



Force Policy

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Introduction

The driving of vehicles for police related purposes on the public roads can attract close scrutiny. The highest standards are expected from the police service and from individual officers, police staff and police support volunteers (PSVs) at all times. As a service, the police are expected to set the right example to others, regardless of the nature of any particular incident or role in which vehicles are being used and regardless of the demands placed upon individual drivers as they perform their duties.

There is an over-riding need to ensure the safety of the public as well as that of staff. It is essential that all police drivers have the correct training and are authorised to drive the vehicles that they are required to use to perform their individual role.

In addition, the intention is to prevent collisions involving members of the service and to give ready guidance to all staff, including investigating officers, managers and drivers, on a wide range of aspects. Included will be expected standards of driving, guidance in the event of collision, possible actions and sanctions available to deal with issues of culpability by drivers and preventative measures that can be taken to minimise future collisions.

The purpose of this policy is to: -

- Improve driving standards.
- Enhance public confidence.
- Reduce the number of police vehicle collisions and incidents of damage.
- Ensure that transparency and consistency is the goal during any collision investigation.
- Ensure appropriate action is taken against any party.
- Ensure all health and safety aspects, including near misses, are investigated thoroughly and reported on accordingly.
- Recover losses from third parties.
- Monitor the collision history of police and police staff drivers through established protocols and the introduction of a 'penalty point system'.
- Identify and address any training needs in order to reduce the risk of further collisions.
- Collect data for statistical purposes.

Application

This policy provides all drivers with clear instruction in relation to the driving of vehicles whilst on police duty. This includes all police officers, police staff, agency staff and special constabulary officers who: -

- Regularly use motor vehicles insured by the force ie any motor vehicle owned, hired, loaned, sponsored or otherwise used on police business.
- Use a privately owned motor vehicle on force business and claim travelling expenses.
- Are required to drive on an ad hoc basis (eg if they occasionally use a hire car or fleet vehicle).

Procedures

For the purposes of this policy, all staff driving on police business will fall into one of the following categories: -

- Basic.
- Response.
- Advanced.

The policy encompasses the following requirements:

- Eyesight standards.
- Medical conditions.
- Driver documentation.
- Vehicle classifications.
- Driver authorisation, levels and classification.
- Refresher training.
- Driver authorities and penalties.
- Vehicle checks and maintenance.
- Police vehicle collisions.

Any breach of the requirements outlined in this policy may result in suspension from driving and disciplinary proceedings.

Driving licences and other documents

Staff are responsible for ensuring they drive at all times in accordance with a valid driving licence and that any endorsements, convictions or disqualifications from driving are reported immediately to the Professional Standards Department (PSD).

It is the responsibility of the post holder to ensure their vehicle is roadworthy, well maintained, has a current MOT and their insurance covers them for business use. Providing a copy of an insurance certificate is no longer necessary. PSVs are also responsible for ensuring that their vehicle insurance covers the use of their vehicle while volunteering for the force.

Police officers and police staff must, by virtue of the Police (Conduct) Regulations 2004 and the Formal disciplinary procedure guidance for police staff report any proceedings for a criminal offence being taken against them to their line manager. This includes traffic offences particularly where notification is received of an intention to prosecute for speeding and the imposition of penalty points.

The line manager will risk assess the suitability of the member of staff to continue to drive on police business, endorse the report and forward to PSD department at headquarters.

Eyesight standards

Police officers, police staff and PSVs who are required to drive a vehicle on a regular basis as part of their role must undergo an eyesight test every two years. For police officers and police staff the cost of this will be reimbursed.

Eyesight tests, carried out by a registered ophthalmic optician, will include an examination of the eye and be to the following standards: -

Basic	The Road Traffic Act eyesight test - to read a number plate from a distance of 20 metres (65ft) either aided or unaided, in good daylight.
Response and Advanced	Must conform to the standard described on force form 2851b.

When a test discloses that a force employee who drives a vehicle as part of their duties requires vision aids for driving purposes only, such vision aids must be worn when driving on police business.

It is the responsibility of the individual to ensure they have a current eyesight check. Any drivers who fail to have an eyesight check within three months of the date due will be suspended from driving police vehicles or other vehicles on police business until a satisfactory eyesight test has been completed.

Anyone failing to meet the requirements in their category must not drive until corrective treatment has been obtained and demonstrated.

Drivers using privately owned vehicles will ensure that their eyesight complies with the requirements of the Road Traffic Act.

Medical conditions

All drivers must ensure that they notify their line manager if their driving licence is withdrawn or becomes subject to conditions imposed by DVLA. No member of staff should drive if they are advised not to by a doctor and members of staff must adhere to the advice given in connection with the taking of any prescribed medication that may affect their ability to drive e.g. may cause drowsiness etc.

Drivers who have been diagnosed with insulin treated diabetes must inform their line manager of the diagnosis and should be referred to the force occupational health team. In recognition of DVLA advice such drivers will not be permitted to drive emergency vehicles in response situations until a medical risk assessment has been conducted. The medical risk assessment should be carried out by occupational health to assess the risks and establish the level of police driving permitted for that individual.

Driver classifications

Drivers using police insured vehicles may only drive vehicles for which they are qualified.

Basic

Drivers will be assessed as competent and capable of driving to a basic level upon successful completion of the College Learn e-learning 'Basic Driving Assessment' package and production of their driving licence to the line manager who can then authorise them to drive any police vehicle up to a 3.5T liveried or un-liveried but not on response.

