

# PROCEDURE – Driver Offending Retraining Scheme

Number: H 0502

Date Published: 16 October 2018

Version 4 – October 2018

## 1.0 Summary of Changes

This procedure has been amended as follows:

- Updated to take account of the new courses that came into effect on 1 November 2018:
  - Safe and Considerate Driving replaced National Driver Aletness Scheme (NDAS);
  - Reference to Driving4Change removed.
- Appendix A amended;
- Within Section 4 the 9 protected EIA characteristic have been updated;
- Owner details updated.

## 2.0 What this Procedure is about

This procedure explains how Essex Police will implement the National Driver Offender Retraining Scheme (NDORS) also known as driver/rider intervention courses. These include:

- Speed Awareness Course (SAC);
- What's Driving Us (WDU);
- Your Belt Your Life.
- Safe and Considerate Driving (SCD) formally known as the National Driver Aletness Scheme (NDAS);
- Rider Intervention Developing Experience (RIDE);
- National Motorway Speed Awareness Course (NMSAC)(Camera only)

Essex Police works within a multi-agency environment, to effectively reduce the number of road casualties. This scheme will assist in achieving the objectives of the Essex Police Roads Policing Strategy in reducing the number of those killed or seriously injured on our roads.

The NPCC support appropriate and proportionate diversion from prosecution for relevant Road Traffic offences, as offered by the various courses available under the NPCC National Driver Offender Retraining Scheme (NDORS). A key theme in the Government's Strategic Framework for Road Safety (2011) is driver education for suitable offending.

Details of the offences to be dealt with by NDORS referral and further information regarding each of the NDORS courses can be found on the Casualty Reduction Website under the NDORS tab.

Essex Police will comply with the ACPO National Driver Offender Re- Training Scheme and guidance notes when applying these schemes.

***Compliance with this procedure and any governing policy is mandatory.***

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## 3.0 Detail the Procedure

### 3.1 Speed Awareness

The National Speed Awareness Scheme has been born out of the success of the National Driver Improvement Scheme (NDIS). Drivers/riders who commit an excess speed offence are offered a speed awareness course as an alternative to a fixed penalty or prosecution, with the objective that the offender benefits from the course and contributes to road and community safety, the course also explores potential environmental benefits.

The course is an alternative to prosecution, for all speed bands and classes of vehicle.

All excess speed offences where the alleged offender is stopped will be dealt with by submitting a Traffic Offence Report (TOR, NDORS referral) or by reporting an offender where appropriate.

The **CO** box should be ticked where the officer believes that it is not appropriate to offer an offender a driver intervention course, where this box is ticked the officer should add the reason that a course is not appropriate in their notes on the rear of the form TOR.

Where a roadside deposit is required to be taken by a trained officer then the procedure for taking a roadside deposit will be used and remains unchanged.

Where the alleged offender is not stopped and is sent a Notice of Intended Prosecution and form A150 request for identity of the driver/rider at the time of the alleged offence, a TOR can be submitted once the details of the driver/rider are known.

This course is available for juvenile offenders if appropriate.

#### 3.1.1 Criteria

An offender choosing a Speed Awareness Course may opt to take it at any of the national course venues and will have to pay for the cost of the course.

See Appendix A for course eligibility.

#### 3.1.2 Referral

These offences will be dealt with by submitting a TOR which should be forwarded to the CREEST office at Billericay the same day.

The officer completing a TOR must add the driving licence number of the offender either UK or foreign, unless the offence being dealt with is a passenger in a vehicle failing to wear seatbelt passenger.

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Nothing precludes the OIC from reporting an offender where they believe it is appropriate.

Where a roadside deposit is required to be taken by a trained officer then the procedure for taking a roadside deposit will be used and remains unchanged.

## 3.2 What's Driving Us (WDU)

What's Driving Us? (WDU) is a course which was launched by the NPCC under the National Driver Offender Retraining Scheme (NDORS) and has been put into place to give the police discretion to offer drivers who commit certain road traffic offences e.g. failing to conform to a red traffic light, the opportunity to attend a course as an alternative to prosecution or the Fixed Penalty system of a fine and penalty points.

### 3.2.1 Procedure

The WDU course is available as a disposal for a large number of offences. Where the alleged offender is stopped they will be dealt with by completing and submitting a TOR or by reporting an offender where appropriate.

Where a TOR is completed reporting officers are requested to tick the **WDU** box at the bottom of the TOR.

This course is available for juvenile offenders if appropriate.

The **CO** box should be ticked where the officer believes that it is not appropriate to offer an offender a driver intervention course, where this box is ticked the officer should add the reason that a course is not appropriate in their notes on the rear of the form TOR.

