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# Evaluation of Fixed Penalty Notices for Careless Driving

Final

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## Summary and conclusions

# 1 Summary and conclusions

## 1.1 Context and objectives

Fixed Penalty Notices (FPNs) for careless driving came into effect on 16<sup>th</sup> August 2013. This intervention granted the police autonomy to respond to predominantly (but not exclusively) low level driving offences which may have previously been referred to the courts. It has expanded the scope of FPNs to a greater range of driving offences (previously applied to offences such as speeding, parking offences and seat belt offences). The broad policy objectives of the reformed framework were:

- To increase the effectiveness of enforcement of penalties for careless driving offences.
- To increase take-up of remedial driver training courses among offenders.
- To reduce careless driving offences through increased enforcement and thus improve road safety.
- To reduce administrative and time and cost burdens for the police and court services in enforcing sanctions for careless driving offences<sup>1</sup>.

The overall aim of this evaluation is to understand and measure the effectiveness of the Fixed Penalty Notice (FPN) for careless driving offences since its introduction. In particular, the evaluation focuses on the impact on the police, the courts, road users and offenders.

The evaluation aims to establish whether policy objectives have been met by using a number of research and analysis strands, including primary data collection and analysis of secondary data provided by a range of sources. The key research questions which the evaluation sought to address – and around which this report is structured - were as follows:

- I. Effectiveness of the intervention on enforcement, including take-up of remedial driver training courses
- II. Changes in driver attitudes and perceptions of their behaviour on the roads
- III. Impacts on the level of bureaucracy and burden on individual police forces and courts

## 1.2 Effectiveness of the intervention on enforcement

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<sup>1</sup> Department for Transport (Ministry of Justice and Home Office) - Introduction of Careless Driving as a Fixed Penalty Notice Offence London. DfT 2013. P1.

Driver license endorsement data shows a significant 25% year-on-year increase in the number of endorsements for careless driving in the 12 months following the introduction of FPNs. The scale of this increase and apparent step change around the time of legislative change, within the context of continued constraints on police resources, suggests that the introduction of FPNs was likely a key reason for this increase.

In the two years following the legislative change – from August 2013 to July 2015 – a total of 5,194 FPNs were issued for careless driving offences. Following an increase in the number of FPNs issued between the months of August and September 2013, this number remained fairly consistent month-on-month throughout the two-year period.

The number of driver re-training disposals increased significantly over the same period. Whilst the number of FPNs and remedial driver training disposals issued was fairly similar at the time of the legislative change, by the second quarter of 2015, monthly driver training disposals typically outnumbered FPNs by around 3:1. This may reflect increased familiarity amongst relevant police officers/staff, as well as increasing levels of service provision in driver training courses over the period.

The large majority of road traffic policing officers/staff appear familiar with FPNs; 92% of those surveyed were aware of their introduction for careless driving and only a small minority (9%) noted they were not being implemented for these offences in their force area.

Over half of police officers/staff surveyed (53%) noted they are more likely to enforce the offence of careless driving since the change in legislation. A majority of these officers/staff either fully or partly apportion this specifically to the introduction of FPNs (92%). Qualitative feedback from officers highlighted that this increase – which supports the trends observed in endorsement data – had been driven by the perceived ease of issuing FPNs, coupled with the fact that it is, on the whole, felt to be an appropriate and proportionate disposal option.

Contextually it is important to note that other changes to policing procedures may have also had an impact on police activity and the subsequent trends noted. The introduction of Traffic Offence Reports (TORs) in some force areas meant there could be some confusion around what constituted an FPN and/or a TOR, making it challenging to disentangle the relevant impact of specific factors.

Across the research, familiarity with the introduction of FPNs for careless driving offences was much lower amongst magistrates and court staff than amongst police officers and staff. This, in part, will likely explain why their views are notably less positive than those of police officers and staff. Reservations that some magistrates and court staff expressed around the appropriateness and proportionality of FPNs for careless driving offences also reflected their experience of offences which have come to court, and so may be more weighted towards those that might be deemed more serious.

Overall the findings show that the introduction of FPNs appears to have led to an increase in enforcement of careless driving offences. This is likely to be a result of

changes in police behaviour, due to increased ease of enforcement and greater buy-in around the appropriateness and proportionality of the disposal for these offences. However, it is important to note that other changes to policing procedures – notably the introduction of Traffic Offence Reports in some forces – may also be having an impact on enforcement behaviour.

### 1.3 Evaluating changes in driver attitudes and perceptions of their behaviour on the roads

Around one in four drivers (26%) said they were aware of the introduction of FPNs for careless driving. A similar proportion (27%) were not aware but assumed the FPN would be a disposal option anyway, and one in three drivers (35%) did not know about the change in legislation or FPNs for careless driving. When prompted with a list of possible disposal options, the disposal most commonly identified by drivers and recent careless driving offenders was a verbal or written warning from the police officer (identified by 50% and 52%, respectively).

Mixed awareness of the disposal options reflects levels of understanding of the offence itself. The general public were asked to give examples of a careless driving offence and the three most common responses given by drivers were speeding, using a mobile phone while driving, and driving under the influence of alcohol – none of which constitute a careless driving offence under current law. To many, 'careless driving' represents an umbrella term to describe a range of negative driving behaviours, and any efforts to communicate the consequences and penalties must reflect this.

The research also found that amongst recent offenders there are mixed levels of understanding – and in some cases a complete lack of awareness – of the disposal options. This will, in part, reflect the way in which options were communicated to them.

Despite this limited awareness, on balance, the public are positive about the use of FPNs for careless driving offences, and around a third of drivers (37%) say that knowing about the possibility of a FPN would make them drive more carefully. Police, magistrates and other court staff are less convinced about the likely impact of the FPN on driver behaviour. This difference in opinion also mirrors the range of different reasons given by these audiences for the introduction of the FPN – whilst the public are more likely to cite a deterrence effect and improvements to road safety as the main rationale for the legislative change, police and court staff are more likely to cite efficiencies and reduction of the burden on courts.

The majority of those recently penalised for careless driving are positive about the likely deterrent effects of FPNs on poor driver behaviour, and cite positive changes they have made to their own driving behaviour. However, qualitative findings suggest these attitudes and stated changes in driver behaviour are related to the wider impact of the incident (for example, the emotional impact felt by the offender following an incident and the subsequent decisions made about where and when to drive) and cannot be linked to the introduction of FPNs per se.

## 1.4 Evaluating impacts on the level of bureaucracy and burden on individual police forces and courts

HMCTS conviction data shows that there was a decrease in the number of careless driving cases processed by the courts in the year following the introduction of FPNs compared to the previous 12 months. This continued a longer-term trend of a reduction in the numbers of careless driving cases processed by the courts, potentially reflecting other changes to the policing landscape regarding prioritisation of resources.

Trends in the numbers of driver license endorsements show that the introduction of FPNs for careless driving was around the point at which DVLA endorsements began to consistently outnumber HMCTS convictions.

In line with these shifts in case volumes, those magistrates and other court staff who felt able to give a view on the impact of the introduction of FPNs for careless driving were significantly more likely to agree than disagree that the change in legislation has diverted lower level careless driving cases away from their court. They were also more likely to agree than disagree that it had reduced the level of administration on the courts for the prosecution of careless driving. A sizeable proportion also felt that the change had led to staff in their court spending less time on careless driving cases.

Views were more balanced regarding the impact on ease of prosecution, though this is perhaps to be expected given the more serious cases which require a hearing will inevitably still be dealt with by the courts. It should be noted across all these measures there were significant numbers – between 34% and 56% – who did not feel they knew enough about the introduction of FPNs to give a view, reflecting the lack of awareness across magistrates and court staff outlined previously.

Over half of those police officers who expressed a view in the police survey felt that officers are now spending less time dealing with careless driving offences following the introduction of FPNs. Insight from the in-depth interviews suggests that this may also reflect the introduction of TORs in some areas and again highlights other procedural/ contextual factors which may also be having an impact alongside the legislative change regarding FPNs.

## 1.5 Conclusions

It is important to note that this evaluation was retrospective in nature and limited in its scope as regards a full assessment of the impact of FPNs for careless driving offences. For example, it has not included any economic evaluation or cost benefit analysis. However, the findings provide some key messages and a clear steer for those involved in the ongoing implementation of careless driving disposals as well as those engaged more broadly in policy, communications and evaluation around traffic offences.

### **Effectiveness of the intervention on enforcement, including take-up of remedial driver training courses**

- The evidence from this evaluation shows that the introduction of FPNs for careless driving offences appears to have had positive impacts on the effectiveness of enforcement in terms of the numbers of endorsements, uptake in remedial driver training courses and positive reaction from police officers/staff.
- Whilst the trends in numbers of endorsements for careless driving offences show a step-change around the point of the introduction of FPNs, it is important to bear in mind the wider context and other changes to process and policy that might be having an impact at a local and national level. Interviews with police officers highlight Traffic Offence Reports (TORs) as being particularly relevant and their implementation is likely to have had a contributory effect to the increase in numbers of endorsements. This effect cannot be disentangled from the legislative change regarding FPNs within this evaluation.

### **Changes in driver attitudes and perceptions of their behaviour on the roads**

- Evidence around the impact of the introduction of FPNs on driver attitudes and perceptions of their behaviour is mixed, which is underpinned by a lack of awareness amongst magistrates and courts staff, and a lack of understanding of 'careless driving' amongst the public.
- Any strategies to increase public understanding need to consider this vagueness and the nebulous distinction that most make between careless driving and other driving offences. It is therefore likely that efforts will be more effective if they focus on specific driving behaviours. Lessons can be learnt from THINK! and other relevant campaigns in the UK and elsewhere.
- Further engagement with magistrates and other court staff would address gaps in awareness and, given the typically positive acceptance of the rationale for the introduction of FPNs, would likely increase levels of favourability towards its implementation.
- The public are likely to cite a deterrence effect and improvements to road safety as the main rationale for the legislative change (ahead of other potential reasons) though feedback from those penalised for careless driving demonstrates how the effect of the FPN on future driving behaviour needs to be considered within a broad range of behavioural factors.
- More comprehensive data would need to be obtained in order to conduct a robust reoffending analysis which would allow for further examination of changes to road safety and externality costs.

### **Impacts on the level of bureaucracy and burden on individual police forces and courts**

- Evidence from this evaluation shows the introduction of FPNs for careless driving offences appears to have had positive impacts on levels of bureaucracy and

burden on police and courts. This is based upon numbers of cases dealt with by HMCTS, alongside DVLA endorsement data and perceptions of those across the Criminal Justice System (CJS), notably the police.

- Whilst the number of careless driving endorsements has increased, the findings also show that the amount of frontline police officer time spent on each case has likely decreased (though any change in amount of time spent by back office staff has not been assessed). Findings suggest the amount of court time spent enforcing careless driving offences has declined (though was already likely on the decline prior to the introduction of FPNs). Any evaluation of the impact on costs to the CJS would need to factor in these variations alongside changes in revenue received through FPNs and court fines (outside the remit of this evaluation).
- This would also need to disentangle the introduction of FPNs for careless driving offences from impacts on bureaucracy and burden that are affected by broader changes to the CJS landscape and/or other specific changes to procedures, notably the implementation of TORs.

### **Recommendations for future similar evaluations**

- This evaluation has utilised primary and secondary data collection to provide a holistic picture of the impact of the introduction of FPNs. The process has highlighted the need for close working relationships with local force areas and contacts at national-level organisations that can assist with the dissemination of relevant tools and information. Similar evaluations in the future would benefit from ensuring a stage of in-depth scoping analysis at a local level to ensure relevant processes and priority setting can be fully assessed in the selection of case studies and development of tools. Appropriate time for the facilitation of relevant data sharing agreements and transfer of data also needs to be a key consideration.

