment with your GP, and ask the GP for a referral to a Sleep Clinic. Before seeing your GP, download and complete the Epworth Sleepiness Scale Score Form from the SATA website:

<http://www.sleep-apnoea-trust.org/wp-content/uploads/2018/02/Epworth-Sleepiness-Scale-for-SATA.pdf>

### **1.4.3**

If you are a professional driver who relies on your driving licence for your livelihood, or you are disabled, or have little access to public transport and others depend on you for transport etc, you should mention this to your GP and ask that on your referral letter the GP clearly requests the Sleep Clinic to provide fast tracked treatment within four weeks, as recommended by NICE.

### **1.4.4**

If your Sleep Clinic diagnoses Sleep Apnoea, their diagnosis needs to be clear and precise so that you can make a decision on whether or not you have to inform the DVLA. If they have diagnosed Obstructive Sleep Apnoea without excessive sleepiness, no notification is necessary. If their diagnosis is Obstructive Sleep Apnoea with excessive sleepiness, in other words, Obstructive Sleep Apnoea Syndrome (OSAS), notification will be required. **If necessary, you need to ask the Sleep Clinic to clarify this.**

### 1.4.5

Do not notify the DVLA until you have been diagnosed and then only if the rules state that you have to.

### 1.4.6

If this guidance suggests that you do need to notify the DVLA, SATA recommends that you do so in **writing** rather than telephoning their helpline number or sending them an e-mail. You must of course continue not to drive until you have started your prescribed treatment (probably by means of CPAP) and your Sleep Clinic is satisfied that the treatment is controlling your excessive sleepiness.

A simple letter can be as follows:

Dear Sir, I have been diagnosed with sleep apnoea and am being treated using CPAP therapy. This letter is to notify you as is required. Yours faithfully, NAME.

Make a copy and post the letter to the "Drivers Medical Group, DVLA, Swansea, SA99 1DF

It is much more likely that a letter will receive a more carefully considered response than a telephone call or e-mail. Also, if your Sleep Clinic has issued you with a CPAP, and has confirmed that the treatment is successful, by the time the DVLA sends you the form to fill in (SL1 or SL1V) you should be in a position to tell DVLA that you are no longer sleepy and there will be no need to withdraw your licence. If in doubt, consult your Sleep Clinic for advice before completing Form SL1 or SL1V.

## 2. AHI (Apnoea/Hypopnoea Index)

You may see references in the DVLA guidance to AHI. This is a measurement which is included in the European Directive on which the DVLA guidance is based and is referenced in that guidance. The Apnoea/Hypopnoea Index measures the number of Apnoeas (where breathing stops) or Hypopnoeas (where breathing is overly shallow) per hour of sleep. It is regarded by some as an indicator of the severity of excessive sleepiness.

The central focus for a medical professional in making an assessment is based on excessive sleepiness and whether this has, or is likely to have, an adverse effect on driving. The DVLA now recognise this.

## 3. How Do I Complete Forms SL1 or SL1V?

### 3.1 Form SL1 (Group 1 Drivers)

#### 1. Your Sleep Condition(s)

##### **Question 1.1 Do you have, or have you had excessive sleepiness during normal waking hours?**

If you have not experienced excessive sleepiness during normal waking hours you should not normally be completing this form at all.

If you have been sent the form because you, your GP or your Sleep Clinic have contacted DVLA please refer to Section 4 below.

##### **Question 1.2 Which condition have you been diagnosed with?**

###### **Sleep Apnoea**

Tick this box if your Sleep Clinic has diagnosed Sleep Apnoea and you have excessive sleepiness symptoms.

###### **Obstructive Sleep Apnoea Syndrome (OSAS)**

If your Sleep Clinic diagnosis confirms OSAS, ie Sleep Apnoea with excessive sleepiness, tick this box.

##### **Question 1.3. Is your condition under control?**

If you have not experienced excessive sleepiness tick "No" and proceed to question 2.

If you have had excessive sleepiness tick "Yes" and proceed to Question 1.4.

**Question 1.4. If yes, how long has it been controlled?**

If your Sleep Apnoea is recently diagnosed and is being successfully treated, the most likely box to tick will be "Less than 3 mths", or possibly "3 mths - 12 mths".

**2. Declaration.**

**Question 2.1. Do you agree to regular reviews and to follow medical advice regarding any necessary treatment?**

If you have experienced excessive sleepiness and you do not agree to regular reviews etc your licence will be revoked.