Basic is a term which describes driving which by its nature visibly represents the force. For

example, basic drivers will be permitted to drive overt, liveried police vehicles and wear police uniform which the public would recognise as uniform.

Regular police officers and independent special constables will be authorised to conduct a compliant vehicle stop upon successful completion and assessment of College Learn 'Compliant stopping of vehicles package' which MUST be signed off by a supervisor having assessed the officer on two practical 'on Road' stops.

Response

In addition to basic driver authorisations, response drivers are trained and authorised to drive marked low/intermediate performance police vehicles in an operational response capacity.

Initial Phased Pursuit

In addition to response driver authorisations, Initial phased pursuit drivers are trained and authorised to drive Medium Performance (Specifically identified vehicles) to conduct the initial phase of a pursuit. This cannot be undertaken in a standard vehicle.

Initial phase - This is the period of a spontaneous pursuit before tactical resolution can be considered and actioned. Pursuit trained drivers with suitable vehicles may be authorised to offer assistance (such as placing a stinger) by an appropriate member of staff from the communications room, but standard protocol will be to withdraw from the pursuit once the tactical phase commences – there is no authority to take an active part in tactical resolution. Tyre deflation systems may be used in the initial phase.

Advanced

In addition to response driver authorisations advanced drivers are trained and authorised to drive marked and unmarked high performance police vehicles in an operational response and pursuit capacity.

Unmarked Vehicles

Response drivers can use unmarked vehicles fitted with emergency blue light equipment to conduct routine enquiries and compliant stops on vehicles only. Response drivers cannot claim any exemptions whilst using the unmarked vehicles and they should not be used in an Operational response capacity or to travel 'immediate' to any incident.

Driver Training

All classes of driver can utilise Low / Intermediate and High Performance marked / unmarked vehicles in both Operational response capacity and routine driver training mode, claiming necessary exemptions where necessary, when under supervision and direction of a Driver Training Unit instructor / examiner when engaged on an approved Driver Training course.

Advanced Vehicles

Can be driven by response drivers to a BASIC authority – as above.

Response Motorcycles

To be trained as a motorcyclist you must first undergo a hearing test and be a qualified advanced driver. This gives you more experience on reading roads, assessing hazards, dangers and a thorough understanding of Roadcraft.

Response motorcyclists will be assessed annually and any remedial training provided if required. They will also do a refresher course every two years. Additionally they will be required to undergo a hearing test once per year. The expectation is for progression to an advanced motorcyclist after successful completion of at least 200hrs riding over a rolling 12 months and a minimum of no less than 12 months experience.

Advanced Motorcycles

Advanced motor cyclists will be assessed annually and any remedial training provided if required. They will also do a minimum of 2 days training every 2 years.

If the rider does not undertake a refreshment drive, they will lose their advanced and response authorisation on the expiry date.

If any remedial training is identified by a one day refresher prior to the expiry of the authorisation period, the officer will be offered a refresher training course, if this course is cancelled by the officer, a further appointment will be made, should this again be cancelled or not taken up by the officer, they will lose their advanced and response authorisation. The authorisation will not be reinstated as an advanced or response rider until such time as they have demonstrated their competence to such a level to driver training school.

Only advanced Motorcyclists will be allowed to perform 'off road' training and riding

Driver restrictions

Sections 5 and 6 of the Police, Courts, Sentencing and Crime Act 2022 amended the 1988 Road Traffic Act tests for the offences of dangerous and careless driving respectively so that in determining whether an offence has been committed a designated person's standard of driving is compared to that of a competent and careful constable who has undertaken the prescribed training, and therefore has the same skills. The new test applies where the designated person is driving for police purposes (or, in the case of NCA, law enforcement purposes) and has undertaken the prescribed training.

Section 87 of the Road Traffic Regulations 1984 exempts fire brigade, ambulance, members of the National Crime Agency (NCA) and any vehicle being used for police purposes from speed limits if observance would hinder the use of the vehicle for the purpose for which it was being used on that occasion. Any occasion where the speed limit is exceeded and by what extent, must be fully justifiable. The following restrictions based on the level of training that the officer has received will be adhered to: -

- holders of a Basic driving authority are allowed to drive police vehicles on enquiries and use emergency equipment to conduct compliant vehicle stops (upon successful completion and assessment of compliant stop training) only. The vehicle may not be used to respond to incidents of an urgent nature. Emergency equipment fitted to the vehicle (blue lights and sirens) may not be operated whilst the vehicle is in motion other than when conducting a compliant vehicle stop. Emergency equipment MUST not be used to facilitate the officer getting into a position to request a compliant stop (no overtaking turning round

or making ground on the subject vehicle). If in these circumstances a vehicle fails to stop then the driver must turn off the emergency equipment and must not pursue the vehicle.

- Any force owned vehicle can be used by any officer as long as they are covered to drive that classification of vehicle on their driving licence. However, they must not use the vehicle outside of their driving authority.
- Holders of a response driving authority can claim exemption under Section 87 in appropriate circumstances, There still remains a statutory requirement to maintain safety margins and legal exemptions for police do not include driving at a speed or in a manner which could amount to driving without due care and attention

The law, as defined in statute by the Road Traffic Act 1988, prohibits dangerous and careless driving. This applies to police officers as well as the public. Police officers must exhibit the care and skill of a competent and careful driver, the standard by which an officer's driving is judged.