# Introduction and background

## 2 Introduction and background

### 2.1 Policy context and objectives

Fixed Penalty Notices (FPNs) for careless driving came into effect on 16<sup>th</sup> August 2013. This intervention granted the police autonomy to respond to predominantly (but not exclusively) low level driving offences, which may have previously been referred to the courts, and has expanded the scope of FPNs to a greater range of driving offences (previously applied to offences such as speeding, parking offences and seat belt offences). Careless driving offenders now take one of the following pathways:

- 1 The offender is issued a warning by a Police Officer.
- 2 The offender pays the fixed penalty of £100 and receives three penalty points to their licence (the FPN pathway). If the offender does not comply or has taken this route within the previous year, they must proceed to court (as per 3 below).
- 3 The alleged offender pleads not guilty and proceeds to the Magistrates' Court.
- 4 The offender opts to take a remedial driver training course where this is offered by the police as an alternative to the FPN. Eligibility is assessed by administrative staff and is conditional upon not having attended the course within the previous three years. The cost of the course is borne by the offender and in general, does not exceed the cost of the FPN fine. If an offender is ineligible or fails the course, the fine and penalty points must be issued. Re-training would not be offered if the offence could be dealt with through another form of prosecution.

Previously offenders were either issued a warning by police or a summons to the court, depending on the case, and in some cases offered driver re-training. A court case for careless driving under the prior system could result in a fine of up to £5,000, between three and nine penalty points to the driver's licence and, at the discretion of the court, potential disqualification<sup>2</sup>.

The broad policy objectives of the reformed framework are:

- To increase the effectiveness of enforcement of penalties for careless driving offences.
- To increase take-up of remedial driver training courses among offenders.
- To reduce careless driving offences through increased enforcement and thus improve road safety.
- To reduce administrative and time and cost burdens for the police and court services in enforcing sanctions for careless driving offences<sup>3</sup>.

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<sup>2</sup> Department for Transport (Ministry of Justice and Home Office) - Introduction of Careless Driving as a Fixed Penalty Notice Offence London. DfT 2013. P6.

<sup>3</sup> Department for Transport (Ministry of Justice and Home Office)- Introduction of Careless Driving as a Fixed Penalty Notice Offence London. DfT 2013. P1.

## 2.2 Theory of change

This section presents the current system of enforcement and the processes by which the intervention (i.e. the introduction of FPNs for careless driving offences) was intended to achieve its aims. This understanding is formalised in the definition of a 'logic model' and a set of key outcomes that have been explored through the evaluation.

### 2.2.1 Impacts on enforcement and police behaviour

The intervention aims to improve detection rates to better match the incidence of careless driving offences, since issuing an FPN poses less of a time and administrative burden than a summons to the court. As a result, it is anticipated that police will give greater priority to the enforcement of careless driving offences. In the short-term, detection, enforcement rates and volumes may rise.

There are some uncertainties over the potential effectiveness of FPNs in delivering these outcomes that have been explored through the evaluation:

- **Wider pressures on police resourcing:** The extent to which the change in the framework will lead to material effects on enforcement may depend on the overall level of resource allocated to policing driving offences, at the national and local level. Police forces differ in the resources that they allocate to policing the roads. Increases in enforcement are likely to be limited by this – indeed, local differentiation following devolution in funding allocation for road traffic enforcement is acknowledged in the impact assessment<sup>4</sup>. For instance, there has been a reported 23% reduction in traffic police in England and Wales from 2010 to 2014.<sup>5</sup>
- **Displacement: Another possible outcome is displacement effects. This refers to a situation where careless driving is a relatively more attractive disposal option for the police than other options (due to time/bureaucracy saved etc.)** This would have an additive effect on the volumes of careless driving offences observed (and a reduction in the number of other offences observed).

### 2.2.2 Impacts on driver behaviour

The anticipated increase in enforcement is intended to act as a deterrent to careless driving and improve driving behaviour.

- **Deterrence:** DfT reports suggest that remedial driver training courses will act as a deterrent, as will the threat of disqualification<sup>6</sup>. The increase in the Fixed Penalty amount to equate (approximately) to the cost of remedial training (which is funded

<sup>4</sup> Department for Transport (Ministry of Justice and Home Office) - Introduction of Careless Driving as a Fixed Penalty Notice Offence London. DfT 2013. P9

<sup>5</sup> Rac.co.uk., 'Archive Press Releases | RAC | RAC'. N.p., 2015. Web. 10 Dec. 2015.

<sup>6</sup> Department for Transport – Road Safety Research Report 96: Does the Threat of Disqualification Deter Drivers from Speeding? London. DfT 2008. [ONLINE]. Available at: <http://webarchive.nationalarchives.gov.uk/20090417002224/http://www.dft.gov.uk/pgr/roadsafety/research/srr/theme2/threat.pdf>

by the offender) has also raised the relative economic costs to the individual of accepting the fine. There is also the potential for a driver to compare the size of a Fixed Penalty to perceived alternatives of (larger) fines and other penalties that may be issued by a court (including disqualification).

There has, however, been no large-scale communications campaign to raise awareness of the changes to the consequences of careless driving, and if drivers are unaware, then deterrence effects will likely be affected. Levels of public awareness are explored within this evaluation.

As well as perceived consequences, deterrence may also be influenced by how likely a driver feels they are to be caught for careless driving. This may be affected by the legislative change – for example, if perceived as easier for police to use then this could lead to an increased deterrent effect – but will also be affected by wider perceptions around police resource and prioritisation.

- **Driver education:** Training courses are part of the National Police Chiefs' Council's (NPCC) National Driver Offender Retraining Scheme (NDORS); the cost varies by police force and the course that providers use. The Impact Assessment estimates the average cost of training to be £90; with a Fixed Penalty Level of £100, the economic incentive, where this cost is in fact lower than the FPN, is for the offender to take the training (though this does not account for: private costs and benefits which are not financial, such as time costs; and does not account for the potential rising cost of training with inflation versus the fixed penalty, which will not rise with inflation)<sup>7</sup>. The aim of the training is to improve driving standards: offenders will drive more responsibly and so are, in theory, less likely to commit a careless driving offence again<sup>8</sup>. By preventing reoffending, potential careless driving sanctions would be reduced and driver behaviour improved (though there is some uncertainty as to the effectiveness of driver education in achieving these outcomes).

The assumption that offenders will be (financially) incentivised to opt for remedial training instead of an FPN (as well as disincentivised from receiving penalty points to their licence) also supports the assertion in the DfT's Strategic Framework for Road Safety that the increased detection rate will not substantially increase the number of offenders potentially entering the Criminal Justice System<sup>9</sup>.

- **Threat of disqualification:** For repeat offenders, the threat of disqualification is intended to improve driver behaviour. This is supported by evidence of a deterrence effect from speed cameras on drivers exceeding the speed limit<sup>10</sup>. This previous study does, however, point to unintended consequences such as passing penalty

<sup>7</sup> Department for Transport (Ministry of Justice and Home Office) - Introduction of Careless Driving as a Fixed Penalty Notice Offence London. DfT 2013. P8

<sup>8</sup> Department for Transport – Strategic Framework for Road Safety. DfT May 2011. P58 and p61.

<sup>9</sup> Department for Transport – Strategic Framework for Road Safety. DfT May 2011. P58

<sup>10</sup> Department for Transport – *Road Safety Research Report 96: Does the Threat of Disqualification Deter Drivers from Speeding?* London. DfT 2008. [ONLINE]. Available at: <http://webarchive.nationalarchives.gov.uk/20090417002224/http://www.dft.gov.uk/pgr/roadsafety/research/rsrr/theme2/threat.pdf>

points to others and avoiding speeding only for stretches of road with a speed camera. An outcome that was anticipated by some road traffic police is that 'riskier' careless drivers who have already been sanctioned may alter their driving routes to less-policed ones instead of improving their driving behaviour. This evaluation includes (limited) reconviction analysis and also covers driver attitudes towards deterrence and disqualification.

### 2.2.3 Exchequer costs and benefits

Cost and benefits are quantified in the Impact Assessment, though changes in the enforcement level as a result of the intervention mean cost savings may be offset by increased levels of enforcement.

**Changes in costs to the Criminal Justice System:** The diversion of minor driving offences from the courts is intended to reduce administration and associated costs. According to DfT's Impact Assessment, cost reductions of £12.2m, £4.6m and £5.4m will accrue to the police, Criminal Justice System, and Crown Prosecution Service respectively<sup>11</sup>. The calculation is based on unit costs (per offender) and assumes careless driving offences will be diverted from the courts; if increased enforcement as a result of the intervention is greater than anticipated, this could offset the forecast reduction<sup>12</sup>. The scope of this evaluation does not cover analysis of costs, but it does consider perceptions of administrative burden.

**Changes in income to the Criminal Justice System:** The Impact Assessment estimates a reduction in revenue through payment of court fines of £4.4m<sup>13</sup>, as a result of a decrease in the number of offenders. Again, greater enforcement may offset this anticipated reduction in income. The Impact Assessment also assumes the number of offenders paying an FPN will increase, accruing revenue for the Exchequer, though this could be offset if take-up of driver education training as an alternative to endorsable FPNs is greater than anticipated.

The net amount saved through cost reductions may exceed potential revenue lost through the intervention, but this will depend on the magnitude of change in the level of enforcement; the difficulty in disentangling these administrative/bureaucratic costs should be noted. Furthermore, other scenarios in which the policy may negatively impact on public finances are not quantified in the Impact Assessment, which does not factor in competition, small firms or social impact, for example. Quantifying these economic aspects is out of scope of this evaluation.

### 2.2.4 Costs to other road users or individuals

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<sup>11</sup> Department for Transport (Ministry of Justice and Home Office) - Introduction of Careless Driving as a Fixed Penalty Notice Offence London. DfT 2013. P2-3.

<sup>12</sup> The Impact Assessment does not quantify the anticipated change in enforcement as a result of the intervention, and therefore assumes enforcement will not change significantly from the prior system.

<sup>13</sup> Department for Transport (Ministry of Justice and Home Office) - Introduction of Careless Driving as a Fixed Penalty Notice Offence London. DfT 2013. P2-3.

The Impact Assessment does not quantify the total costs of knock-on effects and unintended consequences. However, it can be assumed that if improvements in driver behaviour lead to fewer road accidents, then this will reduce the aforementioned costs associated with careless driving, which are captured in the logic model. These include the time, emotional and economic costs borne by individuals impacted by road accidents as well as the economic costs (to society) of emergency services attending road accidents, hospital admissions, subsequent clean-up, and traffic congestion. Furthermore, police time can be freed up to tackle other offences as the process of sanctioning careless driving becomes less burdensome<sup>14</sup>, bringing benefits to the police and Crime Justice System more widely.

### 2.2.5 Impacts in secondary markets

Finally, if the assumption that offenders are incentivised to take remedial training is correct, the policy assumes that providers of driver education can accommodate the additional demand. If provision does not expand to meet demand this may place pressure on prices (including related courses such as the National Speed Awareness Course), with associated negative effects which undermine the intentions of the intervention. For example, offenders accepting an endorsable FPN with a fine and penalty points rather than taking a National Speed Awareness Course. This possible effect – and other wider effects – is explored in the evaluation framework through the detail provided in the case studies.

