

HERTFORDSHIRE COUNTY COUNCIL

HIGHWAYS CABINET PANEL

FRIDAY, 21 OCTOBER 2016 10:00 AM

Agenda Item No:

4

PROVISION OF NATIONAL DRIVER OFFENDER RETRAINING COURSES

Report of the Chief Executive & Director of Environment

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1. Purpose of report

- 1.1 To inform Members of the progress being made in the provision of Driver Offender Retraining Courses and potential opportunities for the council to seek further revenue from the business.

2. Summary

- 2.1 In 1996 Hertfordshire County Council was the third organisation to launch Driver Offender Retraining Courses in the UK. This was a local initiative run in partnership with Hertfordshire Police.
- 2.2 In 1997 as courses became more widely available nationally, offenders could attend a course anywhere in the UK where a scheme was available. Today, with the support of Government, National Driver Offender Retraining Scheme (NDORS), courses are offered by all police forces to drivers in lieu of prosecution for minor road traffic offences.
- 2.3 Last financial year, 2015/16, 41,641 drivers attended one of 1,891 courses delivered by Hertfordshire County Council. This generated a turnover of £3.7m.
- 2.4 The county council is fully licenced and audited by the National Police Chiefs' Council governing body for such courses, NDORS Ltd, and enjoys a high reputation for its courses at a regional and national level.
- 2.5 The Government has published plans to introduce a new course for offenders driving on motorways and to increase the penalties for some low level traffic offences from 3 to 4 penalty points and from £100 fixed penalty to £150, making the alternative offer of attending a course (which range from £85 to £145) more attractive. When implemented this is likely to see a further increase in numbers attending courses.

- 2.6 It is worth noting the large national increases in the numbers of drivers attending training courses and the revenue generated by the schemes is coming under scrutiny. In particular the impact and effectiveness of the approach compared with penalty points and the use of surplus revenue generated by the courses is being questioned.

3. Recommendations

- 3.1 The Cabinet Panel is invited to note the report.
- 3.2 The Cabinet Panel endorse the continuing investigation of alternative service delivery models, with the aim of establishing a more formal approach to the provision of driver offender retraining courses and the ability to consider future opportunities.

4. Background

- 4.1 National Driver Offender Courses are the 'property' of the National Police Chiefs' Council (NPCC) managed by their company, the National Driver Offender Retraining Scheme, NDORS Ltd.
- 4.2 NDORS is a scheme unique to the UK, where a motorist who commits a low level / minor traffic offence, e.g. speeding or using a mobile phone may be offered the opportunity to attend a course focusing on re-education which is designed to achieve greater compliance with Road Traffic legislation. These courses are in lieu of a fine and licence penalty points and those attending are charged a fee.
- 4.3 Each police force appoints one "Service Provider" to deliver courses in their force area. Service Providers are drawn from either the private or public sectors and can be subject to a competitive procurement process.
- 4.4 Service Providers are "Licensed" to NDORS Ltd and must satisfy their criteria in areas such as recruitment, course content validation, data protection, course administration, trainer competence and monitoring of trainers, equalities etc. A licence will be renewed every 2 years subject to a satisfactory assessment and audit.
- 4.5 Hertfordshire County Council is a fully licenced NDORS Service Provider and is the appointed supplier of courses to Hertfordshire Police.

5.0 Current Situation

- 5.1 There are currently six different courses available under the NDORS scheme, each dependant on the nature of the offence committed or the class of vehicle used. In some cases, where for example the margin of speeding was significantly higher than the posted limit, a course may not be offered.

5.2 NDORS currently do not prescribe what a provider should charge for a course, although guidance is provided. Hertfordshire County Council's prices reflect those suggested by NDORS. Other providers do charge more and discussion is underway at a national level to standardise fees charged;

| COURSE | OFFENCE | COST TO CLIENT |
|--|---|----------------|
| National Speed Awareness Course (NSAC) | Exceeding a posted speed limit | £85 |
| National What's Driving Us? (WDU) | Non collision due care offences e.g. Using a mobile phone (behavioural) | £85 |
| National Driver Alertness Course (NDAC) | Driving without due care (incident involved a collision) | £145 |
| National Driving 4 Change (ND4C) | Non collision due care offences e.g. Misuse of lanes (skill based) | £85 |
| National Rider Intervention Developing Experience (aka RIDE) | Driving without due care for motorcyclists only | £95 |
| National Speed Awareness Course 20 (NSAC20) | Exceeding a 20mph posted speed limit | £85 |

5.3 Hertfordshire County Council is licenced to deliver all of the courses, with officers in the Driving Training Team holding NDORS Instructor's and Trainer's qualifications. The council was the third authority in the country to run these courses when it launched the National Driver Improvement Course in July 1996. Key milestones in the running of these courses can be found in Appendix A.