Officers must be able to show justification, proportionality and necessity for their driving actions including speed based on the circumstances of the incident being attended while also driving within the limits of their own ability.

Officers are reminded that their driving standards are expected at all times to be exemplary.

Officers should be mindful that exceeding the speed limit may be observed by members of the public and prompt a complaint.

Holders of a **Response** or **Initial Phased pursuit** authority or **Advanced** driving authority have no upper limit under the Section 87 exemption, but they must be able to fully justify their speed.

Any officer deemed to be using this exemption without due justification or where it is not proportionate to the circumstances may face disciplinary action, be subject to the points panel or a driving development plan.

Response trained Officers who receive a specialised and individual input from Driver Training in relation to their core role may utilise unmarked vehicles on response driving if essential for role.

There are a number of Chief Officers and Senior Commanders who may be required to attend/respond to critical incidents; this small group of people will be individually assessed and provided with the appropriate level of training and skills to carry out this task and may use marked / unmarked vehicles as appropriate.

Whilst a person driving or riding in a vehicle for police purposes has an exemption in law to the wearing of a seatbelt, the force policy is that seatbelts will always be worn in accordance with legislation, except where this would compromise personal safety whilst transporting prisoners.

Response Driver Training

Officers can apply for Response driver training for their role. They must undergo a 3 week

course which will explain the system of Police driving and show safety checks required on vehicles.

The instructor will give daily feedback on progress clearly identifying areas for development. The officer will be required to pass a written examination on 'Roadcraft' and the 'Highway Code'.

The instructor will conduct progress drives to ensure the officer can progress to the next stage of the course. During the Response week, the officer must provide three consistent drives prior to being nominated for their final drive. Any failure to complete the final drive will result in the officer reattending for further tuition on a refresher course.

Driver Probationary Period

On successful completion of a Response driving course, officers and staff will enter a probationary period of driving for a period not exceeding 12 months. This is to ensure that a consistent, safe, methodical and practical application of the system is maintained in live scenario's.

During this time, officers are expected to maintain the same high level of care as other trained drivers, however, should an incident of poor driving or a collision occur which attracts 5 or more points (see points system below), then the officer / staff member will revert back to being a 'basic driver'.

At this point the officer / staff member must wait a minimum of 1 month and have line manager approval, prior to applying for a response 1 week refresher driving input via Force training where a driver action plan will be issued. They will remain a 'Basic' driver until successful completion of this course.

Refresher Training

The force recognises its responsibilities under the Health and Safety and Welfare at Work Regulations and its duty of care to members of staff with the importance of initial and refresher training both to refresh and update skills in line with changes in technology, national policy and policing methods.

Any driver using force insured vehicles or their own vehicles on police business, whose driving is thought to have fallen below the standard required prior to the expiry date of their relevant authorisation, may be required to have refresher training. It is every line manager's responsibility to notify the force driving school of such members of staff. The driving school will arrange for a refresher and recommend any action.

Response and advanced drivers will be re-assessed every five years and any identified training needs will be addressed by further training, which may range from a short refresher course to a full re-course if appropriate. To minimise the risk to the individual and the organisation, if this further training has not been completed within 6 months of the notification of the requirement for further training the driver will revert to a basic driver level.

Advanced driver training

Anyone applying for a role where advanced driving is an essential criteria must undergo a 4

week advanced driving course, or refresher if they are already qualified. During the course, the instructor will give daily feedback on progress clearly identifying areas for development.

At the end of week three, the student will have a driving assessment by an independent instructor to ensure that progression is being made and any development areas are targeted during week 4.

In week 4, the student needs to provide three drives to the advanced standard before being considered suitable to sit the advanced driving test. Any student deemed unsuitable for test at the end of week 4 will be removed from the process with an action plan which will last for 12 or 18 months. They will then need to reapply for the post on completion of the action plan to be reconsidered for a further course. Any officer who is unsuccessful in the test will be eligible for a further period of instruction of two weeks duration. The candidate will be provided with feedback after each drive and continual improvement must be made. If there is insufficient improvement then the candidate will not be put forward for a second test and will be removed from the process with an action plan which will last for 12/18 months with a need to reapply for the post once this has been completed. The same is true for anyone who is unsuccessful during the test following the two week additional training course.

A candidate will be unsuccessful in the test if: -

1. they commit a road traffic offence. If this is done on one occasion then the examiner will allow the test to be done again on the same day. If there are repeated offences then the candidate will be eligible for the 2 week additional training.
2. if the instructor feels it is necessary to intervene on the grounds of safety, the candidate will be entitled to attend the further 2 week training course.

Vehicle daily checks and maintenance

Drivers of any vehicle, including their own, have a legal responsibility for the vehicle that they are driving to ensure that it is in a legal and safe condition before using it on a public road.

Furthermore, a vehicle provided by Derbyshire Constabulary and all its equipment, is 'work equipment' under the Provision and Use of Work Equipment Regulations 1998 (PUWER). Every employer shall ensure:

- Work equipment is maintained in an efficient state, in efficient working order, in good repair and;
- If the equipment is exposed to conditions causing deterioration liable to result in dangerous situations, it shall be inspected at suitable intervals, to ensure health and safety conditions are maintained and to enable detection and remedy of deterioration.

Section 7(2) of the Health and Safety at Work Act 1974 requires and employee to co-operate with an employer to enable them to comply with these duties. Furthermore, Section 7(1) places a duty on an employee to take reasonable care for the health and safety of themselves and of others who may be affected by their acts or omissions.