### 2.2.6 Logic model

The preceding discussion around the anticipated impacts of the intervention are summarised in the logic model presented overleaf.

## 2.3 Glossary of terms

**DfT** – The Department for Transport

**DORS** - Driver Offender Retraining Scheme

**DVLA** – Driver and Vehicle Licensing Agency

**FPN** – Fixed Penalty Notice. The FPN for careless driving offences gives the police autonomy to respond to low level driving offences by issuing a fixed penalty (fine) of £100 to the offender, who will also receive three penalty points to their licence. Alternative disposal options for a careless driving offence are: a warning with no further action, a court summons or completion of a driver retraining course (at a cost to the offender of around £100 on average).

**HMCTS** – Her Majesty's Courts and Tribunals Service

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<sup>14</sup> Department for Transport (Ministry of Justice and Home Office) - Introduction of Careless Driving as a Fixed Penalty Notice Offence London. DfT 2013. P8

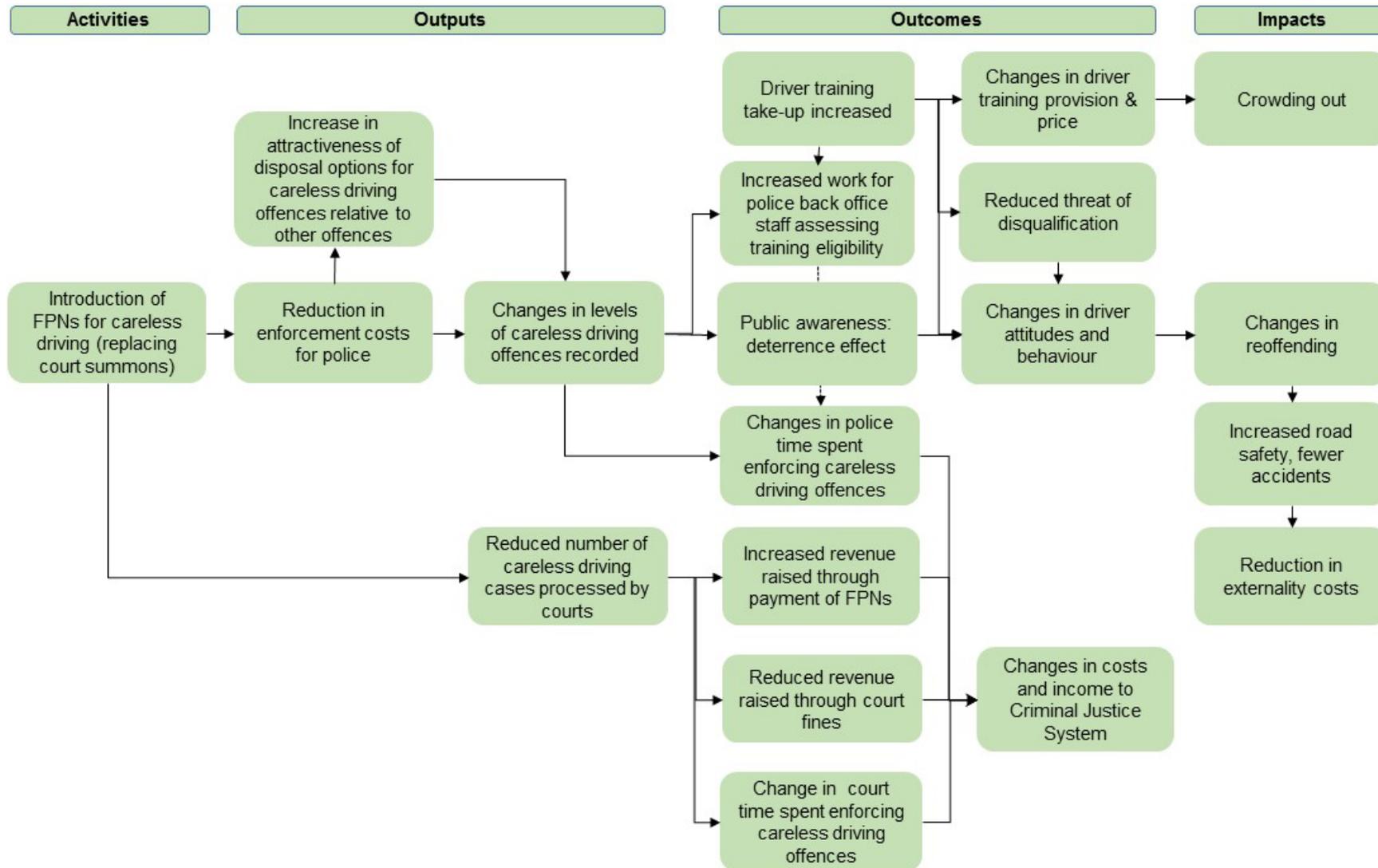
**NDORS** – National Driver Offender Retraining Scheme

**NPCC** – National Police Chiefs Council

**Pentip** – The national system for recording the issuing and collection of penalty notices and the collection of related penalties.

**TOR(s)** – Traffic Offence Report(s). TORs are a mechanism for administering an FPN – as well as other disposal options (e.g. Driver Offender Retraining Schemes) – for careless driving offences (and other driving offences). If a TOR is used by a police force, details of the offence are recorded by police officers and issued to administrative police staff, who determine the disposal option and will typically send the details of the penalty to the alleged offender via post. During the interviews with police officers in this evaluation, the term 'TOR' was sometimes used interchangeably with 'FPN' by the police – we cover this in the relevant sections of the findings.

Figure 2.1 – Logic model



## Aims of the evaluation

## 3 Aims of the evaluation

The overall aim of the evaluation is to understand and measure the effectiveness of the Fixed Penalty Notice (FPN) for careless driving offences since its introduction, in August 2013. In particular, the evaluation focuses on the impact on the police, the courts, road users and offenders.

The policy seeks to divert cases from the courts and streamline the enforcement process for the police. For road users, it aims to deter careless driving and prevent reoffending both through deterrence and education effects of driver training. In short, the aims are to reduce careless driving and its associated costs, and improve enforcement of careless driving offences.

The evaluation aims to establish whether these policy aims have been met, using information held in relevant national databases combined with the findings from targeted surveys of the above affected groups, as well as case study work in local areas. Below, we have highlighted the key research questions which the evaluation sought to address.

### Effectiveness of the intervention on enforcement

- Have police forces experienced a change in the **ease of enforcing** the offence?
- Do police officers feel **more inclined to stop drivers** for the offence following introduction of the new powers?
- Do police officers believe that a Fixed Penalty Notice is a **more effective way to deal with the offence**?
- Do the data sources suggest that there has been **an increase or decrease in the level of enforcement of the offence**?
- What is the **overall (national) distribution of offenders** between these disposal completion methods?

### Changes in driver attitudes and perceptions of their behaviour on the roads

- Are drivers **aware** that there has been a change in the way that the offence is enforced? Where from?
- Do drivers feel that the current methods of enforcement of the offence are **appropriate**?

- Do drivers feel the new method of enforcement provides a **greater or lesser deterrent** than the previous method of enforcement?
- Have the **police perceived any increase or reduction in the prevalence of careless or inconsiderate driving** following the introduction of the new powers?
- Have **drivers changed their driving style** following the introduction of the new powers?
- Following the introduction of the new powers, has there been an **increase or decrease in the number of drivers who commit the offence**?
- In the 12 months following the introduction of the new powers, **how many drivers issued with a fixed penalty notice for the offence have reoffended**?
- Of those previously convicted of the offence, do they feel that a Fixed Penalty Notice is an **effective deterrent**?

### **Impacts on the level of bureaucracy and burden on individual police forces and courts**

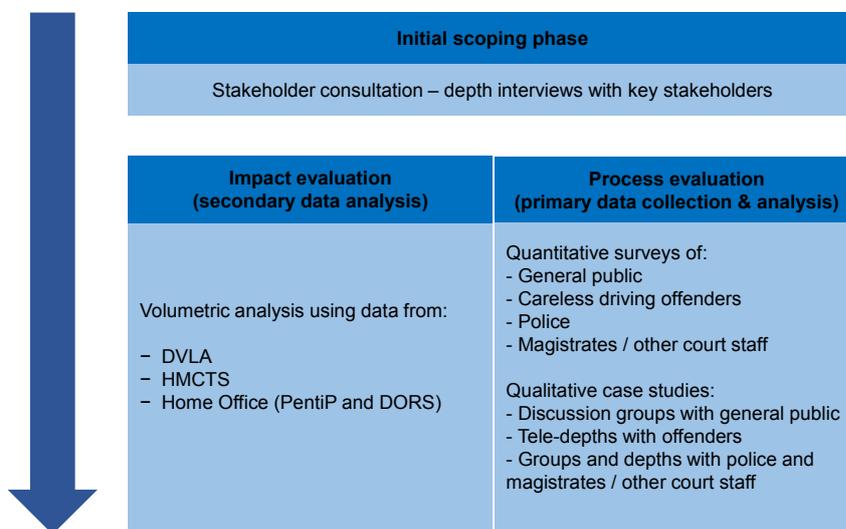
- Do Police officers feel that the amount of **time that they spend processing instances** of the fixed penalty notice has increased or decreased in comparison to the previous careless driving enforcement methods?
- Do the police feel that the **amount of paperwork required** to process instances of the offence has increased or decreased following the introduction of the new powers?
- Overall, do the police believe that there has been an **increase or decrease in the level of bureaucracy** associated with the offence?
- Do the data sources suggest that the number of court cases for the offence increased or decreased following the introduction of the new powers?
- Do court officials/judges feel that the introduction of the Fixed Penalty Notice has **reduced the burden on the courts**?
- To what extent have **minor offences been removed from the court system** as a result of the change in enforcement?

# Methodology

## 4 Methodology

This evaluation has encompassed a number of research and analysis strands, including primary data collection and analysis of secondary data provided by a range of sources. This section provides detail on these methods, which are summarised figure 4.1 below.

Figure 4.1 – Outline of evaluation methods



### 4.1 Initial stakeholder consultation

Qualitative interviews were initially conducted with 12 stakeholders, either by telephone or face to face to gauge their opinions, around:

- The effectiveness of the new disposal method for careless driving
- How far it has met its objectives
- Any unforeseen operational issues or unintended effects that may inform future policy development
- Geographical variation (or other sources of variation) in its effects

Relevant stakeholders were identified by DfT and contact details were provided to Ipsos MORI. Feedback from the interviews informed the development of the research materials for the process and impact evaluation strands outlined below.

## 4.2 Impact evaluation: secondary data analysis

The impact evaluation utilised secondary data analysis to identify trends in numbers of endorsements, convictions, courts cases and reconviction rates pre and post the introduction of FPNs for careless driving offences. The process evaluation element of the study incorporated surveys and in-depth interviews and group discussions with target audiences to explore perceptions and provide understanding of reasons behind the trends in volumes.

### 4.2.1 Data sources

Data has been provided by DVLA, HMCTS, Home Office (PentiP and DORS) and selected police forces using the careless driving offence codes and definitions detailed in Figure 4.2 below.

Figure 4.2 – Secondary data for Impact analysis

DVLA endorsement code	DVLA description	Penalty points	CJS - current code	CJS- retired code
CD10	Driving without due care and attention	3 to 9	RT88575	RT88003
CD20	Driving without reasonable consideration	3 to 9	RT88576	RT88004
CD30	Driving without due care and attention or without reasonable consideration	3 to 9	-	-

### 4.2.2 Volumetric analysis

The volumetric data that has been analysed for this report is summarised in Figure 4.3 below. The data provided covered offences which occurred in England and Wales.