5.4 There are currently 24 accredited service providers covering the UK; 3 private sector providers, 6 police force and 15 council providers. They are represented by The National Association of Driver Intervention Providers, (NADIP)¹. NADIP works with NDORS in the development of new courses, writing the audit protocol and to ensure the standards and consistency of courses throughout the UK. NADIP is the NDORS training body to provide all Instructor and Monitor training.

¹ Ian Powell, Team Leader, Road Safety Training Team is the current chair of NADIP

- 5.5 Participation and attendance on Hertfordshire County Council courses has reached 200,000 clients since 1996. The increase in attendance over the years reflects national figures and last financial year the authority ran 1,891 courses that were attended by 41,641 clients. See Appendix B.
- 5.6 Course administration, registering clients onto courses and receiving payment is outsourced to Serco's Customer Service Centre. The courses themselves are delivered by professional driver trainers who are all recruited via an open, competitive, contract procurement process (and are not Hertfordshire County Council employees). They are supported by the Driver Training Team to gain / maintain their qualification.
- 5.7 Courses are held at six venues throughout the county, Broxbourne, Cheshunt, Hatfield, Hitchin and two venues in Watford and 6 days per week, Mondays to Saturdays. Occasional smaller and more specialised courses are held at County Hall.
- 5.8 All clients attending courses will complete an evaluation form before leaving the class. Feedback has been overwhelmingly positive, with many taking the trouble to write or send an e-mail complimenting the trainers and the county council. Complaints on the actual courses, trainers and administration are rare.
- 5.9 Attendance at courses has to be carefully monitored including ensuring all clients remain in the class and engaged throughout. Failure to attend or an overtly negative approach is reported and an offender may be required to take a fixed fine and penalty points or to re-attend. There are also limits set to the numbers of times a course is offered to repeat offenders.
- 5.10 The option of re-training and a course is a judgement made by the police and in some circumstances this would not be offered to an offender e.g. excessive speeding. Attendance at courses is optional in that offenders can opt to pay a fine and accept penalty points instead.
- 5.11 An evaluation of the national driver alertness and national driver improvement scheme courses was published by Brainbox Research in 2010 which stated "both courses have produced positive changes in attitudes, confidence to drive safely and intentions to drive safely in the future". In 2011 Brainbox was commissioned to evaluate the national speed awareness course scheme. They concluded that the research "provides evidence that the 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".
- 5.12 Take-up for the courses is influenced by their cost and location. Strategically located venues which are easy to access or on or near the county boundary attract clients who have been offered courses by police forces other than Hertfordshire, effectively increasing our business;

| <u>Course</u> | <u>'Referred' by forces other than Herts</u> |
|---------------|--|
| NSAC | 28% |
| WDU | 45% |
| NDAC | 56% |
| ND4C | 40% |
| RiDE | 70% |

6.0 Finance

6.1 Summary of income and expenditure (£'000s) for 2015/16

| | | |
|--------------|-------------------|-------|
| Gross Income | | 3,703 |
| Expenditure | NDORS | 1,635 |
| | Local Venues | 289 |
| | Serco Payments | 181 |
| | Trainers | 409 |
| | Staff costs (HCC) | 167 |
| | Materials | 67 |
| | Interpreters | 8 |
| | | 2,756 |
| Net Income | | 947 |

6.2 Currently spend on discretionary road safety activity in the Transport, Access & Road Safety Group in 2016/17 is in the region of £1.4m and includes school crossing patrols, road safety education, cycle training and the safety camera partnership. Safety related engineering and others significant areas of safety related activity are undertaken and funded in the Highways portfolio (in addition to the work in Transport, Access & Road Safety).