Road Traffic Regulations take precedence over health and safety legislation where relevant but it should be noted that PUWER is very wide reaching in its terms and definitions and may well include aspects not covered under road traffic law.

It is force policy that all police and hire vehicles will use a log book. It is the driver's responsibility to fill this out every time a vehicle is used. The driver's entry in the log book will be the evidence that the vehicle checks have been completed; if not, an entry should be made in the comments box as to the reasons why.

It is now also force policy that the driver of the vehicle must scan the telematics system with their Borer card to identify the driver prior to use.

Failure to fill in the log book will constitute a disciplinary offence.

All drivers must, before using a police vehicle, carry out the following checks (the only exception this being to attend an immediate commitment before the checks can be carried out - in this case the checks must be done at the first opportunity): -

F – Fuel – Ensure the vehicle has sufficient fuel / charge for your tour of duty.

O – Oil – Check the vehicle to ensure sufficient level of oil

W – Water – Check the vehicle to ensure water levels are correct.

D – Damage - Visual examination of the vehicle for any damage.

E – Electrics - Check the operation of all the standard vehicle lights and emergency lights.

R – Rubber - Check the condition of the tyres for visual damage, wear and pressures

Any damage or defect found on examination of a vehicle must be reported to a supervisor (or the hire company if a hire car) who should make arrangements for repair.

In addition to the above daily checks, every fleet vehicle must be subject to a weekly full inspection in accordance with the inventory check and inspection schedule for that vehicle. Such schedules are available from fleet management on request.

Vehicle classifications

Definition of a police vehicle - Any motor vehicle owned, hired, loaned or otherwise used for the purposes of Derbyshire Constabulary and includes those vehicles covered by force insurance or an individual's private business insurance.

The force operates a diverse fleet of vehicles of different types and performance to meet operational policing needs. Vehicles are classified according to their performance and attributes in line with national recommendations and local best practice.

The Home Office national framework arrangements for the supply of police vehicles details the categories and specification of vehicles that are used for police purposes. The three main categories are: -

- Low performance.
- Intermediate performance.
- High performance.

In addition to the above categories for passenger cars there are a number of other specialist types that require driver familiarisation or training before anyone can use these vehicles, the appropriate driver authorisation for these is detailed on Form 2658 - Authorisation to Drive, issued to all drivers.

All police vehicles prominently display a sticker in the cab which denotes the category of vehicle and the level of authorisation required to drive it. A corresponding sticker will also be affixed to the vehicle's log book. No member of staff will drive a police vehicle for

purposes which they do not have the appropriate authorisation. It is the responsibility of each individual member of staff to ensure that they have the relevant authority to drive the vehicle in question.

These classifications do not apply to privately owned vehicles.

Fatigue and driving

Driving whilst tired can result in devastating consequences and research has shown that shift workers are potentially at risk of being involved in collisions whilst driving at work or returning home from work. The organisation recognises that it has a duty of care to its employees to ensure their health and safety. Likewise, individual members of staff have a personal responsibility to manage their own fatigue levels. Supervisors should take steps to minimise the onset of fatigue upon their staff, for instance; by allocating appropriate refreshment breaks and ensuring they are taken; sharing driving duties or limiting long periods of solo driving and raising their staff's awareness of the risk in driving whilst tired.

Individual members of staff are best placed to know their levels of fatigue, dependent upon their circumstances and it is their responsibility to manage this and inform supervisors if they are feeling excessively tired.

Police vehicle collisions

General principles

The purpose of this section is to act as a guide to all staff involved in a collision. The policy sets out the investigation state and supervision required by investigating officers. It applies to all members of staff driving police owned vehicles (including hire vehicles) and members of staff using their own personal vehicles for police business.

Police vehicle collisions

Any incident at any location where injury is caused to any party or where damage was caused to any vehicle or property and that incident was owing to the presence of a police vehicle, police officer or member of staff. The definition of police collision is wider than a road traffic collision and may include:

- Actual collisions involving a police vehicle.
- Pursuits where the third party crashes without contact with the police vehicle.
- Third party collisions resulting from manoeuvres to avoid a police vehicle or member of staff. In such cases this would relate to specific positive actions such as attending an incident, etc rather than merely being 'present'.
- Damage only to the police vehicle.
- Collisions on private property.
- Deliberate acts on behalf of a police driver (operational damage). Operational damage may result from a pre-planned manoeuvre which must be authorised in accordance with the [Authorised Professional Practice \(APP\) pursuit policy](#) or from a spontaneous manoeuvre. In either case the actions must be proportionate, reasonable and justifiable.

It does not include:

- Criminal damage to police vehicles.

- Windscreen damage.
- Punctures.
- Where the journey is merely travelling to or from the place of work in a private vehicle and the driver/rider is considered 'off duty'.

Matters such as those above should be reported to a supervisory officer and Form 2595 - Police Vehicle Collision Damage Report completed by the driver and endorsed by a supervisor before submission to fleet management.

Police collision category

Your private insurance provider may require the disclosure of all collisions you are involved in, including work related ones. It is your responsibility to ensure that such disclosure is provided to your insurance company. If you are uncertain as to whether your insurance company will require such information, then you should contact your insurance provider for guidance.

It is for the investigating/supervisory officer to decide in which of the following categories a police collision will fall. Descriptive terms for injuries etc will mirror the categories on force forms.