Where a roadside deposit is required to be taken by a trained officer then the procedure for taking a roadside deposit will be used and remains unchanged.

Where the alleged offender is not stopped and is sent a Notice of intended prosecution and form A150 request for identity of the driver/rider at the time of the alleged offence, a TOR can be submitted once the details of the driver/rider are known, subject to time limits for the completion of NDORS courses.

### 3.2.2 Referral

These offences will be dealt with by submitting a TOR which should be forwarded to the CREST Office at Billericay the same day.

The officer completing a TOR must add the driving licence number of the offender either UK or foreign, unless the offence being dealt with is a passenger in a vehicle failing to wear seatbelt passenger.

See Appendix A for course eligibility.

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Nothing precludes the OIC from reporting an offender where they believe it is appropriate.

## **3.3 Your Belt Your Life**

This course is an online intervention for drivers who are reported for failing to wear their seatbelt, it gives them the opportunity to complete the course rather than receive a fixed penalty of a fine or prosecution.

### **3.3.1 Procedure**

All “fail to wear seatbelt” offences where the alleged offender is stopped will be dealt with by submitting a TOR or by reporting an offender where appropriate.

Where the alleged offender is not stopped and is sent a Notice of Intended Prosecution and form A150 request for identity of the driver/rider at the time of the alleged offence, a TOR can be submitted once the details of the driver/rider are known, subject to time limits for the completion of NDORS courses.

Where a roadside deposit is required to be taken by a trained officer then the procedure for taking a roadside deposit will be used and remains unchanged.

This course is available for juvenile offenders if appropriate.

### **3.3.2 Referral**

These offences will be dealt with by submitting a TOR which should be forwarded to the CREEST Office at Billericay the same day.

The officer completing a TOR must add the driving licence number of the offender either UK or foreign, unless the offence being dealt with is a passenger in a vehicle failing to wear seatbelt passenger.

Nothing precludes the OIC from reporting an offender where they believe it is appropriate.

## **3.4 Safe and Considerate Driving**

The Safe and Considerate Driving course is an alternative to prosecution for those drivers who have been involved in collisions where offences of careless or inconsiderate driving are identified. It is the intention of the scheme to remove from the criminal justice system those drivers who by a driving error have offended against Section 3 of the Road Traffic Act 1988 and offer them an opportunity of rehabilitation on an approved course. Where there is evidence that the person’s driving amounts to more than an error of judgement the case should be referred for prosecution.

The scheme will be considered in the first instance by Essex Police. The course should not be offered where a serious or fatal injury has been caused to a third party.

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A serious injury will normally include any injury perceived to be life threatening or that requires hospitalisation in excess of 72 hours.

The scheme provides drivers with the opportunity to assess their attitude to other road users and/or their driving skills. It enables them to improve in both areas. Essex County Council is responsible for provision of courses.

## **3.4.1 Procedure**

The scheme can be offered in the following circumstances:

- When attendance on the scheme is an alternative to prosecution only for careless driving offences where a driver's mistake, rather than intent or dangerousness, has led to a collision. Evidence of recklessness or deliberate action will result in a prosecution.

The Crown Prosecution Service and Clerks to the Justices within the Essex Police District support the scheme.

The following criteria will be taken into consideration, to determine the suitability of a driver attending the scheme. There must be a realistic chance of prosecution and no referral will be made if:

- As a result of a collision there is a death or serious injury to a third party;
- There are other offences apparent, such as no insurance;
- The offender has attended a course within the previous 3 years;
- The driver is not prepared to pay the scheme course fees in full prior to commencement of the course;
- The driver is NOT the holder of a full current driving licence or possesses a certificate of competence to drive.

Officers must remember that referral to the scheme is only an alternative method of disposal. In all other aspects the investigation of the incident and preparation of the case file remains the same as if the offender were to be prosecuted.

Before considering referral to the scheme the investigating officer must ensure:

- There is sufficient evidence to support a prosecution together with a reasonable prospect of conviction, and
- That they are aware of the views of any third party towards the possibility of such a referral.

This course is available for juvenile offenders if appropriate.

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## **3.5.1 Victims**

A letter outlining the offender retraining scheme will be sent to victims, informing them that the offender involved in their collision is to be referred on to an educational course and inviting them to make police aware of any issue that they believe requires consideration that may not have come to light so far in the investigation.

## **3.5.2 Arbitration**

Where the aggrieved from a collision is of the opinion that an offender should not be offered the opportunity of an educational course, arbitration should be carried out by an officer of the rank of Inspector, acting or civilian equivalent. In conducting arbitration consideration should be given to the NPCC Safe and Considerate Driving course Guidelines on Eligibility Criteria for NDORS Courses.

