

PACTS response to:
Department for Transport
Changes to the treatment of penalties for careless driving
and other motoring offences

The Parliamentary Advisory Council for Transport Safety (PACTS) is a registered charity and an associate Parliamentary Group. Its charitable objective is "**To protect human life through the promotion of transport safety for the public benefit**". Its aim is to advise and inform members of the House of Commons and of the House of Lords on air, rail and road safety issues.

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Introduction

The Parliamentary Advisory Council for Transport Safety (PACTS) welcomes this opportunity to respond to the consultation on changes to the treatment of penalties launched by the Department for Transport. For information, PACTS is a registered charity with the objective: To protect human life through the promotion of transport safety for the public benefit. It is also an Associate Parliamentary Group of the Houses of Parliament, bringing together politicians and transport safety professionals to identify research-based, cost-effective solutions to transport safety problems.

Background

In our response to the earlier consultation on Road Safety Compliance (DfT, 2008), we endorsed the intention behind the proposal to include careless driving within the fixed penalty regime – to increase thereby the level of enforcement of road traffic law – but expressed concern about the operation of the proposal. This remains our view. In particular, we would highlight the following points.

First, at present, the offences subject to a fixed penalty are clear cut – breaking the speed limit, ignoring a red light, and use of a hands-held mobile phone. However, careless driving is a more subjective offence and requires clear evidence to be gathered by a police officer. Without adequate enforcement and a visible police presence on the roads, the new fixed penalty option will be largely unused.

Secondly, the emphasis on the offer of an educational alternative, while initially attractive, is not supported by a strong evidence base. As the consultation paper itself admits, “there is currently no specific quantitative evidence regarding the effectiveness of remedial training on reducing re-offending”. If we are to see this change as an indication of evidence-gathering rather than evidence-led policy, it will be vital to ensure that a robust evaluation of its effects is put in place before it is implemented.

Responses to specific questions

Do you agree with the proposed approach to make careless driving a fixed penalty offence?

As we understand the proposal in the consultation paper, an offence of careless driving would result in one of four potential responses. First, a police officer might give a warning and take no further action. Second, in an instance not seen by a police officer, there might be an offer of a course under the National Driver Offender Retraining Scheme. Thirdly, in an instance seen by a police officer, a course or fixed penalty notice might be offered. Finally, a police officer might choose to initiate a prosecution for driving without due care and attention, whether the offence had been committed in his sight or not.

PACTS has no strong objection to the inclusion of careless driving within the range of fixed penalty offences, especially as this would allow the potential of an educational intervention. However, the key issue will be to monitor the impact of its inclusion. In 2011, for example, just under 25,000 drivers were prosecuted for driving without due care and attention while 124,700 received a fixed penalty for not using a mobile phone. It is unclear from the consultation what impact the new regime will have on the overall number of drivers awarded penalty points, what change there may be to the number dealt with via the careless driving offence or how the new structure will be considered successful – through a significant increase in prosecutions, the number of drivers awarded additional penalty points or the number of drivers included on remedial training schemes. Data on the first two of these can be obtained from the Home Office or the Ministry of Justice. Information on the number of people attending courses is not publicly available and should be made so in order to assess the effectiveness of the intervention.

Do you agree that the FPN offence should carry 3 penalty points and a fine of £90?

PACTS believes that it is important to have consistency across traffic offences and across offences dealing with similar levels of safety critical behaviour. At the same time, there is research evidence that it is penalty points rather than fines that have the greater deterrent effect for drivers. It will be important to monitor the impact of higher fines on payment rates which, as paragraph 3.10 notes, have always been high in the case of endorsable traffic offences.

Do you agree with the criteria for guidance on issuing a FPN or remedial training?

The development of operational guidance for the police by ACPO is to be welcomed. It will also be important that any guidance is in the public domain and subject to public scrutiny to ensure that the new regime is perceived to be fair by those affected by it.

In terms of the behaviours included in such guidance, it would be appropriate to identify these against the taxonomy of behaviours defined in the Driver Behaviour Questionnaire: lapses, errors and violations. The FPN or educational route should only cover the first two of these. A driver with a history of violations should not be offered a less severe option as it is unlikely to result in a behavioural change.

PACTS would suggest that a high-level group should be brought together to assist ACPO in the identification of appropriate behaviours to ensure that there is also consistency with other police educational interventions such as the speed awareness course.

Do you agree we should increase the penalty levels for most endorsable FPNs to £90?

PACTS notes that this proposal is intended to bring fines for traffic offences into line with other penalty notices of similar severity. This seems to be the most suitable approach. It is absolutely right to aim for consistency within and between offences. The time may therefore also be ripe for a full-scale review of all fine levels across government to ensure greater consistency and clarity about why fines are set at specific levels for different offences.

Do you agree that we should increase the levels for non-endorsable fixed penalties?

Please see answer to the previous question.

Do you agree that we should increase the FPN level for driving without insurance to £300?

Given the connection between driving without insurance and crash involvement, it is right for the government to be concerned about this and to seek to tackle it. However, the consultation document gives no clear evidence about the current non-payment rate for this offence. It is quite possible that an increase in the fine level will merely lead to additional non-payment and that the higher fine will not have the anticipated deterrent effect. The government should therefore consider what factors discourage drivers from taking out insurance and seek to respond to these in addition to putting more emphasis on enforcement.

Fixed penalty levels for the offence of keeping a vehicle without insurance.

PACTS notes that the introduction of this offence occurred very recently. At this stage, it would appear too soon to draw any conclusions about its effectiveness. It is therefore appropriate to keep the fine at the current level while keeping the impact of the new offence under review.

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