6.3 £40 of each client's course fee is paid to NDORS, £5 for their administration and £35 to the referring police force to cover their back office costs. It is worth noting that the surplus made by the police is reinvested in to a road safety fund (estimated at c.£0.5m in the current financial year).

7.0 Equalities Impact Assessment

- 7.1. There are no equalities issues arising from this information report.
- 7.2 All courses take account of any special or individual client needs to ensure everyone attending can fully participate and learn from their experience. Venues are picked to ensure they are fully accessible in terms of wheelchair access etc., interpreters are provided where required and other adjustments are undertaken where necessary to allow the option of a course to be available to all drivers/riders (including for example being able to pay via instalments).
- 7.3 Course information and booking details including information on any special requirements for attendees is available on the new website pages; <https://preview-hcc.contensis.com/Preview/1/services/highways-roads-and-pavements/speed-awareness-and-driver-training/national-driver-offender-retraining-courses/national-speed-awareness-course/national-speed-awareness-course.aspx>

8.0 Opportunities / Risks

- 8.1 In its paper, "Working Together to Build a Safer Road System, British Road Safety Statement", (December 2015), the Department for Transport said, *"That the vast majority of first time offenders will not incur a fixed penalty notice or penalty points but will instead be offered an educational course. Whether to invite a motorist to a course is at the discretion of the police"*.
- 8.2 The same paper published plans to introduce a new course for offenders driving on motorways and to increase the penalties for some low level traffic offences from 3 to 4 penalty points and from £100 fixed penalty to £150, making the offer of attending a course a more attractive option.
- 8.3 On its website NDORS state that 1.4m drivers attended a retraining course last year. The national trend looks likely to increase as further courses are added and a consultation has taken place proposing an increase in fixed penalty (£100 to £150) for certain traffic offences e.g. use of a mobile phone for which clients are offered a What's Driving Us course. A copy of the NDORS table of course attendance is given in Appendix B.
- 8.4 Hertfordshire Police works with the Bedfordshire and Cambridgeshire Police Forces in respect of Roads Policing. Currently the Bedfordshire and Cambridgeshire Forces have a contract with AA DriveTech, a private company, to deliver courses in their areas. These contracts are due to expire in the next couple of years and there may be potential for the Hertfordshire Road Safety team to bid for this service if the police adopt a packaged approach across the tri-force area and look to one provider to deliver courses. If that were the case a bid from Hertfordshire County Council would be necessary if it wanted to continue to operate in this area.
- 8.5 Because of the quality of service provided, the established record of good management, the fact that courses are delivered by the public rather than

private sector and proven competence of the Hertfordshire Road Safety team in delivering courses, the service is in a strong position to bid for this 'business' if necessary. That said a more commercial and competitive approach would be needed to compete against others who may be interested. It would also be essential to ensure the service continued to cover all costs and any expansion of the course beyond the county boundary was not to the detriment of the Hertfordshire 'offering'.

- 8.6 To date the team have not had to compete for business and a more commercial and/or formal approach carries risks as well as opportunities e.g. failure to secure a contract. Work is underway to consider options and a business model that would allow a positive and considered response to such opportunities. It is anticipated this will be the subject of a Panel report in due course as it becomes clearer how best to develop the 'business'.
- 8.7 The Alliance of British Drivers along with others is questioning of the effectiveness of courses and the use of surplus revenue generated from fees. Recent press coverage suggests the Department for Transport (DfT) are considering the future of the driver offender retraining scheme although it is unclear what direction any review may take.

Appendix A

A HISTORY OF NATIONAL DRIVER OFFENDER RETRAINING COURSES IN HERTFORDSHIRE

Background

The National Driver Offender Retraining Scheme (NDORS) originated from a recommendation made by Dr Peter North in his Road Traffic Law Review of 1988. Sir Peter stated that “It must be in the public interest to rectify a fault rather than punish the transgressor” and “Retraining of traffic offenders may lead to an improvement in their driving particularly if their training is angled towards their failings”.

Devon and Cornwall Constabulary in partnership with Devon County Council were first to take up this challenge by piloting the first “Driver Rectification Course”.

