

Document 29

National Driver Offender Retraining
Scheme (NDORS) briefing 12/12/07

NDORS Briefing



National Driver Offender /
Retraining Scheme



The UK National Driver Offender Retraining Scheme (NDORS)

1. Origins and evolution

- 1.1. The National Driver Offender Retraining Scheme originated from a recommendation made by Dr Peter North (Sir Peter North) in his Road Traffic Law Review of 1988. This report commissioned by the Department of Transport, made many recommendations that are now part and parcel of normal enforcement. The first course was designed by Devon and Cornwall Constabulary together with Devon County Council and was known as the Driver Rectification Course. This course was taken up incrementally by forces across the whole of the UK and its evolution paved the way for today's NDORS.
- 1.2. The regime itself was never put on the statutory footing envisaged by Dr North. This left the police to develop the policy behind the regime. The general philosophy behind NDORS, is that motorists may be diverted from the prosecution system where their driving amounts to a lapse of concentration or an error of judgement. The police decide, generally applying the public interest test whether or not to divert the offender to a course. The offender can choose from a course venue anywhere that offers the national course despite the location of the offence being different. They must pay for the cost of the course and the time to attend. On completion of the course, the original offence lapses and there is no further action taken in relation to it except they are excluded from attending a similar course for three years and their name is placed on the national DORS database. If the offender defaults on the offer the case reverts to normal process.

2. Legitimacy of NDORS

2.1. Legal legitimacy

- 2.1.1. From the outset, it was decreed by a legal opinion, that the power to divert someone from prosecution rested with the common law power of discretion vested in the office of Constable. This legal opinion was reinforced in 2010 when services of a senior QC were commissioned to review the legal basis of the NDORS regime as it stood in 2010. The QC produced a report that went far beyond legitimising the common law power, by making commentary on the wider public interest being applied to NDORS, and generally concluding that diversion to these courses should be an option of first choice for a police officer or decision maker.

2.2. Political legitimacy

- 2.2.1. NDORS has always been supported by the various governmental administrations as it evolved. Latterly in 2010, the Parliamentary Secretary of State Mike Penning MP wrote to the SRO for road policing, Chief Constable Mick Giannasi giving his full support to NDORS and education for suitable motorists being a more favourable route than prosecution. Maintaining focus on robust enforcement against the high-risk high harm offender was still very important. The Governments "Strategic Framework for Road Safety" (May 2011) recognises education as a key theme throughout the framework as being a more appropriate disposal option for those who make mistakes where it is more effective than financial penalties and penalty points. There is an intention to authorise a fixed penalty for careless driving and for this to be subject of two new courses covering this type of behaviour. There is a published commitment by the DFT to work with the police and the DSA on this initiative.

2.3. Organisational legitimacy

- 2.3.1. In 2007/8, a full business case was put before ACPO Cabinet and Council to seek full endorsement by ACPO of the regime. ACPO agreed that it could support forces offering a suite of national course and at the same time recover the police costs of administering the process from detection to course completion from the offender in a similar vein to other restorative justice initiatives. This was further endorsed by ACPO Chief Constables Cabinet and Council in January 2011
- 2.3.2. Education as a way of dealing with suitable offenders features in the ACPO 2011-2015 Policing the Roads Strategy, *Satisfying Safety – Reducing Risk*. It seeks to fundamentally change the philosophy in how the discipline is delivered by focusing on harm reduction in the application of its strategic goals: safer roads, habitual compliance, public confidence/satisfaction and an educational alternative to prosecution.

3. Current course provision

3.1. National Driver Alertness Course (NDAC)

- 3.1.1. This course is a replacement for the obsolete and original National Driver Improvement Course. It is pitched at those motorists who have been involved in a minor collision, where the offence amounts to careless or inconsiderate driving. The course duration is one day and involves a mixture of classroom and practical driving.