Figure 4.3 – Data summary for volumetric analysis

Data source	Summary of data	Time periods covered	How has the data been used
DVLA (Driver Vehicle Licencing Agency)	Number of licence endorsements for careless driving offences by careless driving offence codes	August 2011 to July 2014	To identify any changes in the number of endorsements in the first year of the legislative change (commencing on 16th August 2013)

			compared with previous years
<b>PentIP (the national system for recording the issuing and collection of penalty notices and the collection of related penalties)</b>	Number of FPNs issued by careless driving offence codes	August 2013 to July 2015	To identify changes in the number of FPNs issued following the legislative change
<b>DORS (Driver offenders retraining scheme)</b>	Number of offenders offered driver re-training by careless driving offence codes	August 2013 to July 2015	To identify changes in the number of driver re-training courses undertaken following the legislative change
<b>HMCTS (Her Majesty's Courts and Tribunal Service)</b>	Total number of court cases created and disposals by careless driving offence codes	August 2011 to July 2014	The intention is to identify changes in the number of cases and disposals before and after the legislative change

### 4.2.3 Reoffending analysis

A number of options for undertaking the reoffending analysis were explored which required negotiations between a number of police forces, DVLA and the DfT to access the appropriate data. Despite the best efforts of representatives across different forces, it was not possible to obtain a comprehensive dataset within the evaluation timescales to allow for robust reoffending analysis.

## 4.3 Process evaluation: primary quantitative and qualitative data collection

### 4.3.1 Survey of the general public

A nationally-representative survey of the British public was conducted using Ipsos MORI's weekly in-home face-to-face omnibus survey (Capibus). A total of 1,752 adults aged 17+ were interviewed across England and Wales between the 10<sup>th</sup> July and the 16<sup>th</sup> July 2015. Full details of Ipsos MORI's Capibus methodology can be found in Appendix A.

### 4.3.2 Survey of careless driving offenders

'Offenders' were defined as all those who had received penalty points for DVLA endorsement codes CD10, CD20 and CD30. CD10 is driving without due care and attention, CD20 is driving without reasonable consideration, and CD30 is driving without due care and attention OR without reasonable consideration.

The survey was conducted by post with the option of online completion. A 12-page questionnaire with an introduction letter (and directions to the online link) was designed by Ipsos MORI (with input from DfT) and mailed out by DVLA. Respondents had between the 13th and 31st July 2015 to complete and return the questionnaire.

A total of 27,000 questionnaires were sent out to offenders across Great Britain. Those from Scotland and those who did not provide a postcode for location matching were excluded from the survey results presented in this report. Figure 4.4 below shows how the 1,033 responses in the survey break down by gender, age and location.

Figure 4.4– Breakdown of responses to offender survey by age and gender

	Group	Respondents
Gender	Male	777
	Female	252
Age	17-24	122
	25-34	157
	35-44	134
	45-54	197
	55-64	155
	65+	264
Location	England	967
	Wales	66
<b>TOTAL</b>		<b>1,033</b>

It should be noted that research was not carried out with offenders who had attended driver re-training courses as an alternative to receiving an FPN for careless driving. This was due to the lack of available sample data via DVLA.

### 4.3.3 Survey of police

Ipsos MORI conducted an online survey of police officers and staff such as collision investigation officers and case officers. The survey link was cascaded to individuals within police forces by key survey contacts; including the Police Federation, the National Police Roads Intelligence Forum (NPRIF) and individual force leads within case study areas. Contacts were emailed/posted an open link to an online verification site which prompted them for their own email address. The unique survey link was then emailed directly to them.

A total of 413 valid responses were received between 13<sup>th</sup> July and 14<sup>th</sup> August 2015. The large majority – 87% - of those who responded were Roads Policing (Specialist Traffic) Officers.

### 4.3.4 Survey of magistrates, legal advisors and other court staff

Ipsos MORI completed an online survey of magistrates, legal advisors and other court staff. The link was cascaded to magistrates, legal advisors and justices' clerks by survey lead contacts; including the Leader of the National Bench and the Justices' Clerks'

Society. Contacts were emailed/posted an open link to an online verification site, which prompted respondents to enter their email address. The unique survey link was then emailed to them.

A total of 855 valid responses were received between 13th July and 14th August 2015, the large majority (91%) of them from magistrates, with 8% from legal advisors and the remaining minority from justices' clerks.

#### 4.3.5 Case study areas – qualitative research

The process evaluation used a qualitative case study design in which four police forces participated. The areas were identified based on an agreed sampling framework ensuring a spread across four area types:

- Primarily urban
- Urban with a rural hinterland
- Primarily rural with a year round stable road user population
- Primarily rural with a seasonally fluctuating road user population

Qualitative research is designed to be illustrative, detailed and exploratory. It offers insight into the perceptions, feelings and behaviours of people rather than quantifiable conclusions from a statistically representative sample. It is the range of views that is important, not how many participants held each view.

In reflecting on the qualitative research findings it is therefore important to emphasise that only a small sample of road traffic officers, court staff and road users were spoken to. Thus, the results presented here should be treated as illustrative; the research is not intended to provide a representative picture of all of these groups. However, the findings do provide a richness of detail that a quantitative survey would not have been able to achieve, unpicking behavioural traits, both reported and observed.

Data was collected from each case study area using in-depth face to face interviews, telephone interviews and/or discussion groups, depending on what was most convenient for the police forces. Between five and ten roads traffic police officers and between three and five justices' clerks took part in each case study area. Eight discussion groups were conducted with road users across the case study areas (two per area).

#### 4.3.6 In-depth interviews with careless driving offenders

Forty in-depth telephone interviews were completed with offenders. These participants were recruited from a re-contact question in the postal survey of offenders (outlined above). These in-depth interviews were conducted between 24<sup>th</sup> August and 16<sup>th</sup> September 2015 and covered a broad range of demographics and offence characteristics and situations.

Effectiveness of the intervention on  
enforcement - trends in the use of disposal  
options

## 5 Effectiveness of the intervention on enforcement – trends in the use of disposal options

### Key findings: Effectiveness of the intervention on enforcement

Driver license endorsement data shows a significant 25% year-on-year increase in the number of endorsements for careless driving in the 12 months following the introduction of FPNs. The scale of this increase and apparent step change around the time of legislative change, within the context of continued constraints on police resources, suggests that the introduction of FPNs was likely a key reason for this increase.

In the two years following the legislative change - Aug 2013 to July 2015 - a total of 5,194 FPNs were issued for careless driving offences. The number of FPNs issued each month across these first two years has remained fairly consistent since the second month (September 2013), following an increase on the initial month of introduction.

The number of driver re-training disposals increased significantly over the same period. Whilst the number of FPNs and driver re-training disposals issued was fairly even at the time of the legislative change, by the second quarter of 2015, monthly driver retraining disposals typically outnumbered FPNs by around 3:1. This may reflect increased familiarity amongst relevant police officers/staff, as well as increasing levels of service provision over the period.

This chapter examines the effectiveness of the introduction of FPNs on enforcement by analysing trends in levels of enforcement across different disposal options. This chapter draws on secondary data sourced from DVLA, PentiP and DORS before the next chapter uses findings from the process evaluation to provide insight into reasons behind the trends observed.

### 5.1 Endorsements over time

This analysis is based on driving licence endorsement data for careless driving offences across England and Wales between August 2011 and July 2014.

Figure 5.1 shows that the number of driving licence endorsements for careless driving offences rises after the introduction of fixed penalty notices (FPNs) for careless driving in August 2013.

There were 25% more endorsements in the year following the introduction of the fixed penalty notices (FPNs) for careless driving offences compared to the preceding year.

There was a marked increase in the first two months following the introduction, with fluctuations in subsequent months.

Within figure 5.1 the trend line starts at close to zero in August 2011 due to the removal of records by DVLA where the endorsement period has expired. Data in the pre-baseline year is therefore not complete.

Figure 5.1 – Number of careless driving convictions August 2011 to July 2014

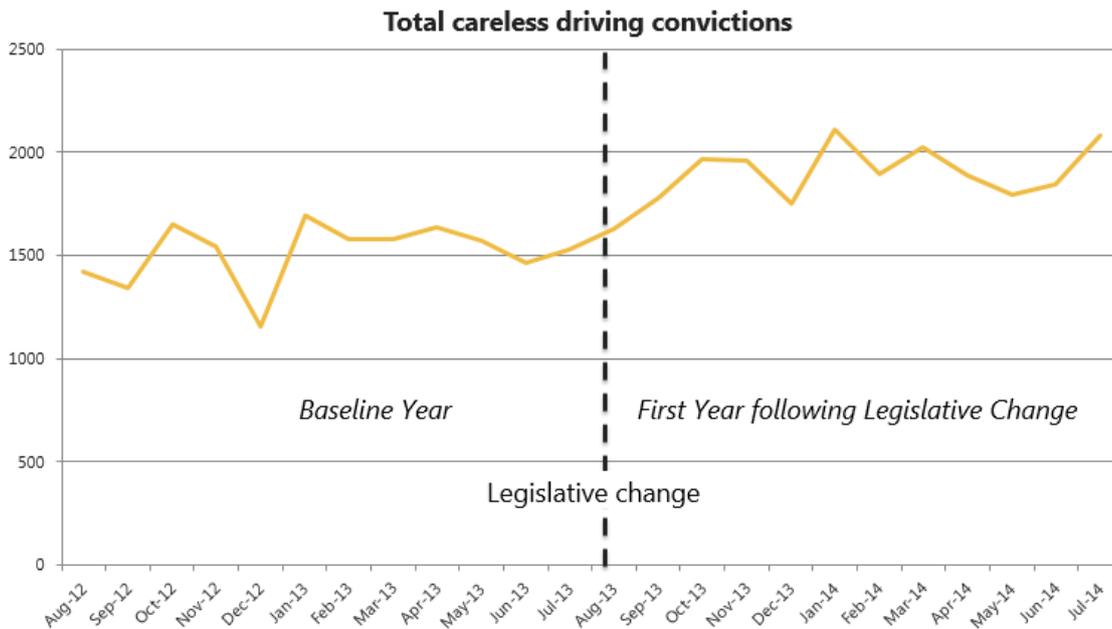


Figure 5.2 – Number of convictions in baseline and first year after legislative change

Time Period	Number of Convictions	Change relative to Baseline Year
<b>Baseline Year Aug-12 to Jul-13</b>	18,174	0%
<b>First Year following Legislative Change Aug-13 to July-14</b>	22,736	+25%

## 5.2 FPNs and driver re-training data over time

This analysis is based on data from PentIP which covers fixed penalty notices (FPNs) and driver re-training data for careless driving offences over the time period August 2013 to July 2015 across England and Wales (i.e. the first two years following the introduction of FPNs for careless driving).

### 5.2.1 Fixed penalty notices by offence code

Figure 5.3 shows the number of FPNs issued by careless driving offence code for the period August 2013 to July 2015.

The two offence codes are:

- Offence code RT88575 is to drive a mechanically propelled vehicle on a road / in a public place without due care and attention.
- Offence code RT88576 is to drive a mechanically propelled vehicle on a road / in a public place without reasonable consideration to others.

Overall, between August 2013 and July 2015, a total of 5,194 FPNs were issued for these two driving offence codes, with over four times as many issued for driving 'without care and attention' than for driving 'without reasonable consideration for others'.

