

Department for
Transport

Rehabilitation scheme for drink drive offenders

**A guide for
course providers
and courts**

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Foreword

The procedure for courts to refer drink drive offenders to approved training courses is specified in sections 34A to 34C of the Road Traffic Offenders Act 1988. This guidance identifies good practice for course organisers in the provision of courses and sets out the minimum requirements for course content and delivery which must be met. It also seeks to promote consistent administrative procedures in the operation of the scheme by courts in England, Wales and Scotland.

This document has been issued by the Department for Transport (DfT) in conjunction with the National Assembly for Wales and the Scottish Executive.

A guide to the operation of approved courses for the rehabilitation of drink-drive offenders

1. Introduction

- 1.1 Since 1 January 2000, courts¹ throughout Great Britain have had the power to refer anyone convicted of an offence under sections 3A, 4, 5 or 7 of the Road Traffic Act 1988 (RTA), for which the court has disqualified them from driving for at least 12 months, to an approved drink driving education course. Under section 34A(2) of the Road Traffic Offenders Act 1988 (RTOA), a court may make an order, with the offender's agreement, reducing the period of disqualification in such cases by up to one quarter on satisfactory completion of a course.
- 1.2 Courses provided under the scheme must be approved by the Secretary of State. They are intended to provide those convicted of drink-driving offences with training about the problems associated with their offence in order to reduce the likelihood that they will reoffend. Courses approved so far offer information about alcohol and driving and are not designed to benefit drug driving offenders. Accordingly, **courts should not refer anyone convicted solely of drug driving offences to approved drink driving courses.** See paragraphs 5.4 to 5.6 below for further information on the exclusion of drug drivers.
- 1.3 This guidance is issued to organisers of approved courses in England, Wales and Scotland under the Secretary of State's powers in section 34C(1) of the RTOA. Its purpose is to provide advice about the legislative provisions governing the scheme and to identify best practice for the operation of approved courses. **Under section 34C(1)(a), all course organisers are required to have regard to any such guidance.**
- 1.4 Under section 34C(1)(b), courts are required to have regard to this guidance in determining whether any instructions or requirements of a course organiser were reasonable where an offender has challenged the organiser's decision not to issue a course completion certificate (see para.11.7, and those that follow, below). This guidance has therefore been distributed to all courts through HM Courts Service. **Court authorities in England, Wales and Scotland are asked to ensure that this document is drawn to the attention of all staff and sentencers who need to be aware of its contents and, as required, copy it to them.**

¹ In this guide "courts" applies to Magistrates and Crown Courts in England and Wales and, in Scotland, Sheriff and District Courts (when constituted by a Stipendiary Magistrate) plus the High Court of Justiciary, unless there is specific reference to "supervising court" (see footnote 3)

- 1.5 This guidance may also be found on the Department for Transport's website at:

<http://www.dft.gov.uk/pgr/roadsafety/drs/drinkdriverehabilitation/>

2. Aim of the scheme

- 2.1 The aim of this court disposal is to provide drink drive offenders referred to an approved course with appropriate training in a group situation about the problems associated with drink driving. The information and experience provided by the course are intended to encourage those concerned to develop future non-offending behaviour. This should help to reduce re-offending and discourage further drinking and driving generally. Courts are not required to refer any individual to a course who they do not consider would benefit from the training,
- 2.2 The introduction of the scheme throughout Great Britain followed a six-year experimental period during which TRL Limited monitored the operation of courses and reported on the respective re-offending rates of those who attended, and those who did not attend, a course during this period. Only a limited number of courts in designated court areas in England, Wales and Scotland had the power to refer offenders to courses. Results showed that those who had attended a course were between two and three times less likely to reoffend than offenders who had not.
- 2.3 Subsequent monitoring by TRL of the effectiveness of drink drive training following expansion of the scheme nationally showed that, although reoffending rates for those attending courses increased over time, those who did not attend a course were still nearly twice as likely to reoffend as those who did for a period up to five years from the original drink driving conviction.

3. Devolution

- 3.1 The responsibility for administering the scheme in Scotland remains with the Department for Transport (DfT). In Wales, however, a number of administrative functions have been devolved to the National Assembly for Wales, including the approval of any new courses and the issuing of guidance. The Assembly is also responsible for setting the format of the certificate of completion (Annex B to this guidance).
- 3.2 In practice, the Assembly has indicated that for the time being it is content for DfT to act as its agent in discharging these functions and has concluded an agreement to that effect. Regarding the operation of the scheme generally, close liaison will be maintained between DfT,

the Welsh Assembly and the Scottish Executive on the operation of the scheme in England, Wales and Scotland respectively.

- 3.3 The scheme does not apply to Northern Ireland but similar statutory arrangements are in place there enabling drivers convicted and disqualified by courts in Northern Ireland for drink driving to be offered referral to an approved training course.