Category 1 police collision

Any police collision at any location which results in: -

- Fatal injury to any party, or;
- Serious injury to any party, or;
- The police vehicle being a likely write off, or;
- Extensive damage to a third party vehicle or property.

In the case of police collisions involving a pursuit, fatality, life threatening or serious injuries, the investigating/supervisory officer will be a roads policing supervisor.

Where it is considered that the standard of driving of any party has departed from the standard of care and skill that would, in the circumstances of the case have been exercised by a reasonable, prudent and competent driver, particularly if any party has been killed or seriously injured, then that driver should, in the absence of exceptional mitigating factors be reported accordingly and a full prosecution file prepared.

The attendance of a collision investigator and other specialist units should be considered. Any collision involving fatal, life threatening or serious injuries will be jointly investigated by Roads Policing and PSD. However, the collision manager, roads policing shall make the final decision on the member of staff's culpability in respect of 'driving at work'.

Category 2 police collision

Any police collision, not falling into category 1, where: -

- Damage to a police vehicle such that the vehicle will be out of commission for immediate repairs, or;
- Any reportable collision under Road Traffic Act, Section 170, or;
- Section 170 Road Traffic Act has not been complied with ie fail to stop and report, or;
- Allegations are made against the police driver, or;

- Injuries are caused to the driver of that vehicle.

Those collisions involving injury to any party should be attended by a roads policing supervisor, however, it is accepted that this may not be practicable. If this is the case, contact should be made at the earliest opportunity with the roads policing supervisor for advice.

Following any police collision whereby damage has been caused, an assessment must be made in relation to the condition of the vehicle and a safety check must be considered prior to further use of that vehicle. The vehicle must be recovered if driving that vehicle would cause further damage.

Where it is considered that the standard of driving of any party has departed from the standard of care that would, in the circumstances of the case have been exercised by a reasonable, prudent and competent driver, particularly where injuries have been suffered, then that driver should be reported accordingly and a full prosecution file prepared.

Further considerations

Staff involved in police collisions have the same legal responsibilities as any other driver under the Road Traffic Act 1988, that is, they must stop and exchange details etc. However, as the definition of police collision is wider than that of Road Traffic Act 'accident' there are some situations where the organisation places additional duties upon the drivers of police owned vehicles: -

The driver must stop and report collisions which do not involve contact with the police owned vehicle, but which result from the presence of the police involved vehicle (vicinity collisions where, for example, a member of public in a private car has a collision with a third vehicle whilst getting out of the way of a police car on an emergency call).

There may be exceptional circumstances where the urgency of attendance of the police involved vehicle justifies either not stopping, or stopping but not remaining. However, the more serious the collision the less likely it will be to justify such action. In any case, the incident must be reported at the time to the force control room.

Investigating officer

The investigating officer should be an officer of at least the rank of sergeant including an acting rank, who was not a passenger in the vehicle involved in, nor witness to, the incident.

Supervisory officer

Where the driver of the vehicle is a police officer, the supervisory officer should hold a supervisory rank, including acting rank, higher than the driver of the police vehicle. Where the driver is not a police officer it can be any investigating officer. It does not include a police officer holding a supervisory rank who was a passenger in the vehicle involved in, nor witness to, the incident.

Culpability

The culpability of the member of staff shall be classified as either avoidable or unavoidable. A police collision or any other driving incident shall be considered avoidable if the member of staff is in any way at fault, whether or not the circumstances and action of the driver lead

to the question of a prosecution being considered unless the police collision is recorded as 'operational damage'.

Collision manager

The chief inspector, roads policing, is designated as the force collision manager. Their role is to act as independent reviewer of all police collisions, with the ultimate goal of reducing collisions whilst providing an independent, transparent, decision making process.

Investigation

All police collisions will be reported immediately to the force control room and brought to the attention of the relevant supervisor for the area concerned. An investigating officer will attend the scene for the purposes of scene management and immediate investigation of the collision. Where the driver is of a lower rank than the investigating officer, or is a member of police staff etc. the investigating officer shall deal with all aspects of the police collision as a supervisory officer. Where the driver is of an equivalent or higher rank than the investigating officer and the police collision is: -

- Considered to be avoidable on the part of the member of staff, a supervisory officer shall take over the investigation as soon as possible; or
- Considered to be unavoidable on the part of the member of staff, a supervisory officer shall review the papers submitted by the investigating officer in order to support the recommendation therein;
- After review of an unavoidable collision, the collision manager should undertake the finalising review before submission for no further action.

Where the police collision forms part of a criminal investigation into other matters by any party the investigating/supervisory officers shall ensure that any interview carried out by themselves takes into account any driving offences and that the appropriate charges etc. are put to the driver involved.

Where the police collision was out of force it should also be reported to a supervisory officer in force on return, who should confirm that the incident has been dealt with by the relevant force and if not, investigate themselves.

Where operational matters preclude the attendance of an investigating/supervisory officer at a collision, the facts of the matter shall be reported at the earliest opportunity to a supervisory officer.

The driver of any police owned vehicle involved in a collision shall, within the provisions of legislation, be required to provide a preliminary test for alcohol and drugs.

Where the driver of a police owned vehicle supplies an evidential sample above the prescribed limit, or has supplied samples for analysis, or other circumstances make it appropriate, PSD must be informed.

Further considerations for the investigating/supervisory officer

It is the responsibility of the investigating/supervisory officer to fully investigate each incident and carry this investigation to its logical conclusion.