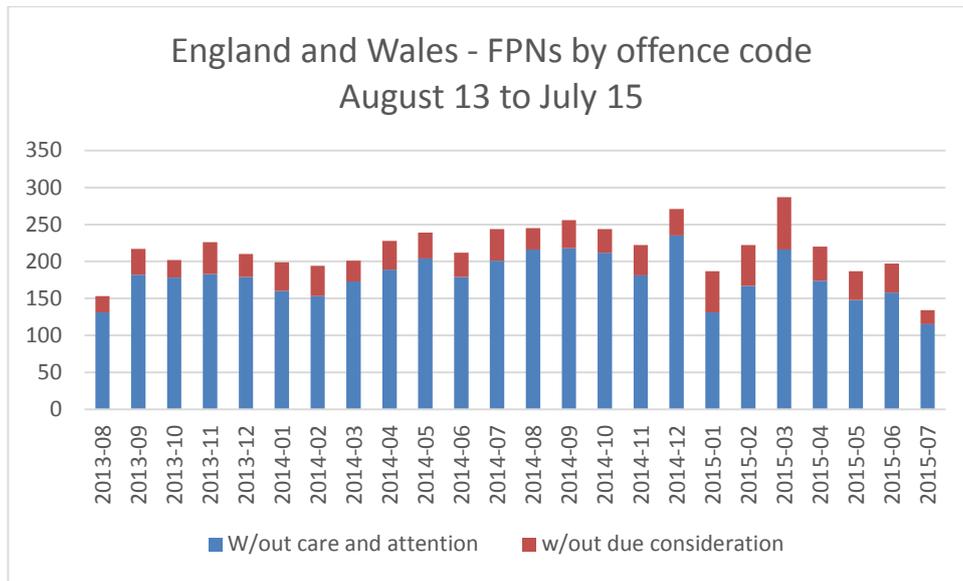
Figure 5.3 – Total number of FPNs issued by offence code in England and Wales between August 2013 and July 2015

CJS Offence Codes	Offence Description	Total Number of Fixed Penalty Notice Issued
RT88575	Driving without due care and attention	4,283
RT88576	Driving without reasonable consideration	917
<b>Total</b>		<b>5,194</b>

Figure 5.4 shows the monthly variation in numbers of FPNs issued, with no clear pattern in overall trends following initial increases in the initial months, following their introduction. The last month of data shown – July 2015 – is likely to be an underestimate at the stage at which data was provided given reporting lags.

There are only minor monthly variations in the ratio of FPNs issued for driving without due care and attention offences compared to inconsiderate driving offences between August 2013 and July 2015.

Figure 5.4 – Total number of FPNs issued each month by offence code in England and Wales between August 2013 and July 2015



### 5.2.2 FPNs and driver re-training

Figures 5.5 and 5.6 draw on PentIP data to show the monthly number of FPNs and driver re-training disposals between August 2013 and July 2015 across England and Wales. Figure 5.7 uses PentIP data to show the numbers of final monthly disposals between August 2013 and July 2015 across England and Wales. It should be noted that the apparent reduction in the final month of the dataset is likely due to lags in data availability.

Figure 5.5 – Monthly numbers of fixed penalty notices (FPNs) and driver re-training (DR) for careless driving between August 2013 and July 2015

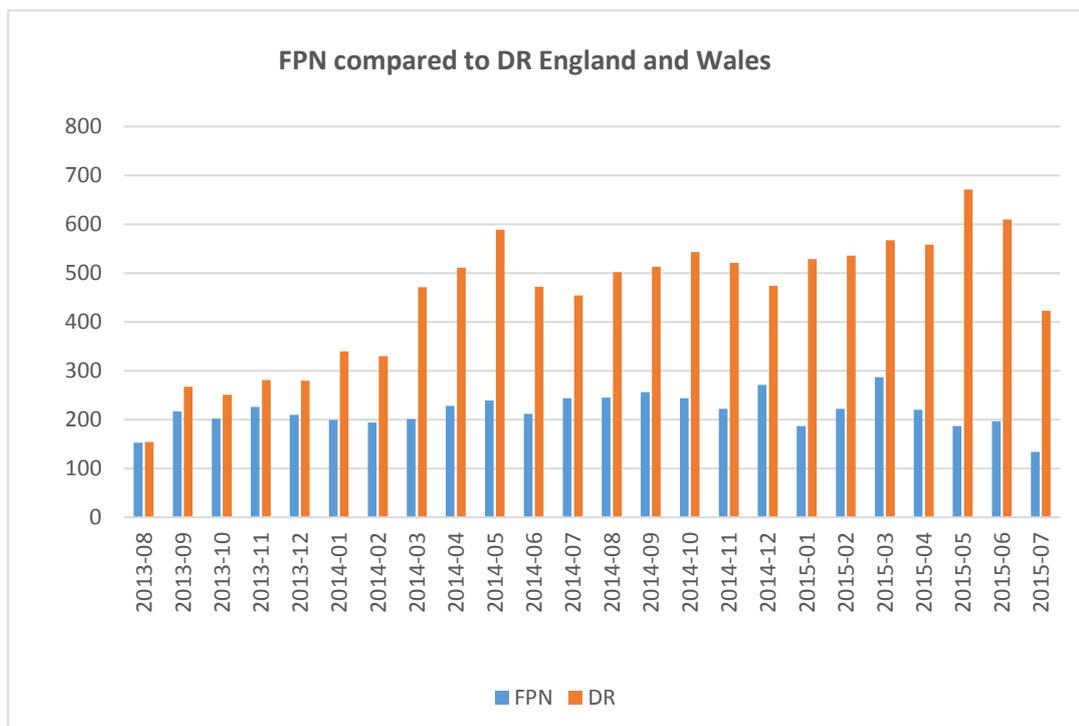


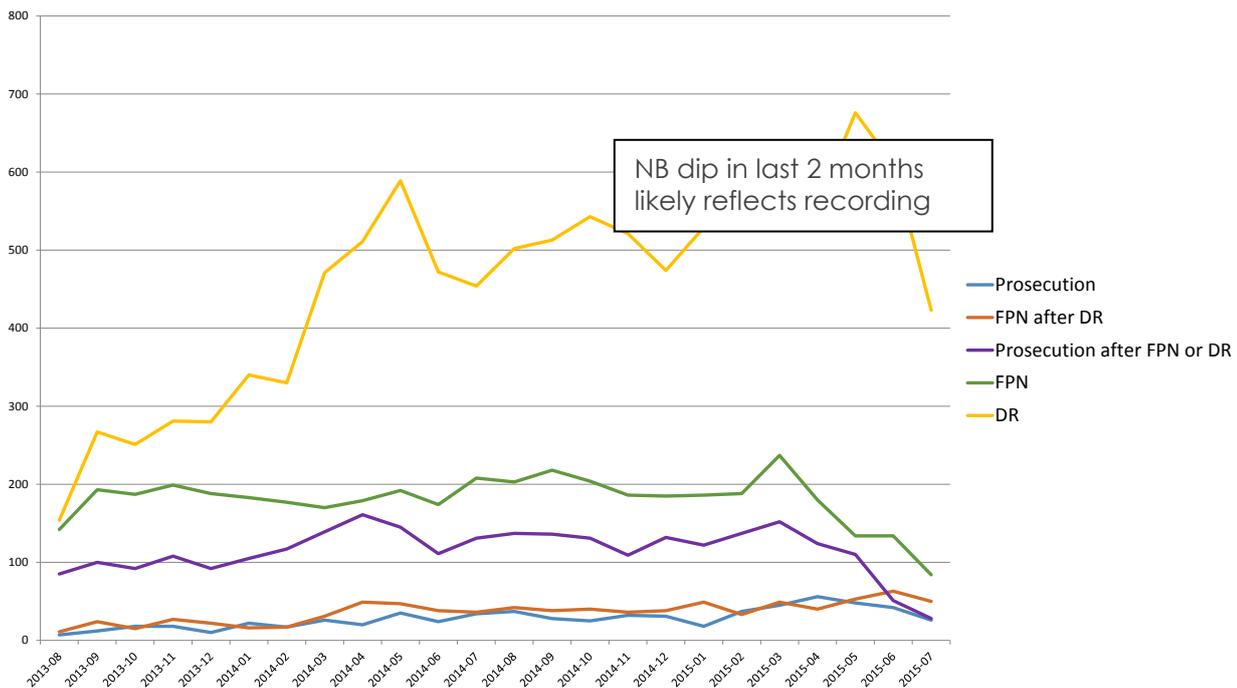
Figure 5.6 – Total numbers of FPNs and driver re-training for careless driving between August 2013 and July 2015

	Number of FPN Disposals	Number of Driver Re-training Disposals	FPN as a Percentage of FPN and DR Total
<b>2013</b>	909	99	90%
<b>2014</b>	1,283	234	85%
<b>Total</b>	2,192	333	87%

Driver re-training is the final disposal that is issued most frequently, notably so since the second quarter of 2014, since the proportion of disposals involving an FPN has remained fairly stable since the initial bedding in period. Based on the qualitative interviews with police officers from the case study sites, this is likely to be due to this provision becoming available and greater officer awareness of this disposal option.

There is a decrease in the use of all disposals in the last few months of the study period, which is most likely due to a recording lag in the data.

Figure 5.7 – Monthly numbers of final disposal for careless driving August 2013 to July 2015



Effectiveness of the intervention on  
enforcement – drivers of change

## 6 Effectiveness of the intervention on enforcement – drivers of change

### Key findings: Effectiveness of the intervention on enforcement

Most officers/staff involved in road traffic policing were familiar with FPNs; 92% were aware of their introduction for careless driving and only a small minority (9%) responded they were not being implemented for these offences in their force area (likely reflecting lack of awareness given the national rollout of the change).

The majority (53%) noted they are more likely to enforce the offence of careless driving since the change in legislation and typically apportion this specifically to the introduction of FPNs. Feedback from officers highlighted that this increase – which supports the trends observed in endorsement data – had been driven by the perceived ease of issuing FPNs, coupled with the fact that it is, on the whole, felt to be an appropriate and proportionate disposal option.

Contextually it is important to note that other changes to policing procedures may have also had an impact on police activity and the subsequent trends noted. The introduction of Traffic Offence Reports (TORs) in some force areas meant there could be some confusion around what constituted an FPN and/or a TOR, making it challenging to disentangle relevant impact of specific factors.

Familiarity with the introduction of FPNs for careless driving offences was much lower amongst magistrates and court staff interviewed and this, in part, will likely explain why their views are notably less positive than those of police officers and staff. Reservations that some express around appropriateness and proportionality of FPNs for careless driving offences also reflect their experience of offences which have come to court and so may be more weighted towards those that might be deemed more serious.

The previous chapter identified how enforcement of careless driving offences appears to have generally increased since the legislative change. This chapter provides evidence and insight from the process evaluation about the factors which could be influencing this change in enforcement and choice of disposals. The findings in this chapter are drawn from surveys and in-depth discussions with police and courts staff/magistrates.

## 6.1 Drivers of change in enforcement levels

### 6.1.1 Awareness

Nine in ten (92%) police officers/staff who responded to the police survey were aware of the introduction of Fixed Penalty Notices (FPN) for careless driving. Those who were in a role other than a Roads Specialist Traffic Officer were more likely to be unaware (15% vs 7% of Roads Specialist Traffic Officers).

Of those aware of the introduction of FPNs the majority found out through an email or memo from their police force or their traffic policing partnership force (61%), with a smaller proportion made aware through word of mouth (33%) – as shown in Figure 6.1.