4. Approval of courses

- 4.1 Courses provided under the scheme must be approved by the Secretary of State. There is no national model for approved courses. This allows a certain degree of flexibility in the detail and delivery of courses. Although this means that there may be differences in the approach adopted by different providers, all courses are required to meet the standards described in this document. Since courts may refer a drink drive offender to any approved course, they should be confident that a similar standard of training is available throughout the scheme.
- 4.2 DfT invites applications for course approval based on an expanded version of the criteria set out in section 7 below. Each application is normally examined by an independent panel of experts chaired by DfT and its advice is taken into account in reaching a final decision.
- 4.3 When considering any application, DfT's chief priorities are to ensure that there is adequate course provision throughout Great Britain and that the training is of sufficient quality to meet the aims of the legislation. **Course providers should be able to demonstrate at any time that they have effective quality assurance systems in place to deliver these objectives.** The department also needs to be assured about the capacity of each organisation to cope with the expected numbers of referred offenders.
- 4.4 As noted above, course organisers must have regard to guidance issued by the Secretary of State, which includes everything in this document together with the parallel guidance on professional skills for trainers referred to in section 8. Section 7 below specifies those aspects of course content and delivery about which course organisers have no discretion and with which approved courses must comply. **Unless reasonable cause can be shown, failure to meet one or more of these requirements will result in removal of course approval.**
- 4.5 Once a course has been approved, the department monitors its operation through a variety of methods. These include the collection of quarterly and annual course statistics from each provider, annual reports of each organisation's course activity, anecdotal evidence and inspection visits. It is a condition of course approval that DfT is allowed access to any course session for inspection purposes. The deadline for

submission of annual reports is the end of February following the calendar year concerned. A framework for annual reports is at Annex H. **The Secretary of State reserves the right to withdraw an approval at any time if, in his opinion, the course in question fails to meet the required standards.**

- 4.6 Since the statutory provisions specify that it is the course, rather than the course provider, which is approved, **any significant departure from the details of the course as approved is likely to render the approval invalid.**
- 4.7 Course organisers may make minor changes to the organisation, methods and content of courses at any time after a course has been approved on condition that these still meet the minimum requirements as set out in section 7 below and do not breach the guidance. Any other changes, such as setting a new fee outside the guidelines, or significant alterations to the way in which the contact time is structured, must not be introduced without DfT's prior approval. If there is any doubt as to the significance of a proposed change in the course, course organisers should consult DfT. Any course organiser who has difficulty in adhering to the minimum requirements set out in section 7 should contact DfT without delay.

Withdrawal of course providers

- 4.8 If a course organiser is no longer willing or able to provide an approved course, it should notify DfT in writing of its intention to withdraw. In normal circumstances, the outgoing organiser should give at least three months' notice of withdrawal. This should allow sufficient time to arrange replacement provision and for outstanding commitments to be met by the outgoing provider, transferred to the successor organisation or resolved satisfactorily by other means.
- 4.9 Because of the importance of maintaining continuity of course provision, DfT will in the first instance notify all other current providers of the impending withdrawal and invite expressions of interest to provide courses in any areas that have been vacated. This will be arranged through the course providers' representative body, the Association of Drink Drive Approved Providers of Training (ADDAPT), in the case of ADDAPT members, and direct notification by DfT to any non-ADDAPT members. See Annex F for ADDAPT contact details.
- 4.10 DfT will consider the suitability of a provider which has expressed an interest in providing its courses in the court areas served by the outgoing provider. It will also require assurances of that organisation's capacity to take on the additional workload.
- 4.11 If DfT receives more than one expression of interest, it will take into account such matters as the applicants' respective records of

achievement, compliance with course requirements and guidance, proximity of its current operations to the new areas, and so on in reaching a decision. The department may also consider other options, such as allocating some of the 'vacant' areas to one provider and the rest to another, if this would achieve a more effective outcome. It should be borne in mind that courts may, in any event, refer an offender to any approved course, regardless of whether the organiser is a notional provider in that area. If no expressions of interest are received from existing course providers, DfT will consider inviting an application for course approval from any other body which has previously registered an interest.

- 4.12 Any replacement organiser should be willing, if necessary, to take on any outstanding client commitments from the outgoing organiser as well as its historical records. **No referred offender should lose the chance to attend and complete a course as a result of a provider withdrawing from the scheme.**
- 4.13 In one or two cases an existing course provider has been taken over by, or absorbed into, another organisation with no previous connection to the drink drive rehabilitation scheme. There is no specific mechanism in the legislation which enables a course approval to be transferred from one organisation to another. In such circumstances, DfT would expect the existing approval to fall and the new organisation would be required to submit an application for a new approval, should it wish to continue providing courses within the scheme.
- 4.14 However, in order to avoid potential breaks in course provision, the department has indicated that it is willing to accept that a course approval may pass to the new body, subject to certain assurances. These are principally that the course content, organisation and delivery are essentially the same as those provided by the current organisation, and that the successor organisation will employ at least some of the same staff to deliver the training. The new organisation should also be able to demonstrate that it has sufficient capacity to cope with at least the same level of referrals as the current organiser. If these conditions are not met, the new organisation would have the option of applying for a new course approval.

5. Referral procedure

Referral of offenders

5.1 Course organisers should aim to liaise closely with courts over the procedures for dealing with offenders who have agreed to be referred to an approved course, as described below and in the relevant annexes. Providers should be prepared to offer as much assistance and information to courts as possible in order to promote the scheme. This could include supplying stocks of information leaflets about available courses aimed at potential clients, holding regular liaison meetings with courts' representatives and offering training or presentations about the scheme to magistrates, sheriffs and courts' administrative staff, as required.