If you have no excessive sleepiness you do not need to answer this question.

**3. Healthcare Professional**

**Question 3.1. Have you seen a healthcare professional about your condition in the last 12 months?**

The appropriate answer is "Yes"; if you have not seen a healthcare professional within the previous 12 months, DVLA could revoke your licence.

**Question 3.2. Who should we contact if we need to investigate your condition further?**

SATA recommends that you suggest your Consultant rather than your GP for further DVLA contact.

**3.2 Form SL1V (Group 2 Drivers)**

**1. Your Sleep Condition**

**Question 1.1. Do you have, or have you had excessive sleepiness during normal waking hours?**

If you have not experienced excessive sleepiness during normal waking hours you should not be completing this form at all.

If you have been sent the form because you, your GP or your Sleep Clinic have contacted DVLA please refer to Section 4 below.

**Question 1.2 .Which condition have you been diagnosed with?**

**Sleep Apnoea**

Tick this box if your Sleep Clinic has diagnosed Sleep Apnoea and you have excessive sleepiness symptoms.

**Obstructive Sleep Apnoea Syndrome (OSAS)**

If your Sleep Clinic diagnosis confirms OSAS, ie Sleep Apnoea with excessive sleepiness, tick this box.

**Question 1.3. Is your condition under control?**

If you have not experienced excessive sleepiness tick "No" and proceed to question 2.

If you have had excessive sleepiness tick "Yes" and proceed to Question 1.4.

**Question 1.4. If yes, how long has it been controlled?**

If your Sleep Apnoea is recently diagnosed and is being successfully treated, the most likely box to tick will be "Less than 3 mths", or possibly "3 mths - 12 mths".

**Question 1.5. If yes, how is it controlled?**

The boxes labelled "CPAP", and "Mandibular device" are the most likely ones to complete, as appropriate. If your recommended treatment is "Weight Loss", or "Other" it does not suggest excessive sleepiness is a factor, so you should not be completing this form at all. This point is confirmed in the note to Question 2.

**Question 1.6**

Answer as appropriate.

**2. Declaration****Question 2.1. Do you agree to regular reviews and to follow medical advice regarding any necessary treatment?**

If you have experienced excessive sleepiness and you do not agree to regular reviews etc your licence will be revoked.

If you have no excessive sleepiness you do not need to answer this question.

**3. Healthcare Professional****Question 3.1. Have you seen a healthcare professional about your condition in the last 12 months?**

The appropriate answer is "Yes"; if you have not seen a healthcare professional within the previous 12 months, DVLA could revoke your licence.

**Question 3.2. Who should we contact if we need to investigate your condition further?**

SATA recommends that you suggest your Consultant rather than your GP for further DVLA contact.

**4. If you have been sent Form SL1 or SL1V but have no symptoms of excessive sleepiness**

If your Sleep Clinic has diagnosed Sleep Apnoea **without** symptoms of excessive sleepiness:

Tick "No" in Question 1.1

Tick "Sleep Apnoea" in Question 1.2

Tick "Yes" in Question 1.3 and, assuming you have always been free from excessive sleepiness symptoms,

Tick "More than 7yrs" in Question 1.4.

Do not complete Question 2.1

Tick "Yes" in Question 3.1 and, we suggest

Tick "Consultant" in Question 3.2.

**5. Reasons For Challenging the DVLA**

Your license may have been revoked by information you, your GP or your Sleep Clinic provided to the DVLA.

**5.1 You**

You may have made a mistake when you contacted the DVLA, for example you gave a wrong answer in a phone call, filled in a form incorrectly or ticked an incorrect box on their on-line medical reporting system.

You need a letter to the DVLA signed by a doctor/consultant to prove you are fit to drive and that either you had no previous symptoms of excessive sleepiness, or that any such symptoms are now successfully treated.

If this does not succeed you need to contact your local MP with a copy of all your paperwork and ask the MP to contact the DVLA on your behalf to get your licence restored. It will help to

have prepared a diary of events in date order with brief details of your pathway, from your initial recognition of symptoms up to your current position.

## **5.2 Your GP**

### **5.2.1** Your GP made a mistake in the information provided to the DVLA.

You need to contact your GP and get a copy of the information sent to DVLA, which you are entitled to under the NHS Constitution. Ask your GP to write to the DVLA correcting the mistake and ask for a copy of the letter.