Attention must be given to the following matters once the initial scene has been preserved and secured:

- The duty of care to persons involved is paramount, inappropriate statement taking/interviews could jeopardise future proceedings.
- If the collision is fatal or life threatening the investigation will be the responsibility of the collision investigation unit.
- If the collision is serious the investigation will be the responsibility of roads policing unit, vehicles must be examined by vehicle examiners.
- Vehicle examiners will examine any vehicles where there is any allegation of defects by the driver.
- Consideration should be given to seizing mobile phones and airwave terminals.
- Log books should be checked and exhibited if necessary.
- Consider the need to categorise as a critical incident.

Suspension from driving police owned vehicles

It is the responsibility of the investigating/supervisory officer to consider whether or not it is necessary to suspend a member of staff from driving immediately. Drivers should not be routinely suspended but it is for the investigating supervisory officer to make a reasoned judgement on the facts available.

The purpose of suspension is to allow an objective assessment of the drivers training needs to be undertaken and to protect the force from possible litigation. Suspension is not to be viewed as a punishment or an acceptance of culpability by the force on behalf of the driver. It allows an opportunity to review all the circumstances before permitting the driver to drive again. The question of suspension must be an objective one concerned solely with the circumstances and outcome of the police collision and the individual driver.

The decision must not be influenced by extraneous factors such as shortage of drivers etc. A member of staff will be considered for suspension from driving following a collision or other driving incident where either: -

- It is considered that the standard of driving has fallen far below what would be expected of a competent and careful driver and it would have been obvious to a competent and careful driver that driving in that way would be dangerous, then that driver must be suspended from driving.
- It is considered that the standard of driving has departed from the standard of care and skill that would, in the circumstances of the case, have been exercised by a reasonable, prudent and competent driver, then that driver may in the absence of mitigating factors, be suspended.
- If there is prima facie evidence of a driving offence likely to lead to prosecution of that driver, then that driver may in the absence of mitigating factors, be suspended.
- There is evidence that the driver's ability, for example, the number of penalty points on their driving record, is such that remedial training is necessary, then that driver should, in the absence of mitigating factors, be suspended.
- Where it is necessary to further investigate the incident to ascertain the full facts, but it seems likely that it will fall into one of the categories, then suspension shall be as for that appropriate category.

Any disciplinary offences must also be considered where the incident is such that, the manner of driving is outside that permitted by the driver's classification, or, the type of vehicle being driven was not authorised within the driver's classification, or the manoeuvre

was not an authorised one. In such cases it would be appropriate to notify PSD.

Where an investigating/supervisory officer has immediately suspended a driver, that suspension shall remain in force until the driver passes a refresher course with driver training school. Whilst they are awaiting this refresher the officer remains a 'Basic driver'. Where an officer has not been suspended but the circumstances are such that it appears that they should have been, a clear explanation of that decision will be recorded by the investigating/supervisory officer and the officer's line manager. Any cases that cannot be resolved should be referred to the divisional commander for arbitration.

Where a driver has not been suspended from driving immediately, the driver's divisional commander must actively consider, having regard to the circumstances and outcome of the police collision and the driver's driving record, the need to suspend.

In the event of a suspension, the driving school and the driver's HR manager will be informed in order for that fact to be recorded accordingly on their records.

Any member of the organisation who is suspended from driving duties will be redeployed to non-driving duties for the period of the suspension.

Procedures on submission of papers

Any collision involving a Police vehicle will be reviewed by a Points panel, who meet once a month to collectively review collisions at the request of the Collision manager. It comprises RPU Inspector, RPU Support Sergeant, Fleet manager together with a senior member of Driver Training and a member of the Police Federation.

On receipt of the paperwork the panel will consider the following:

- The need to prosecute any party in consultation with CPS.
- The culpability of the member of staff.
- The number of penalty points to be awarded where the finding was 'avoidable'.
- The lifting of any suspension from driving and any training implications.
- Health and safety implications.
- Any breaches of policy.

The need to prosecute any party

Except where a party has already been charged with an offence, the head of department, roads policing shall consider any prosecution file. Where it is considered that there is no requirement to prosecute the file shall be endorsed appropriately. Where there is prima facie evidence of an offence by any party and proceedings are felt to be justified the prosecution file shall be sent to the CPS for their consideration.

In cases where no prosecution file has been submitted but the circumstances are such that there is prima facie evidence against a member of staff, the collision manager may seek the views of CPS as an independent arbiter. In this way the force is, and is seen to be, impartial in dealing with its own staff.

Driving records and penalty points

The force HR system will maintain driver's history, which will include points awarded and suspensions. This system feeds into DMS and C&C, so any suspension will automatically

withdraw driver's qualifications. If there is any doubt over a driver's current status and authorities a record check on DMS must be made. Out of hours this check can be performed by FCR inspector.

Driving records - the collision manager and operational support, having considered the available evidence in relation to a police collision or other driving incident, shall record the police collision or incident as either avoidable or unavoidable.

The penalty points system is complimentary to this policy and does not replace the immediate suspension from driving system contained within this document. The penalty points system should also hear cases whether or not a local sanction has been awarded in order to provide a consistent approach to standards. The points system augments this document by identifying long term training needs and the need to improve the standard of driving within the force.