5.2 As noted in paragraph 1.1, this statutory training option is triggered where a court decides to make an order referring an offender, with the person's agreement, to an approved course. In England and Wales, the Magistrates' Courts Sentencing Guidelines (2008) suggest that courts should consider offering the opportunity to attend a course to all offenders convicted of a relevant offence for the first time. Courts have powers to make an order where the offender is disqualified for 12 months or more on conviction of one of the following offences under the RTA:

- causing death by careless driving when under the influence of drink or drugs (section 3A)
- driving or being in charge of a vehicle when under the influence of drink or drugs (section 4)
- driving or being in charge with excess alcohol (section 5)
- failing to provide a specimen for analysis (section 7)

No offender may participate in the scheme without a referral from the court. If the course organiser is agreeable, an individual may attend a course **voluntarily** on payment of the appropriate course fee in advance, but, in the case of an offender who is not the subject of an order under section 34A(2) of the RTOA, that person would not be eligible for a reduction in his or her period of disqualification. In such cases, course providers should not issue a completion certificate but some other written form of citation, such as a letter with the organisation's letterhead, confirming successful course completion.

5.3 There is no legal bar to offenders being referred more than once to a course if they offend again. This is a matter within the discretion of the court. The Magistrates' Court Sentencing Guidelines (2008) suggest that a court should be willing to consider offering an offender the opportunity to attend a second course where it considers there are

good reasons. It will not usually be appropriate to offer a course on a third occasion.

- 5.4 It has been argued that because some of the qualifying offences apply to drug, as well as drink, drivers, those guilty solely of drug driving may be referred to these courses. In DfT's view, the legislation is quite clear. Section 34A(2) of the RTOA enables a court to make an order reducing the period of disqualification if, by a specified date, an offender satisfactorily completes a course approved by the Secretary of State. **As at the date of this guidance, no course has been approved for the purposes of drug driving rehabilitation, nor has any course been approved for drink drive offenders specifically to include drug driving education.**
- 5.5 Another view might be that a court is entitled to refer a drug driver to a drink drive course simply because it has been 'approved' by the Secretary of State, regardless of purpose. In DfT's opinion, that would be to ignore parliament's reason for passing the current legislation. That purpose is to enable those convicted of certain illegal driving behaviour to benefit from training which is intended to teach them about the problems associated with that form of behaviour, discourage them from reoffending and thereby contribute to improving road safety. Those aims cannot be achieved by referring an offender to a course that would not provide the appropriate training.
- 5.6 The department accepts that it may be possible to refer an individual to a drink drive rehabilitation course if he or she had committed an offence involving both drink and drugs. Such an offender could benefit from drink drive training.
- 5.7 Offenders who are referred to an approved course and who fall within the criteria for high risk offenders (HRO)² will still have to meet the requirements applying to that category of offender. HROs will therefore have to satisfy the Secretary of State that they do not have an alcohol problem and are fit to drive before their licence is restored. This includes submitting to a medical examination carried out by an approved medical practitioner. Course organisers should be prepared to give guidance to offenders within the HRO criteria on the procedures that will apply before their licences are restored, including the need to take into account the reduction in their period of disqualification following satisfactory course completion.
- 5.8 The National Probation Service in England and Wales runs a separate scheme of 'Drink Impaired Driver' (DIDS) training courses for drink drive offenders, attendance at which can be made a condition of a

² specified in regulation 74 of the Motor Vehicles (Driving Licences) Regulations 1999 (SI 1999 No. 2864): persons disqualified from driving for being two and half times the prescribed limit or greater; for failing without reasonable excuse to provide a specimen for analysis; or for being unfit to drive through drink or driving with an alcohol concentration above the prescribed limit on two or more occasions within ten years.

community order. These courses are normally considered more appropriate for offenders where the nature of the offence is thought to require a higher degree of intervention in order to match the seriousness of the offence. There is no discount in the period of disqualification for the satisfactory completion of a DIDS course. However, attending a community order course does not exclude an offender from being referred to a drink drive rehabilitation course where a reduction in the period of disqualification would apply on satisfactory course completion.

Making a referral order

- 5.9 An order referring an offender to an approved course should normally be made at the time of sentencing and will be recorded in full in the court register (the court minutes in Scotland). The court is required to explain to offenders that, on successful completion of the course, they will qualify for a reduction in the period of disqualification imposed by the court as set out in the order. In the case of a 12 month period of disqualification, the reduction will be 3 months. For longer periods of disqualification, the period of reduction will be up to one quarter as determined by the court. Since courts have discretion to award a maximum reduction of one quarter, the exact period of reduction decided upon should be announced in court.
- 5.10 Before the court makes an order it is required to ensure that:
- (i) a place is available on an approved course
 - (ii) the offender appears to be at least 17 years old (this disposal can be used by both adult and youth courts)
 - (iii) it has explained to the offender the effect of the order in ordinary language, the amount of the fees for the course and the requirement that payment must be made before starting the course, and
 - (iv) the offender has agreed that the order should be made
- 5.11 Courts are required by section 34A(2) to specify in the order the course to which an offender has been referred. The department suggests that in practice this should include the name, address and relevant contact details of the course provider.
- 5.12 The order must also specify the date by which the person concerned must complete the course satisfactorily. This date must be **at least** two months before the end of the reduced period of disqualification. For a 12 month disqualification subject to a reduction of three months on satisfactory completion of the course, this date would therefore be no later than seven months after the period of disqualification commences.