3.2. National Speed Awareness Course (NSAC)

- 3.2.1. This course is classroom based and of four hours duration. It is aimed at a motorist who has been caught exceeding the speed limit within the 10% +2 mph to 10% +9 mph bandwidths, in circumstances that are considered suitable for education and in all environments (with the exception of 20 mph zones and limits)

3.3. National RIDE course (Rider Intervention-Developing Experience)

- 3.3.1. This course is bespoke and suits the needs of the motorcyclist (or powered two wheeler). The course itself is one day's duration, classroom based, and covers a range of offending activities (except speeding where a Speed Awareness Course is a more suitable intervention)

3.4. National Seat belt Course (Your Belt-Your Life Course)

- 3.4.1. This course which will be delivered predominantly by a web based application or for those who are found infringing the legislation on the wearing of seat belts and restraints. For those cannot or choose not to access the web may complete the course utilising a workbook as an alternative.

3.5. Driving 4 Change Course (non-collision)

- 3.5.1. This course is for the driver who demonstrates careless or under performance. It is being introduced predominantly to cater for officer observed due care type offences not involving a collision. The course caters for a whole range of offences. After being piloted in four forces and the preliminary evaluation supports it is "fit for purpose".
- 3.5.2. The decision to offer this course which lasts for 2 hours 15 minutes with two clients per course is all based on road, and should always be based on an objective assessment of the offender's act or omission as to whether it amounts to a lapse of concentration, an error of judgement, a general mistake, or a lack of awareness of the law pertaining to the offence that he or she has



committed, that has not had wider consequences (i.e. a collision) where infringement causation factors are considered to be skill based

3.6. What's Driving Us Course (non collision)

3.6.1. The What's Driving Us Course is base in the classroom and last 4 hours and is for those drivers where the evidence suggests that by an act or omission their mischief was intentional or deliberate i.e. the driver knew their actions amounted to an offence and/or where infringement causation factors are considered to be attitudinal.

3.7. General:

3.7.1. Successful attendance and completion of any of these courses will disqualify the offender from attending a similar course under the NDORS three year rule.

3.7.2. As with all NDORS courses, the officer or decision maker must decide whether or not the offender's actions amounted to high risk or high harm, (taking into account all the evidence and the attendant circumstances surrounding the nature of the offending as well as the environment in which the offence took place). If a driver's actions amounted to causing or having the potential to cause high risk or high harm, then they must be a rigorously pursued through the criminal justice system and prosecuted and an NDORS course is inappropriate.

4. Course development and evaluation

4.1. There is a Strategic Course Development Group made up of leading academics in the field of driver behaviour and education as recognised by the DfT. These academics are supported by leading practitioners in driver education, together with the DSA. The group's responsibilities are to engineer suitable interventions to meet the needs of the service and to provide advice on robust quality evaluation to make sure that any course NDORS offers is fit for purpose and defensible. They are funded by the central levy.

5. Academic legitimacy.

5.1. National Driver Alertness Course. (NDAC)

5.1.1. The NDAC achieves the same benefits as National Driver Improvement Course (NDIS) did, but in a shorter time period. Clients report a one-day course as more acceptable than a one-and-a-half-day. There is limited evidence that the course is more effective in drivers than in riders, which influenced the decision that RIDE is the diversionary course for errant motorcyclists.

5.2. National Speed awareness Course (NSAC)

5.2.1. The research provides evidence that the National Speed Awareness course produces positive changes in attitudes with drivers perceiving fewer advantages and more disadvantages of speeding. The course makes it easier for clients to identify the speed limit for the area in which they are travelling and produces greater intentions to drive within the speed limit in the future. Previous research for the Department for Transport showed that clients who were not offered a course did not show these increases. These changes are maintained at follow-up, indicating that the course provides clients with continued protection. The course produces approximately the same effects in males as in females with the exception of beliefs about how bad speeding is: the



course helps males to "catch up" with females so that they view speeding in urban areas as just as bad as females do.

