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**Driver Improvement Scheme
Standard Operating Procedure**

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3.00	Changes made to reflect 'Rider Intervention Developing Experience' Course for motorcyclists within Driver Improvement Scheme	05/07/2016

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1. Purpose

- 1.1. This Standard Operating Procedure (SOP) supports the Police Service of Scotland, hereafter referred to as Police Scotland, Policy for Road Policing.
- 1.2. The Driver Improvement Scheme incorporates the National Driver Alertness Course (NDAC) which is used to provide an alternative to prosecution for drivers charged with a contravention of the Road Traffic Act 1988, Section 3 (careless and inconsiderate driving). Although the majority of these offences will involve non-injury collisions, other examples of careless or inconsiderate driving may also be considered. Depending on the circumstances, certain minor injury collisions, or instances where a minor lapse in concentration was apparent may also be considered appropriate grounds to request referral to the scheme. NDAC should be considered for persons driving motor vehicles of any class with the exception of motor cycles. A separate course has been developed for motor cyclists, which is known as Rider Intervention Developing Experience (RIDE).
- 1.3. Deliberate or serious acts of carelessness would not be suitable for either scheme and should be dealt with by other means such as a Conditional Offer of Fixed Penalty or Standard Prosecution Report (SPR) in the normal manner. Further guidance in this respect can be found within the Lord Advocates Guidelines on the reporting of cases to the Procurator Fiscal for offences under section 3 of the Road Traffic Act 1988.
- 1.4. In suitable cases, the Procurator Fiscal (PF) will divert the accused from prosecution and offer the opportunity to take part in the scheme by attending the NDAC or RIDE.

2. Process/Procedure

- 2.1 Where a person has been charged with a contravention of the Road Traffic Act 1988, Section 3 (Careless and Inconsiderate Driving), the reporting officer should consider suitability for diversion to the NDAC/RIDE and will submit an SPR in the normal manner. The report will contain the officer's opinion as to whether participation in the NDAC/RIDE would be appropriate.
- 2.2 The SPR must disclose a sufficiency of evidence in respect of the charge. It is imperative that in all cases the circumstances would have merited a report to the PF.
- 2.3 When speaking to an accused person, officers must not make reference to the scheme or the possibility of referral, as the decision to refer rests with the PF.
- 2.4 Where a driver has been issued a Conditional Offer of Fixed Penalty for contravention of the Road Traffic Act 1988, Section 3, and fails to comply with that offer, they cannot be considered for participation in the NDAC/RIDE.

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- 2.5 The PF may refer the accused to the NDAC/RIDE only where the following criteria are met:
- There is sufficient evidence to support prosecution;
 - The only offence being considered for prosecution is careless driving;
 - The driver holds a full Driver and Vehicle Licensing Agency (DVLA) driving licence.
- 2.6 Subject to the above criteria, any accused person normally resident in Scotland, England or Wales is eligible for referral to the scheme.
- 2.7 Drivers (including professional drivers) of any type of motor vehicle, including motorcycles, are eligible for referral to the scheme. Professional driver status, such as holders of LGV/ PCV licences, or the type of vehicle concerned should be taken into account by the reporting officer, particularly when assessing the suitability of the accused for the scheme. The holders of Provisional motor cycle licences who have passed their Compulsory Basic Training (CBT) course are also eligible. The fact they have recently passed a driving test does not prevent them from being referred.
- 2.8 An accused person whose first language is not English is eligible for participation in the scheme, further guidance in respect of offenders whose first language is not English can be found in the Interpreting and Translating Services SOP. The reporting officer will specify the preferred speaking language and dialect, the preferred language for written correspondence, and include comments in the remarks section of the SPR in order to allow the necessary arrangements to be made.
- 2.9 It is essential that the reporting officer provides an opinion as to whether the circumstances are appropriate for the accused to be offered a place on the NDAC.
- 2.10 In the “Remarks” section of the SPR, the reporting officer will outline the reasons for or against the accused being referred to the NDAC/RIDE and **will** conclude with the sentence **“In my opinion, given the circumstances of this incident, the accused is/is not suitable for referral to the National Driver Alertness Course/Rider Intervention Developing Experience.”**
- 2.11 Factors supporting a referral may include the following:
- Poor driving skills;
 - Incompetence;
 - Lack of basic driving knowledge; and
 - Lack of experience.

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2.12 Factors against referral may include the following:

- The incident was a result of the accused's medical condition;
- The incident was a result of deliberate and extreme risk taking by the accused; and
- The accused refused to accept being at fault.

3. Additional Offences

3.1 Where there are additional offences that have contributed to the manner of driving, the circumstances should form the basis of a single charge of careless driving and not as separate charges. This will allow the PF to divert the accused to the NDAC/RIDE.

3.2 If, in addition to careless driving, documentary offences, vehicle defects or other non-contributory offences have allegedly been committed, the driver would not be eligible for referral, and separate offences should be libelled and reported in the usual manner.

4. Reporting Timescales

4.1 It is vital that reports are submitted to the PF as quickly as possible and in any case within 28 days of the offence. This is crucial as, in the event of the accused failing to attend or complete the course, the PF may decide to proceed to prosecution. Proceedings must be commenced within the statutory six month period.

5. Case Category

5.1 Where the reporting officer is of the opinion the accused is suitable for referral to the NDAC/RIDE, the specific charge code selected MUST be:

- RTAO198800030002-RTA 1988 CARELESS DRIVING (NON-FATAL)(DRIVER IMPROVEMENT)

6. Scheme Format

6.1 Where the PF considers that diversion to the scheme is the appropriate disposal, they will refer the accused to the scheme service provider. The service provider will write to the accused person offering the opportunity to participate in a course. Should the accused accept the offer, they will be required to pay a fee, and to attend and complete the course within 16 weeks from the date of the offence. If they decline to attend the course or, having accepted the offer, fail to pay or attend, the case will be referred back to the Procurator Fiscal, with sufficient time to allow consideration for a prosecution

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within the statutory six month period.

- 6.2 Under the terms of the NDAC recommendation the participants will receive a 1 day combined classroom and on road educational intervention addressing driver behaviour and raising road safety standards. RIDE however, will only provide a 1 day classroom based modular workshop (no practical element.)

6.3 Maintenance of Records

- 6.3.1 An accused person will be eligible for taking part in the scheme only if they have not received a previous offer of participation in the scheme anywhere in the UK in the 3 years prior to the date of the offence. It will be the service provider's responsibility to establish whether the accused person meets the criteria by enquiring with the National Driver Offender Retraining Scheme (NDORS), which maintains a separate UK database specifically for this purpose.
- 6.3.2 Where the accused person has received a previous offer within this period, the Procurator Fiscal will be informed and prosecution will usually follow. The service provider is responsible for providing DVLA with details of persons who have completed the course.

List of Associated Legislation

- Road Traffic Act 1988, Section 3 (Careless and inconsiderate driving)

List of Associated Reference Documents

Policies

- Road Policing Policy

Standard Operating Procedures

- Interpreting and Translating Services SOP

Guidance

- Lord Advocate's Guidelines - Driver Improvement Scheme
- Lord Advocates Guidelines - Reporting of cases to the Procurator Fiscal for offences under section 3 of the Road Traffic Act 1988.

Appendix 'C'

Glossary of Terms

NDAC	National Driver Alertness Course
DVLA	Driver and Vehicle Licensing Agency
NDORS	National Driver Offender Retraining Scheme
RIDE	Rider Intervention Developing Experience
CBT	Compulsory Basic Training
PF	Procurator Fiscal
SPR	Standard Prosecution Report
PF	Procurator Fiscal