The two month period is intended to ensure that there is sufficient time for the course completion to be notified to the court, and in turn to the Driver and Vehicle Licensing Agency (DVLA), so that the reduced period of disqualification can be recorded and take effect. There are no powers in the Road Traffic Offenders Act 1988 enabling courts to extend a course completion deadline.

- 5.13 In addition to the course and completion deadline, courts are asked to include the other details set out in the schedule of information specified in Annex D. In particular, the offender's alcohol reading and details of the penalties imposed are often helpful in checking against identity fraud. To assist course providers in the efficient handling of referred offenders, courts are also asked to ensure that all case details are either typed on to the referral order or printed in clear handwriting.
- 5.14 **Once a referral order has been made, it is very important that the offender and the course organiser are notified in writing without delay.** Any significant delay will reduce the amount of time the offender has to arrange a course and complete it by the court deadline. It may also restrict the course options that the provider will be able to offer. Where different from the sentencing court, the supervising court³ should also be notified of a course referral. There is no need for a referral order to be copied to DVLA.
- 5.15 When notifying the relevant course provider of a referred offender, courts are asked to specify whether the person concerned has any special needs, for example to enable them to overcome an accessibility problem or difficulty in understanding English.
- 5.16 Since December 2008, courts throughout England and Wales have been able to generate course referral notifications through the courts' information system 'Libra'. Within Libra, courts should use the following documents:
- notice of disqualification from driving/endorsement of licence (DRVORD)
 - notice about reduction in disqualification (RDNOTD)
 - notice to course manager (RDNOT)
 - notice to supervising court (RDNOTOC)

The resulting process in Libra will also trigger electronic notification of the disqualification to DVLA and to the police and the Police National Computer (PNC). However, Libra is not designed to record or transmit any updates after the initial result, such as a subsequent reduction in the disqualification period following successful course completion.

³ "supervising court" as defined in section 34C(2) RTOA means "in England and Wales, a magistrates' court acting for the petty sessions area named in the order as the area where the offender resides or will reside" and "in Scotland, the sheriff court for the district where the offender resides or will reside or, where the order is made by a stipendiary magistrate and the offender resides or will reside within his commission area, the district court for that area"

- 5.17 The courts' information system in Scotland, 'COP II', currently has no equivalent documents for notification of course referrals. All referrals are therefore notified by the issue of a court order in paper form. Courts should ensure that copies are sent to the offender and course organiser at the earliest possible opportunity.
- 5.18 The scheme is voluntary, and once the court has made a referral order, an offender may undertake a course at any time providing it is completed by the completion date. It may, however, be advisable for courts and course organisers to encourage offenders to undertake courses at an early opportunity in case unforeseen circumstances, such as illness, endanger course completion before the deadline. There is no additional penalty if an offender decides either not to accept a referral order or to accept an order but fails to attend a course.
- 5.19 **Course organisers should not take payment from offenders or put offenders on courses in advance of receiving a referral order directly from the court or on transfer from another provider.** If an offender contacts a course organiser in advance of their court case or immediately afterwards and before the referral order is received, the course organiser should take their full details and contact the court directly to check if they are the named course organiser. No offender should be encouraged to attend a course or to make payment before the referral order is received. For guidance on the transfer of offenders between course providers in the event of a change of residence after sentencing, see paragraph 5.27.
- 5.20 In areas where there is more than one approved course, the court will decide to which course provider an offender should be referred. This may be done in conjunction with the offender, taking into consideration factors such as general availability of courses at each provider and convenience of venues.
- 5.21 To assist in referring offenders to suitable courses, course organisers should ensure that courts are fully briefed on the details of the approved courses which they provide including details of locations where courses are held. Annex A to this document lists available courses by court area and contains a summary of each provider's course, locations, cost and format together with contact details for the organisation. **Course organisers must ensure that DfT and, as necessary, the courts they serve are notified immediately of any changes to course or contact details.** DfT will, in turn, ensure that the details on its website are kept fully up to date.

- 5.22 Courts are encouraged to use the information on the DfT website as their principal source of up to date details of course providers throughout Great Britain. These may be found at:

<http://www.dft.gov.uk/pgr/roadsafety/drs/drinkdriverehabilitation/annexes/annexadetailsofcourseprovide4641>

- 5.23 Where an offender appeals to the crown court (or an appeal court in Scotland) against the sentence, the judge and magistrates sitting with him will reconsider the sentence and the order for referral to an approved course. The crown court (or appeal court) will have regard to the effect that any variation of the sentence may have on the validity or appropriateness of the course and the reduction in the period of disqualification allowed on successful completion of the course.
- 5.24 As in the magistrates' court (or sheriff court in Scotland), the exact period of reduction decided upon should be specified in court. An order for referral to an approved course may be made in the crown court (or appeal court) even when no such order has been made in the magistrates' court. If the crown court (or appeal court) reduces the disqualification period or overturns the conviction, it should inform the course organiser and the supervising court accordingly.