- 5.2.2. A total of 99% of clients who responded at follow-up reported that they had changed their driving after attending the course, notably driving more slowly, being more aware of the road environment and of their speed, and feeling less stressed while driving. While a minority (9%) described how they had found it difficult to break their driving habits, and that they sometimes felt pressure from other drivers to speed up, particularly on motorways, the majority (90%) reported that they had not experienced any difficulties in applying what they had learnt.

5.3. National RIDE Course.(Rider Intervention Developing Experience)

- 5.3.1. RIDE participants have very positive responses to the course with nearly all reporting that it gave them a better understanding of the hazards riders face on the roads and that it provided them with information and knowledge to help them ride more safely. They are confident that they can apply what they have learned on the course. They also agreed or strongly agreed that the course helped them to identify their own bad riding habits and that they had acquired new skills that will help them become a safer rider. A total of 82% reported that the course will change their riding.

6. Funding of NDORS

- 6.1. NDORS is funded on a local level by the offender paying for the cost of the course, set by the local police force in conjunction with their preferred course supplier. The police costs are met by a levy being imposed on each and every offender completing the course (currently £40 for Speed Awareness, Driving 4 Change and What's Driving Us? and £20 for National Driver Alertness and RIDE). This levy is collected by RSS Ltd (NDORS Ltd) as catered for within the business case of 2008. All but £5 from this levy is returned to the originating force by RSS (NDORS Ltd) to fund the cost recovery.
- 6.2. The £5 from this levy is retained by RSS Ltd (NDORS Ltd) on behalf of the police service to cover many aspects such as the invoiced costs of RSS Ltd in administering the business support to NDORS, the costs of the DORS database and development, and further costs incurred for course development, licensing, assessments and evaluation. Any excess is held by NDORS Ltd and must be spent on road safety.

7. DORS (Driver Offender Retraining System)

- 7.1. Offenders being offered and accepting a national course under the national NDORS arrangements are disqualified from accessing a further national course for the same type of offending for a period of three years following the date they complete a course. In order to facilitate the management of this policy, the NPIA commissioned an IT system which is known as the DORS and which sits and links with other national police systems. The costs of running and further developing this system are met from the central levy.

8. Course procurement

- 8.1. NDORS courses are developed by the Strategic Course Development Group. They are translated into a deliverable course using assets from both the current service providers and external resources. The specification for these courses is then available for a Police Authority to procure a course provider to deliver the NDORS service concession under a contract to that force. Most



forces have a contract in place with a course provider to deliver the national courses to the national specification, collect and provide the force enforcement and central levy. Courses are delivered from public and private sector suppliers.

- 8.2. The National Association of Driver Intervention Providers (NADIP) was formed to compliment the continuous development of NDORS course provision and to disseminate good practice amongst current and potential course suppliers. It is the sole association for course providers delivering services under NDORS. www.driver-improvement.co.uk

9. Governance

9.1. National Governance Board.

- 9.1.1. The NDORS Governance Board provides independent scrutiny of NDORS income and expenditure, advice and alternative views to ACPO on the corporate management and development of all non-statutory driver offender retraining schemes. Full membership is made up from ACPO, DFT, Home Office, DSA, PSNI (on behalf of the police service and the Northern Ireland government) independent members, (PACTS and a leading academic). Observer members are from the Scottish Police service and the Procurator Fiscal for Scotland. This governance arrangement is currently being amended and a new Governance Board will exist later in 2013

9.2. Licensing

- 9.2.1. The NDORS course provision, standards and accreditation, ownership and operation was subject to a risk assessment in conjunction with the NDORS corporate solicitors. It was broadly concluded that the current situation was high risk and could be better regulated and controlled if a licensing regime was introduced. A full licensing regime has been drawn up which regulates and quality assurance course provision. This will be introduced in 2012 and will provide the assessment and monitoring necessary to evidence and ensure all courses meet the standards required of the local contracts

End.