Figure 6.1 – Communication of introduction of FPNs for careless driving (more than one option code could be selected)

*Q. How, if at all, was the introduction of a Fixed Penalty Notice for careless driving communicated to you?*



Base: All valid responses : All those aware of the introduction of FPNs for careless driving (378) Fieldwork dates 13 July – 14 August 2015

Only 2% said they were made aware through a dedicated training session. This finding is supported by qualitative evidence; nobody in the case study sites had received formal training on the procedural change. This is not specific to this instance; some in the case study sites noted it was the norm to not receive formal training on new parts of legislation. They typically cited busy schedules and noted it is not culturally embedded with forces, whilst others mentioned that traffic policing was not a priority. Some also said that if any information was distributed, it would have been “*after the fact*”.

*“Someone saw an email, someone [else] saw it on the news and it all got passed around by email” Police Officer.*

Contextually it is important to note that concurrent changes to policy and/or procedures may have impacted on awareness and understanding of the introduction of FPNs. Those interviewed in both the qualitative interviews and the quantitative surveys mentioned the introduction of **Traffic Offence Reports (TORs)** and in some cases there was confusion around what constituted an FPN and/or a TOR. Indeed, some of those interviewed did not make any distinction between the introduction of TORs and legislative change regarding FPNs, making it challenging to disentangle relevant impact.

Some police forces interviewed had introduced TORs for careless driving and other traffic offences; at least two of the case study forces were using a TOR which records the event but does not include any field for the officer's recommendations. It is returned to administrative staff who make a decision on the disposal option, leading some officers to raise concerns about the TOR taking away reporting officer influence on case outcomes.

*“The discretion we had has been diluted” Police Officer.*

### 6.1.2 Implementation

Not all police officers who were aware of the introduction of FPNs had started to issue them for careless driving. Six in ten of those responding to the survey noted that their force had *fully* started to issue FPNs (59%), whilst one in five had done so *partly* (19%), and 23% said their force had either not started or did not know (9% and 14% respectively). Again, these responses may have been influenced by the introduction of TORs in some areas.

Those who believe that FPNs for careless driving are appropriate, proportionate and will improve road safety are more likely to note that their force has fully started to issue FPNs for careless driving (63%, 64%, and 68% respectively vs 59% overall). Whilst no causation can be inferred from such correlations, it suggests that those with greater familiarity have more positive views towards the use of FPNs.

The effectiveness of the intervention on enforcement may also be affected by when police forces started to issue FPNs for careless driving, as the occurrence, and the change in effectiveness, may not be fresh in respondents' minds. Of those whose force had started to issue FPNs for careless driving (either fully or partly), over half believed that they started within the first 6 months of the introduction of this policy, in August 2013 (53%). A further 15% believed that they introduced it within the first year, and 4% believed they introduced it more recently than July 2014. Three in ten did not know when their force started to issue FPNs for careless driving (28%).

Those who were in a role other than a Roads Specialist Traffic Officer were more likely to *not know* when their force started to issue FPNs for careless driving (45% vs 26% of Roads Specialist Traffic Officers).

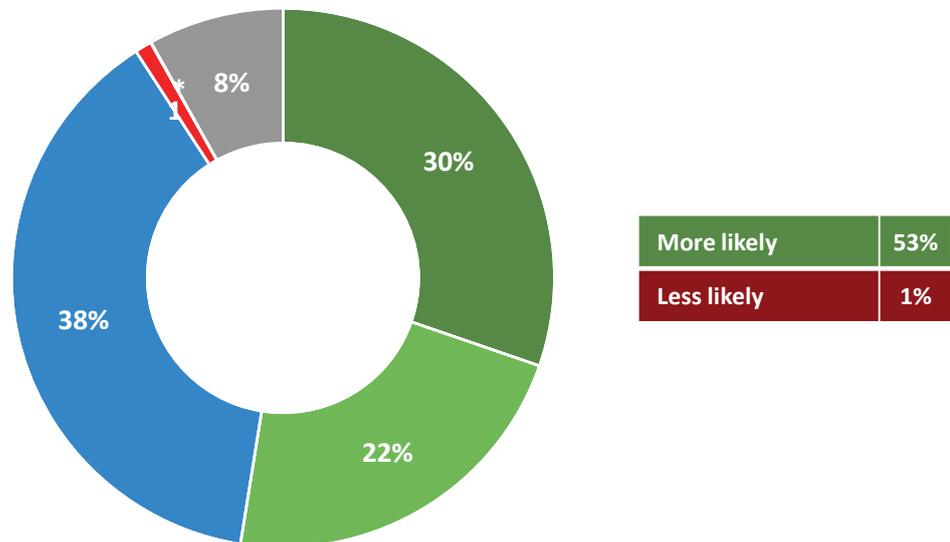
### 6.1.3 Likelihood of enforcement

Just over half of police officers surveyed said that they are now more likely to enforce the offence of careless driving (53%) since the introduction of FPNs. Just under four in ten (38%) felt it had made no difference and 1% said they were now less likely to do so. A slightly higher percentage (58%) believe it is now easier to enforce.

Figure 6.2 – Likelihood of enforcement of careless driving post introduction of FPNs

Q. Are you now more or less likely to enforce the offence of careless driving since the introduction of Fixed Penalty Notices, or has it made no difference?

- Much more likely
- A little more likely
- It has made no difference
- A little less likely
- Much less likely
- Don't know/not applicable



Base: All valid responses (413) : Fieldwork dates 13 July – 14 August 2015

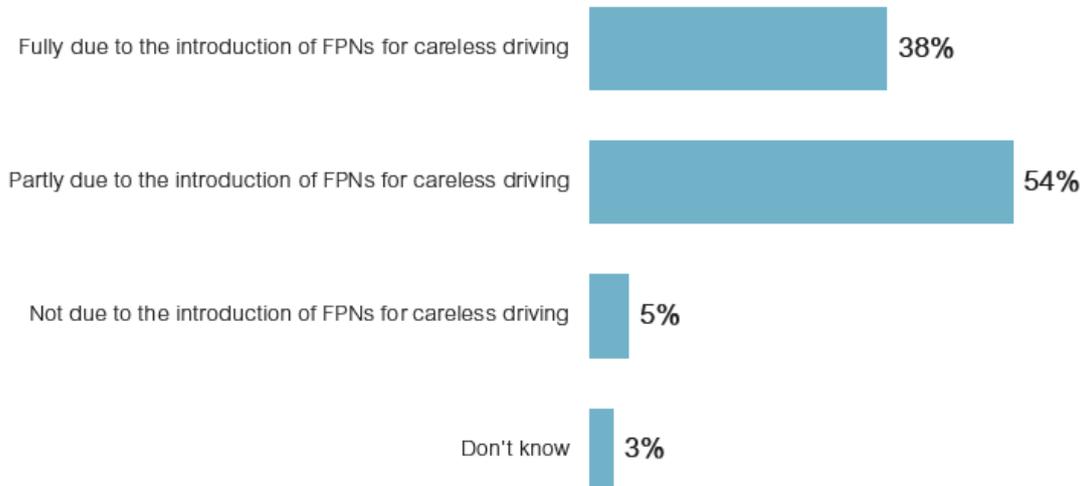
The vast majority of those who say they are **more** likely to enforce careless driving apportion this at least partly to the change in legislation (92%). These views are in line with the increase in numbers of careless driving disposals that have occurred since the introduction of FPNs – as outlined in detail in the previous chapter.

With regards to enforcement, the case study feedback suggested that these apparent shifts were not being driven by police being more likely to stop someone but, when they had done so, being more likely to prosecute careless driving. This fits with the view expressed by some police officers interviewed that the FPN is “another tool in their kit” and filled the void between a ‘warning’ and a ‘court summons’.

*‘It’s easier to fill in the ticket than do the paperwork for the court summons, but I don’t think that encouraged people to fine stuff that they wouldn’t have done before’* Police officer

Figure 6.3 – FPNs as a factor for increased likelihood of enforcement

Q. Are you more likely to enforce the offence of careless driving specifically because of the introduction of Fixed Penalty Notices for careless driving, or because of other factors (such as changes in policing priorities, etc.)?



Base: All those who think they are more likely to enforce the offence of careless driving since the introduction of Fixed Penalty Notices (217): Fieldwork dates 13 July – 14 August 2015

The qualitative case study work highlighted that restrictions to police budgets were cited by some as reasons why more cases of careless driving are not enforced. Traffic police identified theirs as a particular area which has experienced cuts to services and staffing within broader changes to policing delivery models and operational priorities.

The views expressed suggest that the impact of FPNs may have been constrained to some extent by wider operational factors. That said, as has been shown in the previous chapter, the change in legislation appears to have had a demonstrable impact on disposals.

*“Yes and no – it’s much quicker and easier to do so but due to demands on my time and lack of officers available the threshold for stopping people has been set higher”* Police officer

#### 6.1.4 Ease of enforcement

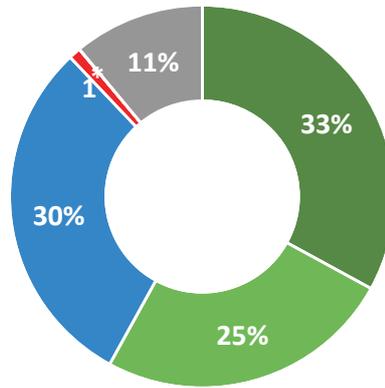
The majority of police officers responding to the survey felt it is now easier to enforce careless driving (58%). Three in ten believed there is no difference and only 1% believed it is now more difficult. The findings here and in the previous section suggest that the increased ease of enforcement is a key reason behind the increases in levels of enforcement.

Those officers who believed it is now easier to enforce careless driving offences since the introduction of FPNs were more likely to have been personally involved in the issuing/processing of an FPN for careless driving (75% vs 60% overall who have personally been involved in the issuing/processing of an FPN). This again suggests that familiarity with the process is likely to lead to more positive views around FPNs.

Figure 6.4 – Ease of enforcement of careless driving post introduction of FPNs

Q. From your own experiences, or from what you might have seen/heard, is it easier or more difficult to enforce careless driving offences now than before the introduction of Fixed Penalty Notices for careless driving, or is there no difference?

- Much easier now
- A little easier now
- No difference
- A little more difficult now
- Much more difficult now
- Don't know



Easier now	58%
No difference	30%
More difficult now	1%

Base: All valid responses (413) : Fieldwork dates 13 July – 14 August 2015

Some of the views expressed by the police officers interviewed in the case study sites highlighted the ease of enforcement following the introduction of FPNs:

*“It’s very easy to do; it’s just like filling in a speeding ticket”* Police officer

Amongst those in the survey who cited that the enforcement of careless driving had got easier since the introduction of FPNs, 26% felt that it was because there is no court file and they save time on file building, 21% mentioned it is because it is a quicker process and takes less time and 19% attributed it to being a simple and easy process.