Offenders who reside in other court areas

- 5.25 Where an offender lives in, or is about to move to, a different area to that in which the sentencing court is located, the court, following sentencing and subject to the offender agreeing to participate in an approved course, should send details of the offender to the supervising court. Courts should use Libra document RDNOTOC (notice to supervising court) for this purpose.
- 5.26 In referring an offender to a course in another part of the country it will still be the responsibility of the sentencing court to decide on the most appropriate course. It is recognised that a court will not be as familiar with the courses available in other parts of the country. Therefore, in order to assist them in selecting an appropriate course, courts should refer to the information in annex A. If an offender's circumstances change either prior to or during a course, the course organiser should consult the sentencing court.
- 5.27 If, sometime after sentencing, an offender moves to a different area and this will involve a change in course provider, the court should send a copy of the notification of transfer to the course organiser to whom the offender was originally referred. In practice, many transfers are arranged between the course providers concerned where regular liaison between providers is currently operating and there is no objection by the relevant courts. In such cases, the course providers

should ensure that the respective courts are notified of the change of provider.

6. Course fees

- 6.1 It is important to keep the cost of courses at a level which is affordable for the large majority of offenders whilst also having regard to the principle of self-financing courses. If fees are set too high there may be low take up and the courts may be reluctant or unable to refer offenders in sufficient numbers to make courses viable. In those circumstances, DfT considers that the full course fee should not be less than £150.00 and should not exceed £250.00. If an organiser wishes to set the fee level outside these guidelines, prior written approval must be sought from the department. However, such a request will only be considered in the most exceptional circumstances.
- 6.2 It is the responsibility of course organisers to set the course fee and advise the courts of the fee to be paid by each offender. They should also notify DfT of the fees by inclusion in their organisation details in annex A, which will be published on the department's website for reference by courts and other interested parties. The fee structure should be kept as simple and clear as possible, ideally no more than a full fee plus a lower rate for concessionary categories and discounted early booking fee, where either of these options is offered.
- 6.3 Course organisers may subsequently change the level of fees within the guidelines mentioned above, but must notify the court and DfT immediately of any new rates. In so doing, the provider should ensure that all literature and any other media quoting the course fee should be updated to show the new rate, and all previous versions should be withdrawn immediately.
- 6.4 An offender must not be charged a fee higher than the one specified on the referral order, unless he or she chooses to transfer to another provider's course and the normal fee for that course is more than the fee for the first course. In this situation, the difference in fees should be made clear to the individual before any transfer is arranged. A course organiser may agree to referred offenders paying their fee in instalments, rather than in a single payment, but the fee must be paid in full before the start of the course.

7. Minimum requirements for the content and operation of courses

Course content

7.1 All approved courses should include at least the following elements:

- a knowledge check on alcohol and drink driving issues at the beginning and end of each course
- information about alcohol and its effects on the body, including concepts of tolerance and dependence, alcohol-related disease, sensible drinking, and so on
- the “morning after”, including alcohol absorption and elimination
- effects of alcohol on driving performance and behaviour
- the legal alcohol limit for drivers and what it represents
- police enforcement, including the breathalyser and other methods for measuring alcohol concentration
- the legal consequences of drink driving, including disqualification and other penalties, and the high risk offender scheme
- effects of drink driving on road traffic victims and their families, and personal consequences for the offender, such as employment, relationship with friends and relatives, insurance and health
- analysis of offenders’ behaviour
- alternatives to drink driving and strategies to avoid reoffending
- future action and sources of help
- how to get back on the road legally and safely, including insurance implications

Course information should be presented using a variety of techniques which should be drawn from the following:

- short talks to convey essential information
- group discussion
- self-observation forms/records of behaviour (‘drinks diaries’)
- work sheets and exercises for individual and group discussion, including role play
- audio/visual presentations
- guest speakers, for example magistrates, police, other emergency services, victims of drink drivers
- information handouts
- behaviour analysis, assessing performance and setting objectives

Course organisers should closely monitor talks by guest speakers to ensure that their tone and content are appropriate in every respect to the aims of the

course. Not all magistrates' courts are willing to participate in courses, usually because of concerns that this could compromise magistrates' independence.