### **5.2.2** Your GP suspected Sleep Apnoea, but as there was no evidence of excessive sleepiness, you were advised that you could continue driving but that you had to inform the DVLA. When you did, your licence was immediately revoked.

The DVLA should have told you that as there was no excessive sleepiness you did not need to inform them, and DVLA should not have withdrawn your licence.

Tell your GP that the advice to contact the DVLA was wrong, as there was no excessive sleepiness. Insist your GP writes to the DVLA requesting that your licence be reinstated and ask for a copy of the letter.

### **5.2.3** Your GP suspected Sleep Apnoea, advised you not to drive and told that you had to inform the DVLA. When you did, your licence was revoked immediately.

The DVLA should have confirmed that you should not drive and told you that you had three months to arrange a sleep test and diagnosis. They should not have withdrawn your licence. You need to advise your GP that the advice to contact the DVLA before a sleep test and diagnosis was wrong. Insist that your GP writes to the DVLA requesting that your licence be reinstated and ask the GP for a copy of the letter.

### **5.2.4** Your GP informed the DVLA directly, before having referred you to a Sleep Clinic for diagnosis.

You need to ask the GP why your patient confidentiality was breached in this way. GPs can only break patient confidentiality if they think that your continuing to drive against their specific advice not to represents, in their opinion, a safety risk to others.

Unless they have informed DVLA directly for reasons other than suspected Sleep Apnoea, you need to insist on an urgent referral to a Sleep Clinic with a request for a fast track diagnosis, since your licence has already been withdrawn.

You should ask the GP to write to the DVLA to explain and to seek reinstatement of your licence and ask for a copy of that letter.

## **5.3 Your Sleep Clinic**

### **5.3.1** Your Sleep Clinic made a mistake when they informed the DVLA.

You need to ask the Sleep Clinic for a copy of the information that was sent, which you are entitled to under the NHS Constitution. You should also ask the Sleep Clinic to write to the DVLA correcting their mistake and ask for a copy of their letter.

### **5.3.2** Even though you did not have excessive sleepiness your Sleep Clinic advised you to inform the DVLA before your sleep test and diagnosis. When you did so, your licence was immediately revoked.

You need to tell your Sleep Clinic that they were wrong to advise you to contact the DVLA as there was no evidence of excessive sleepiness. Ask your Sleep Clinic to write to the DVLA requesting that your licence be reinstated and ask for a copy of their letter.

### **5.3.3** Your Sleep Clinic advised you to inform the DVLA before your sleep test and diagnosis.

The DVLA should have confirmed that you should not drive and told you that you had three months to arrange a sleep test and diagnosis. Contact your Sleep Clinic and advise them that they were wrong to advise you to inform the DVLA before the sleep test and diagnosis. Ask your Sleep Clinic to write to the DVLA requesting that your licence be reinstated and ask for a copy of their letter.

**5.3.4** You informed the DVLA that you had been diagnosed with moderate or severe OSAS, and that you are continuing not to drive. The Sleep Clinic cannot yet start you on CPAP therapy and the DVLA is going to revoke your driving licence.

#### Recommended Action

Ask your GP for an e-referral to another Sleep Clinic that can start you on CPAP therapy almost immediately. You will need to obtain your Sleep Clinic test results so that your GP can send them to the alternative Sleep Clinic.

SATA has information about areas where the CPAP service is poor and areas where a patient can get started on CPAP treatment very quickly, but you may have to travel a long way at your own cost.

#### Alternative action

Ask your GP to contact the DVLA and let them know that the delay in the commencement of CPAP therapy lies with the NHS, and that you are continuing not to drive, and request that they delay revoking your licence.

If this fails go to your local MP with a copy of your diary of events, all the paperwork and any recordings and ask them to contact the DVLA and help delay revoking your licence.

## **6. If These Steps Are Unsuccessful**

### **6.1**

If the problem lies with your GP, contact the local Clinical Commissioning Group (CCG) to which your GP practice belongs.

### **6.2**

If the problem lies with your Sleep Clinic, contact their Patient Advice and Liaison Service (PALS) and raise a formal complaint

### **6.3**

Write to your local MP with a copy of any correspondence with the CCG or PALS, a copy of your diary of events and all the paperwork and ask them to contact the DVLA and help you get your licence restored.

#### **DISCLAIMER**

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