Penalty points will be awarded as below on an ascending basis, please note it is not necessary for ANY damage to have been caused as a result of the driving

Standard of driving has departed slightly from the standard of care and skill that would in the circumstances of the case, have been exercised by a reasonable, prudent and competent police trained driver of the same classification. Such incidents may include

- Reversing collisions.
- Poor nearside and offside judgement.
- Striking roadside furniture, no visible damage.
- Following too close (minimal damage).
- Grounding vehicle (minimal damage).
- Failure to check vehicle correctly on takeover.
- Poor response driving
- Poor traffic manoeuvre
- Minor breaches of road traffic/parking regulations

Minimum of 1 and up to and including 3 points

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Standard of driving has departed from the standard of care and skill that would, in the circumstances of the case, have been exercised by a reasonable, prudent and competent police trained driver of the same classification. Such incidents may include:

- Excessive speed for the circumstances.
- Following too close (substantial damage).
- Poorly judged overtaking.
- Driving off road (unmade road) using inappropriate vehicle.
- Grounding vehicle (substantial damage).
- Unauthorised use of vehicle.

3 to 6 points

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Standard of driving has fallen below the standard of care and skill that would, in the

circumstances of the case, have been exercised by a reasonable, prudent and competent police trained driver of the same classification and it would be obvious that driving in such a manner would be dangerous. Such incidents may include: -

- Inappropriate pursuits/unauthorised use of tactical pursuit and containment (TPAC) tactics.
- Collisions that occur whilst responding to incidents when contravening traffic signals or road markings.

6 to 8 points

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Standard of driving has fallen far below what would be expected of a competent and careful police trained driver of the same classification and it would have been obvious to such a driver that driving in that way would be dangerous and serious injury or serious damage has resulted.

8 to 10 points

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Where any penalty imposed by a court includes a period of disqualification.

12 points

These definitions serve as guidelines only when awarding penalty points.

Consideration should also be given to any police officers or staff present in the vehicle. If they have a duty of care e.g. supervisory ranks and they clearly fail in this duty, then they may be awarded penalty points to them also on a lesser scale. Where more than one person is present in a vehicle which is involved in a reversing collision and that person is not utilised to assist with reversing (commonly known as 'banksman'), culpability will be on the driver.

Outcome of points awarded

Where a member of staff receives less than 6 points then the Collision Manager may consider remedial action.

Where an officer receives 6pts or more, members of the panel will make a decision on a case-by-case format whether or not that permit will be removed until the refresher course is attended. In certain circumstances, in particular totting up' it may be decided that a refresher is not required despite accumulating 6pts. This again will be judgement of the panel.

6 points: where a member of staff accrues 6 points they will be required to pass a refresher course with Driving School. The responsibility to arrange this lies with the officer, and must be arranged within 4 weeks of notification. Where the driver is currently suspended, the suspension will remain in force until the refresher takes place.

The refresher will be in the same class of vehicle as was being driven at the time of the award of the last points or is currently associated with the duties of the driver.

8 to 10 points: those members of staff who accrue 8 to 10 points will be required to pass a

refresher course with the Driving School. The responsibility for arranging the refresher course lies with the officer and must be done within 4 weeks of notification. Where the driver is currently suspended, the suspension will remain in force until the refresher course is passed.

The course will be in the same class of vehicle as was being driven at the time of the award of the last points or is currently associated with the duties of the driver.

12 points: where a member of staff accrues 12 or more points, that person shall be suspended from driving all vehicles used for police business for a period of 6 months. Having served the period of 6 months, the member of staff shall be required to pass a refresher week of driving where a full evaluation of their competency to drive will be conducted. The refresher will be in the same class of vehicle as was being driven at the time of the award of the last points or which is currently associated with the duties of the driver. At that time the number of points on the Police permit will be reduced by HALF or to 6 points whichever is the lower and will remain valid for 2 years. There will also be a requirement for a Driving performance plan which will commence when driving permit is returned for a period of 3 months minimum.

In all cases whereby 6pts are accrued, consideration will be given to a driving development plan, in line with the performance management policy.

Points will remain valid for 3 years. However, points awarded more than 3 years before the date of the current Police collision shall not be counted towards that total unless the Collision Manager considers that exceptional circumstances, which are a matter of record, apply in the particular case. Any appeal against the awarding of points will be dealt with as per below.

Where a member of staff has appeared before any Court in relation to the Police collision, a finding of not guilty, or case dismissed shall not necessarily have a bearing on the recording of culpability where the standard of proof is different. The standard of proof in a criminal case is beyond all reasonable doubt, whereas the civil burden is upon the balance of probabilities. That reduced burden of proof is applicable in such internal matters.

All original documents, written authorities and driving records completed whilst attending a driving course, refresher etc will be filed on the employees personal records retained within the driver training department. These files are locked in a secure room and accessible only to driver training staff.

Appeals Process

If a member of staff has an issue with the application of this policy, they should raise this in the first instance with their line manager.

Should a member of staff or their BCU Divisional Commander dispute either the points awarded or the findings of avoidable, they shall give notice of appeal in writing to the Collision Manager within 28 days of the award. The appeal response and decision will be given in writing within 14 working days of receipt of the appeal.

If this appeal response is still challenged a further written appeal can be submitted within 14 working days to the Operational Support Divisional Commander. The Divisional Commander will then respond by way of written reply. This response will be binding on all parties and cannot be further challenged.

Members of the public who take issue with the application of the policy have recourse via the police complaints system.

Use of police owned vehicles.

1. Policy statement:

This applies to all members of the policing family including police officers, police staff, members of the special constabulary and volunteers that are permitted to make use of vehicles that are owned, leased, or hired by Derbyshire Constabulary when acting on behalf of Derbyshire Constabulary.