Course structure and operation

- 7.2 Course organisers should contact each offender as soon as possible after referral from the court and in any case no later than one week after receiving formal notification. In order to encourage the highest possible rate of course take-up, providers should provide a staffed telephone service from 9.30 am to 4.30 pm on Mondays to Fridays, excluding a nominated one hour period for lunch during which a message-taking facility should be available. Answerphone/voicemail messages, faxes or emails received outside these times, or during the lunch period, should be responded to by no later than the end of the following working day.
- 7.3 It should be made clear in the initial contact letter that courses are normally delivered in English. The letter should ask if the individual concerned has any special needs (see also section 12 below) where the court has given no such indication when notifying the provider of a referred offender. In order to facilitate access by referred offenders whose first language is not English and who would have difficulty understanding the course content, course providers should take appropriate steps, where necessary, to accommodate their needs. This could include the use of an interpreter
- 7.4 One solution would be to permit the offender to be accompanied by a relative, friend, colleague or member of their local ethnic community to provide translation between their first language and English. Some providers use contracted interpreters and it may be possible for providers in general to share resources in this respect. The presence of an interpreter can, however, be distracting to the rest of a course group. To minimise disruption, no more than one language interpretation should be permitted per course. If possible, organisers should seek to group speakers of one language together on the same course and deliver that course in that language, assuming that a suitable trainer is available.
- 7.5 In addition to sending an initial written communication to each referred offender upon receipt of a court referral, course providers should issue at least one reminder letter to offenders who have made no contact since their referral in sufficient time to enable the offender to comply with his or her course completion deadline.
- 7.6 All courses should be constituted as follows:
 - i. not less than 16 hours' total tuition time, not including breaks (see also point v)
 - ii. minimum of 3 course sessions

- iii. course sessions to be spread across a period of at least 15 days
- iv. course sessions not to be held on consecutive days
- v. course sessions to be limited to no more than 6 hours' tuition time per day, divided into shorter periods by adequate breaks
- vi. not less than 4, and not more than 20, participants in any course session
- vii. subject to demand, there should be a choice of course structure and day/time of week

DfT considers that it is best practice for each course to be facilitated by two trainers, but under no circumstances should a course exceed a ratio of 1 trainer to 15 students.

- 7.7 In the case of points (iii) and (iv) in paragraph 7.6, exceptions to these criteria will be permitted for up to 10% of a provider's courses, and involving no more than 10% of its total course attendance, per year. In view of the requirements in points (i) and (v), it is self-evident that there can be no exceptions to the requirement in point (ii) for a minimum of three sessions in each course.

Client safety

- 7.8 In selecting venues for courses, course organisers should take steps to minimise the risk to the safety of course participants through, for example, checking that on-site security staff are available, or allocating two facilitators to a course or arranging for other support to be on call should it be necessary to deal with difficult or unruly clients.
- 7.9 All training staff should have basic, nationally-recognised first aid training and all trainers should be supplied with a fully serviceable first aid kit.

8. Standards for training staff

- 8.1 It should be noted that this document does not deal specifically with standards for the day-to-day delivery of courses by training staff. However, DfT recognises that the effectiveness of the scheme relies to a considerable extent on the ability of course facilitators. In order to achieve the highest possible standards, DfT, in conjunction with consultants Competence Assurance Solutions (CAS), has developed separate guidance for providers on professional skills for drink drive course trainers.
- 8.2 This guidance, which includes a competence framework for trainers and best practice guidance on the recruitment, training and professional development of training staff, should enable course organisers to create robust systems for recruiting trainers and to

ensure that they have the necessary knowledge, skills and attitudes to deliver courses consistently and effectively.

8.3 In particular, providers should be able to demonstrate that the systems they have adopted reflect the principles and techniques set out in the competence framework. Providers should also be able to show that as a minimum they have adopted the key performance indicators identified by CAS for each area of best practice in the management of trainers' competence.

8.4 The complete guidance may be found on the DfT website as follows:

(i) Guidance for Drink-Drive Rehabilitation (DDR) Training Providers (Road Safety Web Publication No 12)

<http://www.dft.gov.uk/pgr/roadsafety/research/rsrr/theme3/report12.pdf>

(ii) Professional Skills for Delivering the Drink-Drive Rehabilitation (DDR) Scheme: Analysis of DDR Training Provider Organisations' Interview Findings (Road Safety Web Publication No 13)

<http://www.dft.gov.uk/pgr/roadsafety/research/rsrr/theme3/report13.pdf>

(iii) Professional Skills for Delivering the Drink-Drive Rehabilitation (DDR) Scheme: Summary of Project Deliverables, Detailed Improvement Plans and Next Steps (Road Safety Web Publication No 14)

<http://www.dft.gov.uk/pgr/roadsafety/research/rsrr/theme3/report14.pdf>

9. Course attendance

9.1 Completion of a course, and the consequent reduction in the period of disqualification, will depend on regular attendance in accordance with the course organiser's instructions, payment of the appropriate course fee in advance and compliance with the organiser's reasonable requirements. The organiser should ensure that each offender has fully completed each course session. Clients should complete each of the sessions in the correct sequence unless there are wholly exceptional circumstances, such as illness, which make it impossible and there are no other course options available. This includes any "catch up" sessions where a part of a course has been missed for any reason.

9.2 The opportunity to learn about the problems of drinking and driving and to find personal solutions in a group environment is a key feature of the rehabilitation scheme. DfT does not believe that the same benefits can accrue from training conducted on a "one to one" basis. Complete courses or individual sessions delivered in this manner are, as a rule, unacceptable. All catch up sessions, whether forming part of a programmed course or created separately to cater for clients who have missed previous sessions, should also be based on group attendance.