Key Milestones

- 1995 Devon and Cornwall Constabulary invited police forces from across the UK to attend a seminar at the Devon Drivers Centre, Exeter to promote the scheme and encourage a wider take up. Two officers from Hertfordshire Constabulary attended the event. Enthused by the presentation the officers asked the Hertfordshire County Council Driver Training Team if it could work in a similar partnership arrangement with them to provide courses for the residents of Hertfordshire.
- 1996 A document titled “Procedures and Practices” was drawn up by Hertfordshire Constabulary and Hertfordshire County Council detailing the roles and responsibilities of each partner.
- 1996 In the “Hertfordshire Transportation Road Safety Plan Review 1996” Hertfordshire Police stated “The Driver Improvement Scheme was launched on 1st April 1996 – another joint initiative between the Police and the County Council” and “The scheme will be entirely managed by the Road Safety Unit, with the police identifying appropriate candidates”.
- July 1996 The first “Driver Improvement Course” was run in Hertfordshire. It was attended by 6 clients. The scheme was only available to drivers referred by Hertfordshire Police.
- December 1996 ITV Anglia News gave the scheme publicity in a short news item. As one of only three forces supporting the scheme at this time it was a good news story and encouraged other police forces to follow suite. It stated that “Other forces were studying the Hertfordshire experiment closely”.

- 1997 The Driver Improvement Scheme became National as the number of participating police forces increased. The management of the National scheme was initially co-ordinated by the Department for Transport.
- 1998 The Association of National Driver Improvement Scheme Providers (ANDISP) was formed from representatives of each Service Provider who delivered courses on behalf of a police force. Hertfordshire was represented on the first management group and from 2004 to 2010 acted in the role of National Secretary for the Association.
- August 2006 The National Speed Awareness Course was launched in Hertfordshire. This was a one-day course for clients that involved both in-class and practical on-road training.
- 2007 ANDISP commissioned an independent auditor, previously with the British Standards Institute, to design an audit protocol to measure the performance of service providers in the administration and delivery of courses.
- April 2009 Hertfordshire was formally audited and scored an “excellent”.
- Sept. 2009 NDORS introduced major changes to the central administration of the scheme. It took over the checking of client’s driving licences from the Driver Vehicle Licensing Agency (DVLA) and levied a charge per client to be paid to the referring police authority to support related back office functions. NDORS launched its on-line “DORS” database whereby police forces were required to register their Service Provider and the termination date of any contract, SLA or MOU that they might have. By agreement and in consideration of a reasonable amount of time for the county council to recoup its investment, Hertfordshire Police registered our partnership to 1st January 2020. This appears on the National DORS database.
- 2010 Brainbox Research published a research paper “Comparison of Driver Alertness and the National Driver Improvement Scheme”, in which Hertfordshire is attributed as being involved. The report concluded that the “research provides evidence that both courses have produced positive changes in attitudes, confidence to drive safely and intentions to drive safely in the future”.
- 2010 Following a change in constitution ANDISP was rebranded as the National Association of Driver Intervention Providers (NADIP).

- January 2011 the practical in-car training element of the National Speed Awareness Course was removed leaving a 4 hour in-class course.
- April 2011 The National Driver Improvement Course was revised and rebranded as the National Driver Alertness course.
- July 2011 Brainbox Research published an evaluation of National Speed Awareness courses. The report concluded that the, “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 (Stephenson et al., 2010) showed that clients who were not offered a course did not show these increases”.
- October 2011 Hertfordshire was one of three partnerships involved in piloting the National Driving 4 Change course. This was launched nationally in July 2012.
- June 2012 Course administration, booking clients onto courses and receiving payment was outsourced to SERCO.
- July 2012 Hertfordshire ran its first National What’s Driving Us? Course.
- October 2013 Hertfordshire ran its first National Rider Intervention Developing Experience, RIDE course.
- December 2013 NDORS appointed a team of contracted external “Assessors” to monitor the performance of Service Providers for the purpose of introducing a licencing regime to ensure their suitability and performance. Hertfordshire was commissioned by NDORS to train the assessors over their initial three day training course.
- June 2014 Hertfordshire County Council was audited by NDORS in its procedures and practices as a fit and proper organisation to continue to act as a Service Provider on behalf of a police force and rated as ‘fully compliant’.
- November 2015 NDORS introduced the Licencing of Service Providers to ensure the organisations appointed by police forces to administer and deliver courses on their behalf are fit and proper to do so. Hertfordshire County Council received confirmation of its licence.

