

Safe and Considerate Driver (SCD) Procedure

This procedure is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Police, Fire and Crime Commissioner are required to adhere.

Procedure Statement

The aims of this procedure are to:

- provide clear guidance upon the use of the Safe and Considerate Driver (SCD) Course in North Yorkshire where the offending motorist is a member of the public
- emphasise the importance of evidence gathering in a collision
- explain the criteria that must be fulfilled before an offending driver may be referred to the SCD
- provide clear guidance upon the use of the SCD in North Yorkshire where the offending driver is employed by North Yorkshire Police (NYP) as a police officer or as a member of police staff

Police officers will investigate Road Traffic Collisions (RTCs) and evidence will be gathered for all offences including driving without due care/without consideration. A prosecution file will be submitted to the Prosecution Team and the Dedicated Decision Maker (DDM) will apply the principles of this procedure to the case and endorse the appropriate disposal to the file.

Process

Scheme Operation

All RTCs will be fully investigated and any relevant evidence gathered and secured. Officers investigating must remain impartial and will not advise a driver that they will definitely be offered a place on a SCD course, even if they feel that would be the likely outcome. The investigating officer does not have the authority to make that decision.

Officers will submit the case file papers to the Prosecution Team where a DDM will then assess the circumstances against pre-set standards.

If applicable, the offending driver will be offered the opportunity to attend a one-day course to deal with improving driver awareness and behaviour. Only collisions and incidents which would ordinarily result in a prosecution will be referred. The DDM still has the option to take no further action, in the correct circumstances.

If the offending motorist declines a course, does not reply to the offer, or fails to complete the course then they will face prosecution. If the offending motorist successfully completes the course, then no further action will be taken.

If an RTC is investigated by Road Policing Group Officers, and they consider the manner of driving of an offender is suitable to be dealt with by a SCD Course offer. Then a Streamline RTC report can be completed, this is a condensed version of a full RTC report, it enables a timely referral to the Prosecution Team DDM's and allows for SCD course offers and intervention with the aim of promoting road safety.

Evidence Gathering in Relation to the Collision/Incident

It is important that all the evidence in relation to the collision/incident is gathered for the following reasons:

- the SCD is an alternative to prosecution, if the offending motorist does not complete the course, they will face prosecution. The burden of proof for referral to SCD is the same as that for a prosecution
- participation on the SCD is at the driver's expense. They are therefore, in effect, being financially penalised for their offending behaviour. DDMs in liaison with the investigating officer must be able to demonstrate that they are prepared to mount a prosecution if the driver decides to challenge the validity of the decision for referral to SCD.

The Decision-Making Process

The decision to offer an individual a place on the SCD is based on a subjective test regarding the individual's driving which led to the offence.

A person will only be offered a place on the SCD if their driving is considered to be "careless", within the meaning of [s3 Road Traffic Act \(RTA\) 1988](#). If their driving could properly be characterised as "dangerous" within the meaning of [ss2](#) and [2A](#) of the RTA 1988, then a prosecution should follow and would fall outside of this scheme.

The following criteria apply in deciding whether to offer a SCD course:

- there must be a reasonable chance of a successful prosecution
- there must not be any other offences to be dealt with by a prosecution e.g. no insurance
- a period of three years must have elapsed since the completion of a previous SCD course
- the driver must hold a full driving licence or possess a certificate of competence to drive
- the driver must be prepared to pay the course fee
- A pragmatic view can be taken where a second 'minor' offence is present and a course is considered the most appropriate and proportionate disposal to promote road safety.

As per the National Police Chiefs Councils (NPCC) guidance, a SCD must not be offered if injuries sustained cause hospitalisation exceeding 72 hours. The NPCC guidance document also provides further information on consultation with third parties and consideration of their views. It is emphasised that the final decision still rests with the Dedicated Decision Maker.

The Course

The course is held locally, at an approved location and is paid for by the driver. It is run by approved trainers and involve classroom sessions and on-the-road training in approved vehicles.

The aim of the course is to make drivers aware of:

- the major causes of accidents
- how to avoid accidents
- the effects of driver attitude and behaviour on safe driving
- how to recognise hazards
- the effects of stress and fatigue on driving

The national average for drivers who take up the course option is in excess of 80%.

The course provider for North Yorkshire is:

TTC 2000 Ltd
Hadley Park
Telford
Shropshire
TF1 6QJ

Tel: 0845 2704380

The Criminal Justice Operations Manager is the liaison officer for any contact with the supplier.

Referral where the Offending Motorist is an Employee of NYP

Advice is contained in the NPCC National Driver Improvement Scheme Policy Guidance. In relation to emergency service drivers, the guidance states:

"Whilst there is no reason in principle why offers, (of Safe and Considerate Drivers Course), should not be made to emergency service drivers following on duty incidents these cases pose a particular dilemma in so far as a higher standard of driving than can be offered by the SCD scheme may be trained for and expected. It may be that in-house remedial driver training is more appropriate under the circumstances than the SCD Course. This is a matter for individual Chief Constables' discretion".

The following summarises the position for NYP:

- before any decision can be taken in relation to whether an offending emergency service driver should be referred to the scheme, the general referral criteria **MUST** apply. The first stage is to decide whether the incident is one that is suitable for referral, if so, then this guidance should be consulted as to which option to take
- in accordance with the above, the file in relation to all NYP employees involved in a blameworthy road traffic incident will be referred to the NYP Police Vehicle Collision Panel.

- the DDM reviewing the file will comment as to the suitability of the SCD, having regard to the referral criteria. The NYP Police Vehicle Collision Panel will provide an element of independent scrutiny, and will advise as to the most appropriate course of action
- if a referral is considered the most appropriate disposal, then the officer or member of support staff involved will be offered a place on the SCD. This will be provided by external service providers
- officers/staff referred to the SCD will be asked to pay the appropriate SCD fee
- cases involving police officers and police staff from other forces will be dealt with in the same manner as any other member of the public

Responsibilities

Operational Officers/Police Staff

- evidence gathering in relation to the collision/incident
- preparation and submission of the case file papers to the Prosecution Team in accordance with manual of guidance standards

First Line Supervision

- guide and advise investigating officers in process
- quality check case files, taking remedial action where required prior to signing as suitable for submission to the Prosecution Team

Dedicated Decision Maker

- review file and make decision applying set criteria
- mark up file and refer to the Prosecution Team Officers.

Prosecution Team Officers

- act upon DDM's instructions
- monitor case progress through to finalisation, taking action as appropriate
- updating case management systems

Area Commanders

- ensure force policy and procedure is followed

Definition of Special Terms N/A