- 9.3 To ensure that course sessions are conducted in an orderly and effective manner, organisers should apply a set of course terms and conditions, or rules, with which course members should be required to comply at all times. Each provider may create its own terms, but in the interests of general consistency across the scheme, a list of core conditions, developed in conjunction with ADDAPT, is set out in Annex E. The Department considers policy on late arrival to be a particularly important issue and agrees that a course member should be excluded from a first session if more than 15 minutes late or more than 5 minutes late for a subsequent session.
- 9.4 Providers should exercise their discretion in the event of a breach of rules by any client. Unless the matter is particularly serious, it should be sufficient to issue a warning to the person concerned about his or her conduct, but should not normally lead to exclusion from the session or course. A second breach, either of the same rule or another one, will merit exclusion from the rest of the session.
- 9.5 Persistent failure to comply with the rules would justify removal from the course completely, followed by the issue of a notice of non-completion (see section 11 below), as would a single instance of serious misconduct, such as an assault or threat of violence. **This should also apply to any course member found to have driven to or from a course, and therefore having committed the offence of driving while disqualified.** In such circumstances, the provider should also report the matter to the police. Course organisers will need to bear in mind the possibility of a challenge against their decision in non-completion cases and it would be advisable to keep accurate records of attendance and any disruptive behaviour.
- 9.6 Course organisers are responsible for verifying the identity of course participants and should have systems in place to guard against identity fraud. This should include completion of a registration form requiring course participants to provide such details as full name, address including post code, date of birth, court sentence and, where appropriate, alcohol level at the time of the offence. These could be checked against details that the course organiser will have received separately from the court. Another option might be to require the production of a nationally-recognised document containing the individual's photograph (such as a passport) or signature. Providers should also require all clients to sign a course register as proof of attendance at each session.

10. Completion of course

- 10.1 If an offender completes a course satisfactorily, the course organiser should complete a certificate of completion (see Annex B) and sign it.

The organiser should then arrange for the certificate to be sent on the offender's behalf to the supervising court, copying it to the offender at the same time. This should be done as soon as possible after course completion and, in any event, within 14 days of the latest date for completion of the course specified in the referral order. Course provider staff who sign certificates should be nominated by the organisation for that purpose.

- 10.2 The Driving Standards Agency (DSA) supplies stocks of certificates of completion and notices of non-completion (see section 11) to course organisers. These forms are numbered serially to enable course organisers to identify to whom a certificate or notice was issued. The form and content of the certificate of completion are determined by the Secretary of State under powers in secondary legislation⁴. **No other form of completion certificate should be used.**
- 10.3 When the clerk of the supervising court has received a certificate, he or she should notify DVLA of the reduced period of disqualification as soon as possible and in any case within two weeks of receipt. This notification should be made using the guidelines and form in chapter 5 of the document 'Court Guidelines', copies of which can be obtained from DVLA (see address at Annex F). This form is reproduced at Annex G.
- 10.4 A copy of this notification should, at the same time, be sent by the court to the local Police National Computer (PNC) bureau so that PNC staff will be aware that a course has been satisfactorily completed and DVLA have been notified. This form, together with the copy of the certificate of completion, is intended to act as a cross reference with the transfer of data from DVLA. The police should however only change the PNC information on receipt of official notification from DVLA.
- 10.5 It is then the offender's responsibility to apply for a new driving licence before the end of the reduced period of disqualification. This is done using form D1 and D750 (available from post offices or DVLA).

11. Failure to complete a course

- 11.1 Where an offender does not complete a course satisfactorily, the course organiser must notify the offender of his decision in writing as soon as possible, using a notice of non-completion (see Annex C), and in any event no later than fourteen days after the date specified in the order as the latest date for completion of the course (section 34B(5) RTOA). The non-completion notice should set out the reasons for failure based on those specified in section 34B(4) and any other

⁴ SI 1992 No. 3013. The Road Traffic (Courses for Drink-Drive Offenders) Regulations 1992

circumstances which contributed to the failure (see paragraph 11.2 below). The notice will draw attention to the offender's right under section 34B(6) to make an application against the course organiser's decision.

- 11.2 A non-completion notice must be issued to any referred offender who does not satisfactorily complete a course and, as a result, is not issued with a completion certificate. In practice this means anyone who:
- fails to make any contact with the course organiser after being referred by the court
 - fails to complete one or more of the course sessions
 - fails to pay the course fee or any part of it
 - fails to attend the course in accordance with the organiser's reasonable instructions
 - fails to comply with any other reasonable requirements of the organiser

Issuing non-completion notices in these circumstances should avoid the likelihood of a successful default action against the course provider as described in paragraph 11.9 below.

