Careless Driving – Use of Fixed Penalty Notice

In July 2013 the Government will introduce a fixed penalty notice for careless and inconsiderate driving; it is likely that this will result in an increase in the use of the national driver offender retraining scheme (NDORS) courses; What’s Driving Us and Driving for Change. It is necessary to provide guidance to help consistency and fairness and this guidance will cover the use and diversion to education.

The NDORS courses for careless driving have been developed and previously rolled out. Forces must provide/use both courses together to avoid claims that either deliberate or mistaken behaviours are being dealt with inconsistently.

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Government Strategic Framework for Road Safety

Educational Interventions for Offenders

Education can be more effective than punishment in avoiding reoffending for some lower level violations that have taken place through a mistake or a lack of awareness. Our priorities are:

To divert more people guilty of minor road traffic infractions into remedial training, as an alternative to prosecution, by increasing the range of offences that have an educational alternative.

To work with the police and other agencies to develop effective national models for remedial courses that can be taken locally and are linked to the national standards for safe and responsible driving.

Careless Driving

In recent years convictions for careless driving have fallen significantly without evidence of a corresponding improvement in driver behaviour. To address this we intend to introduce a fixed penalty notice for careless driving to make it more efficient and less time consuming for the police to enforce. Providing the option of a fixed penalty notice for the offence would enable more people to be offered rehabilitative education to combat behaviour such as ‘tail-gating’ or ‘undertaking’. Some offenders would continue to be summoned to appear in court and we are not proposing to change the boundary between careless and dangerous driving. The latter will continue to always be dealt with by a court appearance. We will develop robust guidelines to ensure that the circumstances in which a fixed penalty notice is appropriate are clearly defined.

With the introduction of courses and fixed penalties for low harm careless and inconsiderate driving there are five ways in which a driver who commits an offence could be dealt with:

**Summons** – the driver chooses whether to plead guilty and accept the fine awarded or not guilty and attend the Magistrates Court for the case to be heard and decided. This would be appropriate for the most extreme cases where the finding of guilt would necessitate a court to consider the level of fine and points awarded.

**Summons with offer of driver offender retraining** – the offender is reported at the roadside for summons (short form similar to FPN, Traffic Officer Report (TOR)). In the back office, having considered the level of offending, a decision is made whether to offer a NDORS option (Driving 4 Change or What’s Driving Us). If the offender is eligible (no previous course within the preceding 3 years), the course is accepted and attended successfully, the matter is closed as ‘no further action’ with the offender added to the DORS database. The offender may refuse the course and request a hearing, where a summons will be issued as above.
**Fixed Penalty** – if a fixed penalty ticket is offered by the officer the offender may choose to accept the fixed penalty, request summons to Court and then plead either guilty, accepting the court fine, or not guilty and the case is heard and decided. These will be the low harm cases referred to later in this guidance.

**Fixed Penalty with offer of National Driver Offender Retraining** – in this scenario when a Traffic Offence Report or similar is used at the roadside, the offender will be given a conditional offer fixed penalty, or the officer may issues a roadside fixed penalty (not the preferred option as it does have a level of bureaucracy that hinders the offer of a course). When submitted to the “back office” a decision will be made as to whether the situation meets the criteria (not possible with a roadside FPN) and if it does, the offender will be offered an NDORS option. If the course is accepted the matter is closed as ‘no further action’, on completion the offender is added to the DORS database.

The offender may refuse the course or fail to complete and either accepts the conditional offer fixed penalty, is summoned if the course is not completed or if the offender requests a hearing; on receipt of the summons they may plead guilty and accept the fine awarded by the court or plead not guilty and the evidence be heard and the case decided by the Magistrate.

**Warning and no further action** – the officer may feel advice is appropriate and warn the driver before finalising the offence as no further action.

When would the fixed penalty and summons routes be used?

The introduction of the fixed penalty is not intended to alter current situations where serious offenders are summoned to Magistrates Court and all current levels of offending where summonses are progressed are expected to remain as is. The intention is that other, lower level careless driving offences, currently either ignored or simply dealt with by way of warning or advice, are considered for a fixed penalty or conditional offer fixed penalty notice; and that in the most appropriate cases, and in fact the majority of cases, the offender offered driver education.

The use of either a simple ‘report for process’ notice, recently introduced traffic offence report or fixed penalty (Conditional Offer the preferred way as a fixed penalty issued at the roadside does not lend itself to driver diversion and back office decision processes) rather than a full prosecution file will, we hope, reduce the time and in suitable cases the bureaucracy for officers, thereby increasing the opportunity for more investigations and reporting of those lower level careless driving offences and place the majority into driver education. If successful, there may be an improvement in compliance levels and safer driving/improved standards thus reducing the number and severity of collisions.

As mentioned previously the intention is to raise the number of offences identified and the action taken by the police against inconsiderate and lower level aggressive driving, to improve overall driving standards and reduce the number of times other road users are endangered or inconvenienced by careless and inconsiderate driving.

Report for process (not an easy process), fixed penalties or conditional offer fixed penalties will be issued in situations that are observed by police officers where there are no victims, no collisions and no public complaint, and not those which are only witnessed by other drivers or road users or after collisions (these being summoned before a Magistrate as now). As previously outlined, it is intended that fixed penalty situations will in most scenarios be converted to a period of driver training. The officer at the roadside must not intimate or offer a course as this can only be done when DORS has been checked for a previous offer/attendance.

Officers at the scene should have considered the offending and the need for summons or fixed penalty/traffic offence reports, the police decision makers in the ‘back-office’ will need to consider the cases submitted on merit, comparing the behaviour with the following guidelines and then
considering the criteria for each course to ensure the diversion of the offender meets the desired outcome.

**REPORT/CONDITIONAL OFFER/FIXED PENALTY NOTICE - OFFICER OBSERVED LOW LEVEL CARELESS DRIVING OR ALL INCONSIDERATE DRIVING.** Situations of lower level aggressive and inconsiderate driving where other drivers are not unduly affected, such as driving too close to the vehicle in front, failing to give way at a junction (no evasive action by another driver) overtaking and forcing into a queue of traffic, wrong lane at a roundabout, ignoring a lane closed sign and forcing into an orderly queue, lane discipline such as remaining in lane two or three when lane one is empty and there is no other vehicle to overtake, inappropriate speed, wheel spins, hand brake turns as well as other similar careless driving manoeuvres.

**REPORT/SUMMONS – INCLUDING OFFICER OBSERVED, WITNESSED ONLY AND COLLISIONS.** Situations of more aggressive driving where other drivers are endangered or have to take real evasive action, such as fast overtakes and lane hopping/weaving with other driving having to evade, pulling out in front of other moving vehicle that needs to brake, overtaking and causing the approaching vehicle to brake or take evading action or pulling in causing the overtaken vehicle to brake or swerve, wrong lane at roundabout causing another vehicle on the roundabout to brake or swerve, staying in lane two or three with vehicles behind being held up or forced to pass on nearside and other similar situations.