*“Yes, it frees up time and that’s great, because we hate having to waste all day in court to give 5 minutes’ evidence.”* Police officer

## 6.2 Perceptions of appropriateness, proportionality and effectiveness

### 6.2.1 Appropriateness

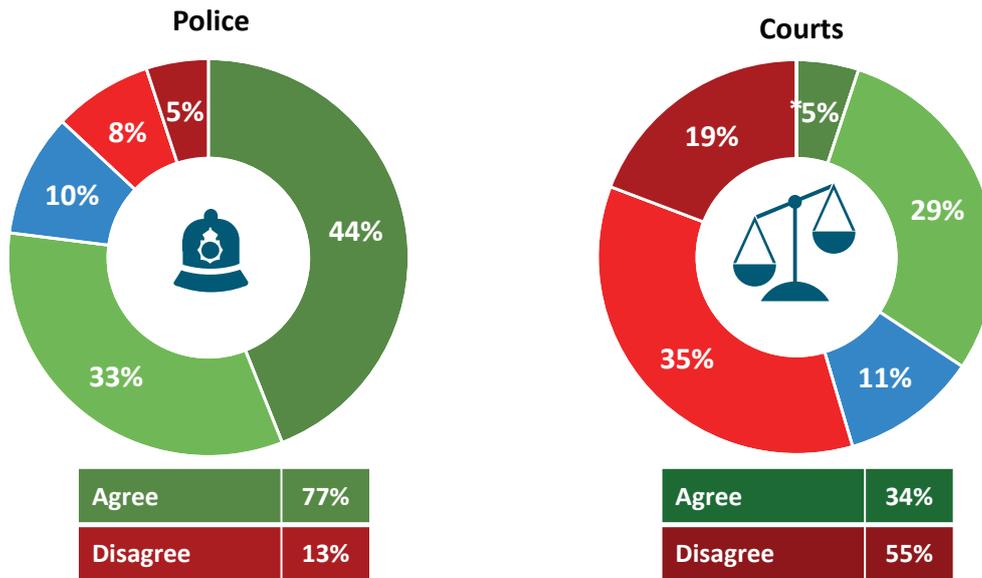
The majority of police officers and staff surveyed felt that FPNs are an **appropriate** disposal option for careless driving (77%). However, the courts survey respondents (primarily magistrates) demonstrated more mixed opinions. Indeed, over half disagreed that the introduction of FPNs for careless driving was appropriate (55%), compared with just 13% of police.

These views are very much dominated by magistrates. They were far more likely than other court survey respondents to disagree that the introduction of FPNs for careless driving was appropriate (57% vs 29%).

Figure 6.1 – Appropriateness of FPNs for the offence of careless driving

Q. To what extent do you agree or disagree that the introduction of Fixed Penalty Notices is appropriate for the offence of careless driving?

- Strongly agree
- Tend to agree
- Neither / nor
- Tend to disagree
- Strongly disagree
- Don't know



Base: All valid responses : Police Officers and Staff (413); Magistrates, Legal Advisors and other Court staff (855) : Fieldwork dates 13 July – 14 August 2015

### 6.2.2 Proportionality

The majority of the police (71%) felt that FPNs for careless driving are a **proportionate** disposal option. A third of those in the court survey agreed that it was proportionate (32%) presenting a more mixed picture, with over half disagreeing that the introduction of FPNs for careless driving is proportionate (57%).

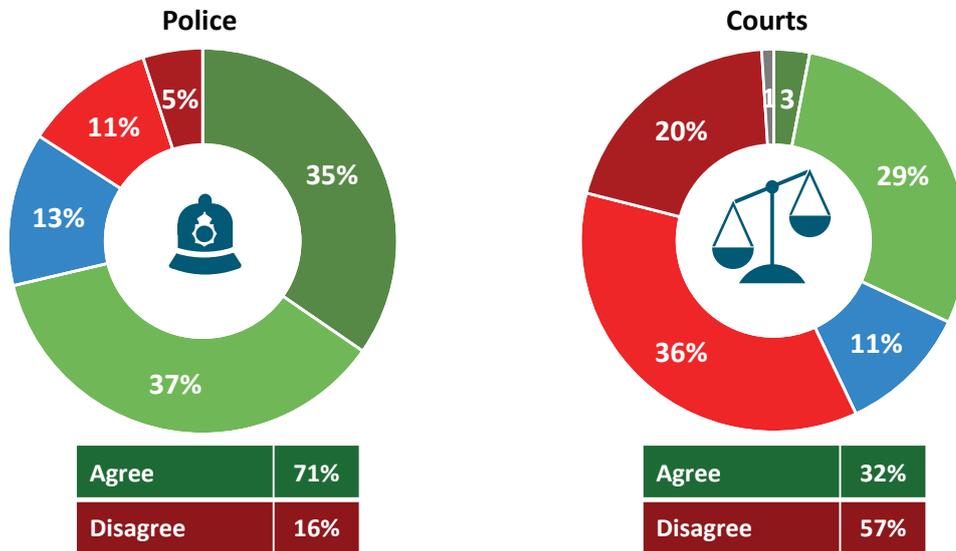
*“It’s great for straightforward cases/accidents - the victim they hit is happy they have been punished.”* Police officer

*“I thought it was a brilliant policy - it filled the void, it filled the gap.”* Police officer

Figure 6.6 – Proportionality of FPNs for the offence of careless driving

Q. To what extent do you agree or disagree that the introduction of Fixed Penalty Notices is proportionate for the offence of careless driving?

■ Strongly agree ■ Tend to agree ■ Neither / nor ■ Tend to disagree ■ Strongly disagree ■ Don't know



Base: All valid responses : Police Officers and Staff (413); Magistrates, Legal Advisors and other Court staff (855) : Fieldwork dates 13 July – 14 August 2015

Magistrates were more likely than other court survey respondents to disagree that the introduction of FPNs for careless driving was a proportionate disposal option for the offence (59% vs 33%). Some of the police interviewed felt that the level of punishment was a “good start” but that the fine could be raised to £200-£300 as a stronger punitive measure.

In assessing police views on appropriateness and proportionality, it is important to bear in mind that in some cases the decision around issuing an FPN is not taken by an officer involved at the scene of the incident but by ‘back office’ colleagues who will use the officer’s submitted report and make a judgement on disposal options having potentially taken on board other factors. Some officers therefore noted that the appropriateness and proportionality of response will depend on back office colleagues’ interpretation of this information and their ultimate decision.

There were also some worries that there was the potential for it to be a less appropriate and proportionate response if back office staff do not interpret the TOR in the same way as the police officer who saw the accident.

Qualitative feedback from some justices’ clerks and legal advisers (who only make up 9% of the quantitative courts study) agreed that if FPNs were used primarily for less serious instances of careless driving then that could be judged proportionate and appropriate. Some legal advisers saw the FPN option as ‘too light’ when compared to

disposal options for some other offence categories though there was some recognition that they were more likely to see the more serious cases of careless driving.

*“There have been raised eyebrows where it appears the pre-court disposals have been used for serious cases.”* Legal advisor

*“It’s not proportionate when the FPN for no insurance is £300. £100 is not right when it’s the same as speeding ... it needs to be at least £300.”* Legal advisor

### 6.2.3 Impact on road safety

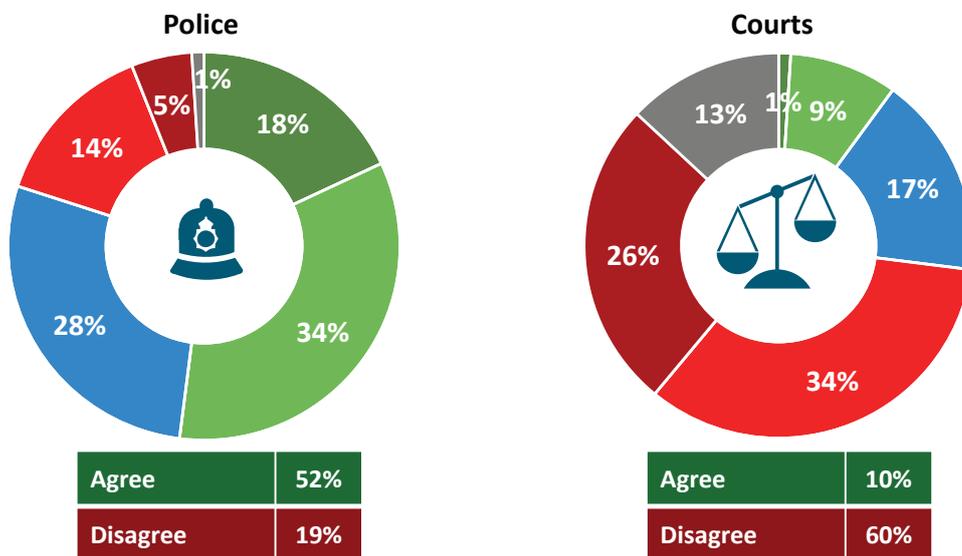
The police were far more positive than those in the court survey (mostly magistrates) regarding the perceived impact of the introduction of FPNs for careless driving offences on levels of road safety. Around half of police surveyed (52%) believed that the introduction will improve road safety, compared to only one in ten in the court survey (10%).

Again, familiarity appears to lead to more positive views; police officers/staff who agree that the introduction will improve road safety are more likely to have personally been involved in the issuing/processing of an FPN (71% vs 60% overall).

Figure 6.7 – Improvement to road safety of FPNs for the offence of careless driving

Q. To what extent do you agree or disagree that the introduction of Fixed Penalty Notices for careless driving improves road safety?

■ Strongly agree ■ Tend to agree ■ Neither / nor ■ Tend to disagree ■ Strongly disagree ■ Don't know



Base: All valid responses : Police Officers and Staff (413); Magistrates, Legal Advisors and other Court staff (855) : Fieldwork dates 13 July – 14 August 2015

Within the qualitative interviews some views were voiced around why safety would or would not be affected. Some legal advisors interviewed expressed concerns that a FPN

alone would not improve road safety, whilst some police officers thought that a FPN could be a nudge or reminder to improve their driving.

*“A FPN wouldn't improve road safety, an educational course would.”* Legal advisor.

*“Little bit of a wake-up call, a refresher.”* Police officer

Changes in driver attitudes and perceptions  
of behaviour on the roads

## 7 Changes in driver attitudes and their behaviour

### Key findings

Around one in four current drivers (26%) said they were aware of the introduction of FPNs for careless driving, though a similar number (27%) were not aware but assumed this would be a disposal option, and one in three (35%) admit to not knowing the penalties for careless driving. When prompted with a possible list of options, the disposal most commonly identified by current drivers and recent careless driving offenders was a verbal or written warning from the police officer.

Lack of awareness around disposal options is not surprising given the lack of clarity most people have around the offence itself. When asked for examples of careless driving offences none of the three most frequent responses - speeding, using a mobile phone while driving, and driving under the influence of alcohol - constitute a careless driving offence under current law. To many, 'careless driving' represents an umbrella term to describe a range of negative driving behaviours, and any efforts to communicate the consequences/penalties must reflect this.

The research also found that amongst recent offenders there are mixed levels of understanding and some are unaware of disposal options since these may not have been explained to them due to processes followed by the relevant police force (i.e. if decisions around disposals are made by 'back office' staff).

Despite this limited awareness, on balance, the public are positive towards the use of FPNs for careless driving offences, and a significant minority (37%) say that knowing about the possibility of an FPN would make them drive more carefully. Police, magistrates and other court staff are less convinced when asked about the likely impact on driving behaviour, and this mirrors the perceived rationale for the introduction of FPNs - whilst the public are more likely to cite deterrence and improvements to road safety, police and court staff are more likely to cite efficiencies and reduction of burden on courts.

The majority of those recently penalised for careless driving are positive about the likely deterrent impacts of FPNs on driver behaviour and cite positive changes to their own driving behaviour. However, these attitudes and stated behaviours will be linked to the wider impact of the incident and cannot be linked to the introduction of FPNs per se.

This chapter addresses the impact of the intervention on driver behaviour and attitudes. It covers awareness and understanding of the introduction of FPNs for careless driving among offenders and the public more widely, as prerequisites to a deterrence effect. For some deterrence effect to be attributed to the intervention there must be awareness and some level of understanding of the FPN as a disposal option. Deterrence also relies upon driver attitude and willingness to change careless driving behaviour.