It should be remembered that ultimately the decision with regard to placing an offender on an educational course lies entirely at the discretion of the Chief Constable therefore once arbitration is complete the resulting decision will be final.

## **3.5.3 Referral**

The officer in the case (OIC) should complete the CRASH report in the normal way and submit it. Where the CRASH supervisor is of the opinion that an educational course is suitable as disposal they should update the CRASH system accordingly which will generate the SDC process.

See Appendix A for course eligibility.

## **3.6 RIDE**

The RIDE Scheme has been designed as an intervention for those motorcyclists whose behaviour has brought them to the attention of the police. This scheme is designed to address the behaviour of those motorcyclists whose riding could be described as thrill or sensation seeking and also those who by the very nature of their riding could be defined as anti-social or careless, thereby attracting a criminal prosecution. It can also be used for those motorcyclists who have demonstrated careless riding leading to a collision.

This scheme is not designed to deal with motorcyclists who exceed speed limits and are detected by automatic safety camera devices. These offenders will be dealt with under the National Speed Awareness Courses.

The RIDE course invites offenders to question their own assumptions about their ability and competency to ride a motorcycle and to alert them to the vulnerability that reckless, careless or anti-social riding can attract. The aim of the course is to prevent riders from re-offending or worse, becoming a casualty.

Essex Police will comply with the ACPO National Driver Offender Re- Training Scheme and guidance notes when applying these schemes.

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## 3.6.1 Procedure

A motorcyclist choosing a RIDE course may opt to take it at any of the national course venues and will have to pay for the cost of the course. A person may only attend one RIDE course in 3 years. Subsequent offending will be dealt with by way of a prosecution.

The Casualty Reduction Education & Enforcement Support Team (CREEST) will carry out checks to confirm whether the offender has attended a course within the past 3 years. If the offender has attended a course within the previous 3 years they will not be eligible for the scheme and must be considered for prosecution.

If a third party has been involved in an incident, CREEST will make them aware, in writing, of the intention to offer the offender a course.

If eligible a course offer letter will be sent to the offender giving details on how to book the course.

The offender has 28 days to book a place on the scheme and can do so by telephone or website. Details will be supplied by the course provider.

If the offender fails to acknowledge receipt or accept the course within 28 days, prosecution will follow unless there are exceptional circumstances e.g. further evidence comes to light and a decision to No Further Action is more appropriate.

This course is available for juvenile offenders if appropriate.

## 3.6.2 Referral

The officer in the case (OIC) must complete a traffic offence report (TOR) adding the evidence supporting the offence to the rear of the TOR or attaching an MG11 as appropriate.

The **CO** box should be ticked where the officer believes that it is not appropriate to offer an offender a driver intervention course, where this box is ticked the officer should add the reason that a course is not appropriate in their notes on the rear of the form TOR.

The TOR should be submitted to the officer's supervisor for adjudication before being sent to the CREEST at Billericay for processing.

**The TOR must be clearly marked with RIDE by ticking the RIDE box.**

See Appendix A for course eligibility.

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## **4.0 Equality Impact Assessment**

This procedure has been assessed with regard to an Equality Impact Assessment. As a result of this assessment it has been graded as having a low potential impact as the proposals in this procedure would have no potential or actual differential impact on grounds of age, sex, disability, race, religion or belief, marriage and civil partnership, sexual orientation, gender reassignment and pregnancy and maternity.

## **5.0 Risk Assessment**

There are no health and safety issues concerning this procedure. The safety of officers and staff is addressed in existing assessments relating to Road Policing.

## **6.0 Consultation**

The following have been consulted during the formulation of this document:

- Federation
- Equality and Diversity Co-ordinator
- Evolve
- Health & Safety
- Roads Policing Sergeant and Constables

## **7.0 Monitoring and Review**

The Head of Roads Policing, OPC, is responsible for monitoring the practical implementation and effectiveness of this procedure.

The Head of Roads Policing, OPC, will ensure a review of this procedure is undertaken every 2 years.

## **8.0 Governing Force policy. Related Force policies or related procedures**

- H 0500 Policy – Enforcement and Education - pending
- H 0601 Procedure – Road Traffic Collisions (Recordings)
- H 0602 Procedure – Road Traffic Collisions (Investigations)

## **9.0 Other source documents, e.g. legislation, Authorised Professional Practice (APP), Force forms, partnership agreements (if applicable)**

- National Driver Offender Retraining Scheme - Guidance
- Casualty Reduction Website
- Driver Improvement Website
- Essex County Council Website
- Safer Essex Road Partnership website



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- Form A150 – *Application for name and address of driver (without header)*
- Form A150 – *Application for name and address of driver (header included)*
- Appendix A – *NDORS Courses offered by Essex Police*