- 11.3 As noted above in paragraph 5.12, courts have no power to extend the final date for completion of a course. **Where it is clear that a referred offender will be unable to complete a course with the specified provider before the deadline, it should be explained to the person concerned that no extensions in the deadline are permitted and that the provider is obliged to issue a non-completion notice.** This may be avoided if it is possible to arrange for another course organiser to provide a course which can be completed by the deadline without breaching DfT's other course requirements. In such circumstances, the court should be informed of the proposed transfer and the reasons for it.
- 11.4 The Road Traffic (Courses for Drink-Drive Offenders) Regulations 1992 (SI 1992 No. 3013) provide that a non-completion notice is to be treated as given to a person if it was sent by registered post or recorded delivery (even if it was not in fact received by him). This means that once a provider has despatched a non-completion notice by one of these methods, the offender cannot claim not to have received it.
- 11.5 It should be noted that these methods of special delivery are no longer available in their original form. In order to clarify the status of this particular provision, DfT is planning to amend the 1992 Regulations to bring them into line with court rules which, since 2005, have specified first class post as the authorised method of service of court documents⁵. In the meantime, the organiser will need to consider the

⁵ Rule 4.4 of the Criminal Procedure Rules 2005

risk of successful challenge if first class post is used in the event of any dispute over the despatch and receipt of a non-completion notice. Use of second class post is in any event unacceptable.

- 11.6 Where supervising courts wish to receive them, copies of non-completion notices should be sent to the court by ordinary post. There is no need to copy non-completion notices to DVLA.

Challenges against a course provider's decision

- 11.7 Any application by the offender for a declaration against a course organiser's decision to issue a non-completion notice should be addressed to the supervising court which, in England and Wales, may issue a summons directing the course organiser to attend a hearing to consider the application (the applicant should also be informed of the date of hearing by the court). It is in the interests of each course organiser to be able to show to a court that their reasons for not granting a certificate were properly founded on one or more of the matters set out in paragraph 11.2.
- 11.8 In England and Wales any such application must be made within 28 days of the date for completion of a course specified in the order. It is important that any application is considered promptly so that, if the court decides to grant the application, the reduced period of disqualification can still take effect.
- 11.9 If a course organiser fails to give either a certificate of completion or a notice of non-completion to the offender within 14 days of the latest date for the completion of a course specified in the order, the offender may apply to the supervising court for a declaration that the course organiser is in default (section 34B(7)). The procedures are the same as in paragraphs 11.7 and 11.8 above. If the court grants the application, the reduced period of disqualification will apply as if a certificate of completion had been received by the court.
- 11.10 In Scotland the court procedures for applications such as those under sections 34B(6) and (7) are laid down in the relevant rules of court, namely the Act of Adjournal (Criminal Procedure Rules) 1996. The procedure is flexible, but the course organiser may be required to lodge written answers to the application before a date for hearing the application is fixed. The period in which any application may be made is 28 days as laid down in the Act of Adjournal.
- 11.11 Where the court has made a decision on an application in the applicant's favour and orders a reduction in the period of disqualification, and in any case where the disqualification was suspended, it must notify DVLA of its decision under section 34B(9). This notification should be made on the same form as for the notification of a reduced period of disqualification following completion

of a course and should at the same time be copied to the local PNC bureau.

12. Special needs

- 12.1 Course providers should be fully aware of any of the requirements of the Disability Discrimination Act 1995 (as amended) (DDA) that may apply to them so as to avoid discrimination against people with disabilities in the provision of drink drive rehabilitation courses. In particular, under this legislation 'service providers' must make 'reasonable adjustments' to remove any barriers that could make it difficult or impossible for disabled people to use their services. Under the DDA it is unlawful to treat disabled people less favourably than others for a reason related to their disability.
- 12.2 The duty to make reasonable adjustments is not unqualified. Course providers will need to decide whether in any particular case they are obliged to make adjustments to assist a referred offender and what adjustments are reasonable taking into account all the relevant circumstances.
- 12.3 Ultimately, it is for the courts to interpret the law in any dispute over the meaning of a particular legislative provision, and in this case what is 'reasonable' in considering what adjustments may be necessary. There are, however, a number of sources of advice available to course providers to assist them in reaching an equitable conclusion in each case. Much of this is available from the **Equality and Human Rights Commission** and can be found on its website at:

<http://www.equalityhumanrights.com/>

Advice specifically about access to services and making reasonable adjustments is available at:

<http://www.equalityhumanrights.com/advice-and-guidance/your-rights/disability/access-to-services/>

13. Other statutory obligations

- 13.1 Course providers are also reminded that they must comply at all times with any area of the law which applies to their organisation and its activities. In addition to disability rights, this could include such matters as employment (including distinctions between employed and self-employed persons), taxation, insurance (employer and public liability and professional indemnity), health and safety, human rights, data protection and anti-discrimination legislation. Where appropriate, providers must also satisfy the requirements of company law, including those concerning solvency.

- 13.2 DfT is not in a position to offer detailed guidance on any of these issues, but reserves the power to withdraw an approval if serious breaches are brought to its attention.

14. Motor insurance

- 14.1 Some insurance companies offer reduced premiums to convicted drink drivers who have successfully completed an approved course. Course organisers may provide those attending their courses with details of such companies, provided that they have no financial or other interest in those specified or obtain any other benefit or advantage as a result. If offering such information, it is suggested that an organiser should specify not less than two independent and unconnected insurance providers.

15. Further Information

- 15.1 Enquiries about this guidance should be addressed to: Driving Standards Agency, Harrowden Lane, Cardington, Beds. MK44 3EQ
Tel. 01234 744 064. Fax 01234 744 050.

Department for Transport
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