Exemptions to this policy include the Chief officer team, EMSOU, CTPEM and dog section officers (who are allocated a personal issue police owned vehicle) all of whom are subject to their own individual policy on use, or a standard operating procedure (SOP) which covers off the use of police owned vehicles separately.

2. Insurance:

Derbyshire Constabulary vehicles are insured through a Group Administered Insurance Policy

Unlike many private vehicle insurance policies this translates to a position where the insurance is based upon the vehicle and its use rather than an individual named person.

Insurance in this form has 2 underpinning conditions:

- It always remains valid whilst the vehicle is being used by an employee of Derbyshire Constabulary or authorised volunteer **AND**
- the vehicle is being used in line with relevant Force policies.

3. Permitted Use and Private Use:

The use of police owned/leased or hired vehicles is restricted to that of a genuine policing purpose or objective when on official Derbyshire Constabulary business and when providing operational cover.

However, Derbyshire Constabulary will allow as part of this policy 'Merely Incidental Private Use' in certain circumstances. The inclusion of the 'Merely Incidental Private Use' into the policy is important for Derbyshire Constabulary in the context of its day-to-day operational activity.

The phrase 'merely incidental' does not refer to the extent of private mileage travelled but rather to the private element of use viewed in the context of a journey as a whole. Was the private use reasonable given all the circumstances of its use at the time?

It is impossible to list all occasions where private use would be deemed merely incidental but by way of example a small deviation to collect food to be consumed during a working shift would be merely incidental whereas a deviation to do a personal family shop or make parcel deliveries etc would not. Travelling home to let out or feed a family pet would not be

merely incidental unless the person was passing their home address as part of their policing duties.

The same would apply in circumstances where an employee or volunteer is alerted to a genuine and immediate family emergency that requires their immediate attendance when they are already driving a police vehicle. If time would not allow for them to return to their home station and collect their own personal vehicle in the circumstances, it may be appropriate to make a short journey in the police vehicle. If this is the case approval from a line manager must be sought prior to the journey taking place and the supervisor should record their approval in their daybook or pocket notebook. The employee or volunteer should also make a personal record of any merely incidental private use.

4. Attendance at courses/events including residential:

Where an employee or volunteer is provided with a police owned vehicle for the purposes of attending a training course or other event and to travel to their substantive place of work that day would represent a significant diversion requiring additional time and mileage, Derbyshire Constabulary permits the vehicle to be taken home the previous evening if in doing so it would not hinder the effectiveness of that unit or the wider force. This should only be an unmarked vehicle and liveried vehicles are not to be taken home.

Considered in isolation, the office to home journey would be deemed private use and thereby commuting, it is however, plainly subordinate to the business journey the next day and if it is undertaken to facilitate the business trip it is deemed merely incidental private use (incidental to the business use).

In these circumstances this can only occur with the prior approval of the individual's line manager, or another line manager if the individual's line manager is unavailable who should record the permission granted in their daybook or pocket notebook.

5. On Call:

Where an employee is allocated or given access to a police owned vehicle as part of an on-call force commitment, and the employee takes that vehicle home they must at the time of being in possession of the vehicle be liable to be called on for a genuine policing purpose in line with their on-call duties.

NB: There is no requirement that an 'on call' allowance is being paid but the person must be available for duty.

Permitted use while on call is not limited to ordinary commuting but such use as is permitted can only be reasonably local to the area in which the employee lives and works in order that they can respond to their on-call commitment as detailed above. Employees' must not use the vehicle to undertake personal journeys other than merely incidental private use.

6. Taking the vehicle home:

When taking a Derbyshire Constabulary vehicle home for on-call purposes, in preparation for a training course as detailed above or any other reason the following restrictions apply.

- Prior permission must have been obtained from a line manager.
- No private use of that vehicle is to be undertaken other than for the purpose it was taken home or merely incidental private use.

- No-one other than an authorised Derbyshire Constabulary employee is permitted to drive the vehicle for any purpose.
- The vehicle must not be used for the transportation of non-police employees except in the event of a life-or-death emergency.

Before leaving the vehicle for the night, it must be checked to ensure there is no personal, sensitive, or protectively marked material left in the vehicle.

The vehicle logbook or some other personal record must be completed to capture the following:

- the date and times of the journey,
- the journey details including reasons and person granting permission (without disclosing a sensitive or home location),
- odometer readings at the beginning and end of the use.

7. Parking of Vehicle:

The vehicle must be parked lawfully and not left in a dangerous or hazardous location. The employee using the vehicle will be responsible for any penalty notices or fines that come from its use or parking arrangements while the vehicle is under their care.

The vehicle should be secured and where possible parked off road (for example on a driveway)

Where there are any concerns around safety or security of parking a vehicle at home, parking at other police premises should be considered as an alternative. (NB such parking must comply with any local notification, procedural or security arrangements).

8. Legal

Each use of a vehicle outside of this policy will be reviewed given all the individual circumstances but employees should be mindful when making any decision around any merely incidental private use of a vehicle in accordance with section 3 of this policy above.

And

Section 12 of the theft act 1968 which states:

Subject to subsections (5) and (6), a person shall be guilty of an offence if, without having the consent of the owner or other lawful authority, he takes any conveyance for his own or another's use or, knowing that any conveyance has been taken without such authority, drives it or allows himself to be carried in or on it.