- July 2016 Hertfordshire Police appointed Hertfordshire County Council as its Service Provider of NSAC 20 Courses. The contract with Hertfordshire Police runs until 1 January 2020 in common with all other courses.

NUMBER OF CLIENTS ATTENDING NDORS COURSES IN HERTS

| <u>YEAR</u> | <u>NO. CLIENTS</u> | <u>% ANNUAL INCREASE</u> |
|--------------------|---------------------------|---------------------------------|
| 1996/97 | 275 | |
| 1997/98 | 437 | |
| 1998/99 | 472 | 8% |
| 1999/00 | 459 | -3% |
| 2000/01 | 570 | 24% |
| 2001/02 | 380 | -33% |
| 2002/03 | 369 | -3% |
| 2003/04 | 337 | -9% |
| 2004/05 | 356 | 6% |
| 2005/06 | 374 | 5% |
| 2006/07 | 1,746 | 367% |
| 2007/08 | 6,553 | 275% |
| 2008/09 | 9,104 | 39% |
| 2009/10 | 9,060 | 0% |
| 2010/11 | 7,346 | -19% |
| 2011/12 | 19,093 | 160% |
| 2012/13 | 24,334 | 27% |
| 2013/14 | 26,057 | 7% |
| 2014/15 | 38,413 | 47% |
| 2015/16 | 41,641 | 8% |
| TOTAL | 187,376 | |

**Appendix B
NATIONAL DRIVER OFFENDER REHABILITATION
SCHEME
HERTFORDSHIRE**

| Calendar Year | NSAC | NDIS/NDAC | RiDE | ND4C | WDU | NSAC20 | YSYL | TOTAL |
|---------------|--------|-----------|------|------|-------|--------|------|--------|
| 2010/11 | 7,095 | 251 | 0 | 0 | 0 | 0 | 0 | 7,346 |
| 2011/12 | 18,788 | 293 | 0 | 12 | 0 | 0 | 0 | 19,093 |
| 2012/13 | 23,805 | 324 | 0 | 95 | 1,653 | 0 | 0 | 24,334 |
| 2013/14 | 21,948 | 317 | 17 | 74 | 3,701 | 0 | 0 | 26,057 |
| 2014/15 | 34,305 | 293 | 16 | 87 | 3,712 | 0 | 0 | 38,413 |
| 2015/16 | 37,470 | 284 | 10 | 81 | 3,796 | 0 | 0 | 41,641 |

* NSAC20 course introduced in Herts July 2016

NATIONAL

| Calendar Year | NSAC | NDIS/NDAC | RiDE | ND4C | WDU | NSAC20 | YSYL | TOTAL |
|---------------|-----------|-----------|-------|-------|---------|--------|--------|-----------|
| 2010 | 447,724 | 19,424 | 453 | 0 | 0 | 0 | 0 | 467,601 |
| 2011 | 772,430 | 20,441 | 651 | 167 | 0 | 0 | 0 | 793,689 |
| 2012 | 926,101 | 21,601 | 590 | 978 | 10,724 | 0 | 3,633 | 963,627 |
| 2013 | 953,432 | 20,210 | 920 | 1,701 | 65,031 | 0 | 29,864 | 1,071,158 |
| 2014 | 1,185,860 | 21,272 | 1,001 | 2,748 | 99,668 | 1,380 | 43,867 | 1,355,796 |
| 2015 | 1,207,570 | 21,236 | 986 | 2,924 | 123,397 | 8,229 | 39,213 | 1,403,555 |

Reproduced from the NDORS website

* www.ndors.org.uk

** NSAC National Speed Awareness Course
 NDAC National Driver Alertness Course was National Driver Improvement Scheme in 2009
 RiDE Rider Intervention Developing Experience

| | | |
|--------|---|---|
| ND4C | National Driving for Change | |
| WDU | What's Driving Us? | |
| NSAC20 | National Speed Awareness Course in 20mph areas | |
| *** | YSYL | Your Seat Belt Your Life Centrally administered on-line course) |