The findings in this chapter are drawn from surveys conducted with the general public and offenders, qualitative interviews carried out with offenders, and discussion groups with the general public conducted across the four case study areas.

## 7.1 Awareness and understanding of careless driving

Surveys of the general public<sup>15</sup> and offenders showed some basic level of understanding of careless driving as an offence, but suggestions of the specific driver behaviours it constitutes were blurred with speeding and other dangerous driving offences. The public do not tend to compartmentalise offences into broad categories but instead construct spectrums of seriousness.

Without any prompting, the careless driving examples cited most frequently by the general public were; speeding, using a mobile phone while driving, and driving under the influence of alcohol (45%, 41% and 35% respectively). When the results are filtered to look at current drivers only, a similar pattern emerges, but with mobile phone use the top mention (44% of drivers said this), followed by speeding (43%).

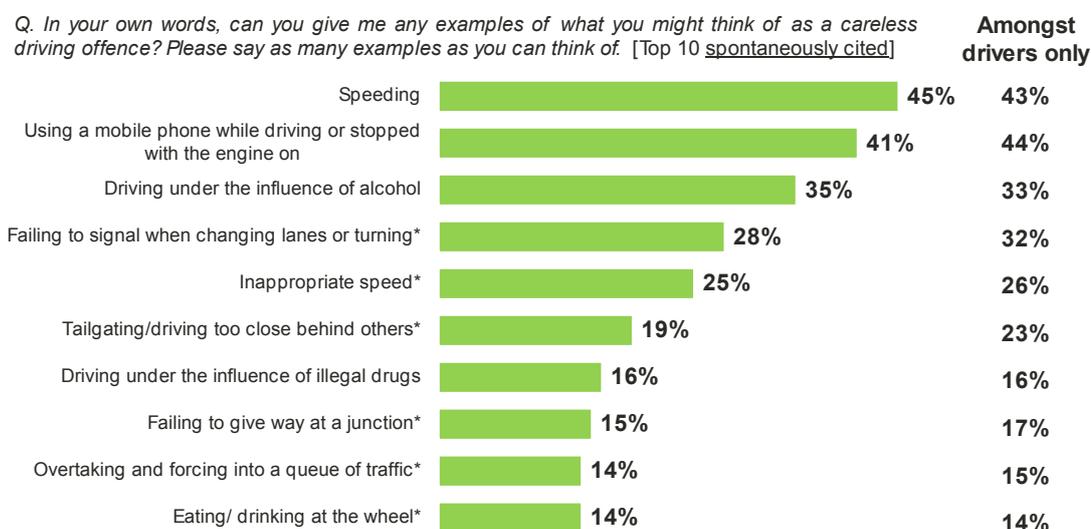
The fact that none of these three most frequently cited examples constitutes a careless driving offence, under current law, highlights how many use the term 'careless driving' as an umbrella term to describe a range of negative driving behaviours.

Failing to signal when changing lanes, driving at an inappropriate speed and tailgating were the next most commonly suggested examples of careless driving offences (28%, 25% and 19%, respectively) – all correct identifications of the offence code under current law.

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<sup>15</sup> All data presented from the survey of the general public applies to respondents in England and Wales only.

Figure 7.1 – Most commonly suggested examples of careless driving cited by the general public including drivers  
(more than one option code could be selected)



\* Indicates a potential careless driving offence

Base: All respondents England and Wales only (1,751) : Fieldwork dates 10 July – 16 July 2015

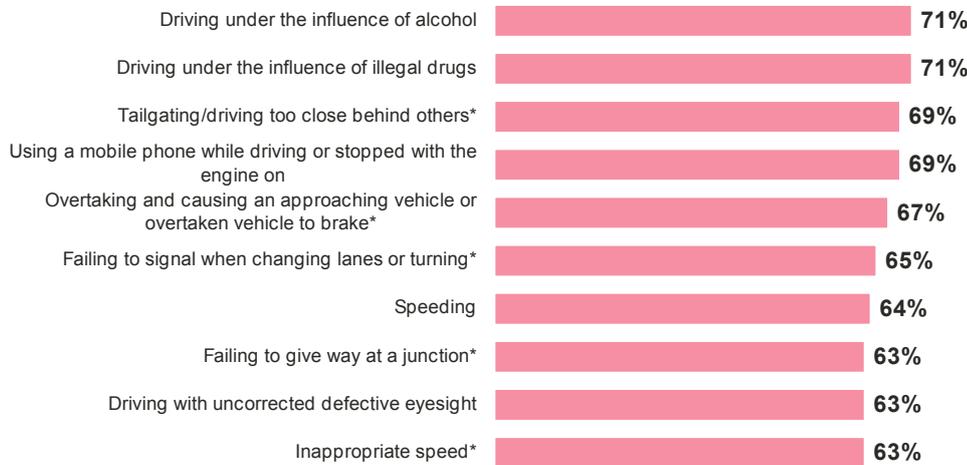
The survey of the general public then posed the same question with prompts, where participants were asked to select offences from a list, which did not contain responses they had already given unprompted. The combined prompted and unprompted responses showed that speeding (39%), mobile phone use (40%) and driving under the influence of alcohol (38%) were the top three mentions overall.

When offenders were prompted to identify examples of careless driving from a list, 'correct' careless driving offences such as tailgating were more likely to be mentioned in relation to other 'incorrect' responses compared with the general public survey. Around seven in ten (71%) offenders considered driving under the influence of alcohol and drugs, tailgating and mobile phone use while driving a careless driving offence.

It should be noted that the survey of the general public used a face-to-face methodology while the survey of offenders was postal, with response codes included on the questionnaire – this will account for the differences in percentage findings results between the two audiences and so it is the relative ordering of behaviours which is a more valid comparison.

Figure 7.2 – Most commonly suggested examples of careless driving cited by offenders (more than one option code could be selected)

Q. Which of the following do you personally consider to be a careless driving offence? [Top 10 prompted]



\* Indicates a potential careless driving offence

Base: All valid responses (1033) : Fieldwork dates 13 July – 14 August 2015

The blur between what constitutes 'careless' driving and 'dangerous' driving was apparent in the qualitative research conducted with offenders and the general public. Top-of-mind suggestions in discussion groups with the public referenced specific examples such as speeding, texting, drink-driving, tailgating and lane-hogging. Participants also described driving manner, and different driver types: angry, distracted and tired drivers were associated with careless driving, as well as specific groups such as the elderly, 'boy racers', young groups of friends, 'pizza delivery boys' and parents with children. While these images of a 'typical' careless driver did exist, participants did not shy away from admitting to having committed careless driving offences themselves, and it was sometimes described as something that could 'happen to anyone'.

*"... Under the influence of alcohol or drugs... friends away on trips"* Male, Weston-Super-Mare

When prompted with the official definitions of driving without due care and attention, or driving without reasonable consideration for other road users, participants in some discussion groups were undecided as to which was the more serious offence: 'careless' or 'inconsiderate'.

*"Inconsiderate is when you aren't courteous and you're just not a good road user... Careless is when you're endangering life... leads on to dangerous"* Female, Wolverhampton

During in-depth interviews conducted with recent careless driving offenders, participants were less likely to talk about a range of specific examples of careless driving, and tended to instead be preoccupied with the circumstances of their own offence. Some offenders recalled the phrase 'without due care and attention' as

quoted by a police officer, and some described behaviours that are characteristic of 'other drivers' (as opposed to oneself), typically referencing mobile phone use. When talking about their own offence, many (though not all) participants described their offence as a momentary lapse of judgement or concentration – 'an accident' – rather than a result of carelessness.

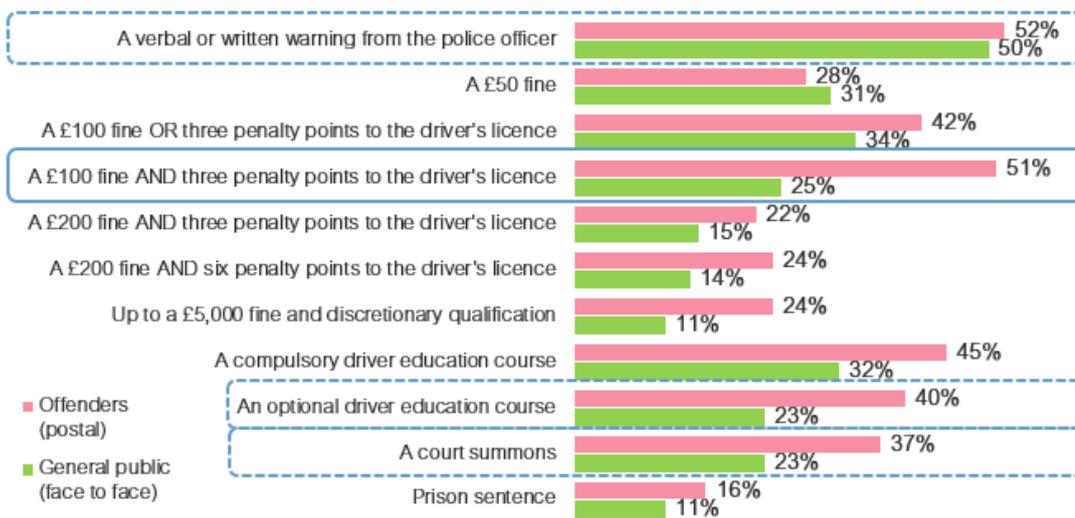
## 7.2 Awareness and understanding of the penalties for careless driving

When asked to identify the penalties for the offence of careless driving, the offenders surveyed were more likely than the general public to identify the £100 fine with three penalty points to the driver's licence (to reduce bias, this question was asked in surveys before a full explanation of the disposal options and the introduction of the FPN was presented). Just over half of offenders (51%) selected this option, compared with 25% of the general public. That said, offenders were more likely than the general public to select all of the disposal options presented – both correct and incorrect – with the exception of a £50 fine<sup>16</sup>.

The disposal option most commonly identified by both audiences was a verbal or written warning from the police officer; 52% of offenders selected this response, as did 50% of the general public. When the latter is filtered on drivers only, this figure rises to 56%. The fact that the least severe disposal option is most readily identified by these audiences may have implications for a deterrence effect to both first-time and re-offending.

Figure 7.3 – Identification of the possible disposal options for careless driving among the general public and offenders (more than one option code could be selected)

Q. The different types of punishments for careless driving offences vary according to the nature of the offence. Which, if any of the following, do you understand to be possible punishments for careless driving offences? / Which, if any of the following, do you think are options available to the police in dealing with a careless driving offence?



Base: Offenders - All valid responses (1033): Fieldwork dates 13 July – 14 August 2015. General public - All respondents England and Wales only (1,751) 10th July – 16th July 2015

<sup>16</sup> While the surveys of offenders and the general public used different methodologies, in both surveys the response codes were presented as a visible list from which the participant was instructed to select multiple answers if they wished.

Figure 7.3 shows that when prompted with the different disposal options, offenders and the public were generally more likely to identify the 'correct' penalties (a warning, a £100 fine, a driver education course or a court summons) than the incorrect disposal options for careless driving.

When asked directly about their prior knowledge of the change in legislation, there was some awareness and little surprise among the public that FPNs could be issued for careless driving, though many were nonplussed about the issue of penalties. One quarter (25%) were not aware of the penalty but assumed FPNs would have been an option anyway, whilst a further 41% did not know FPNs could be issued and noted they would not know about the penalties for careless driving.

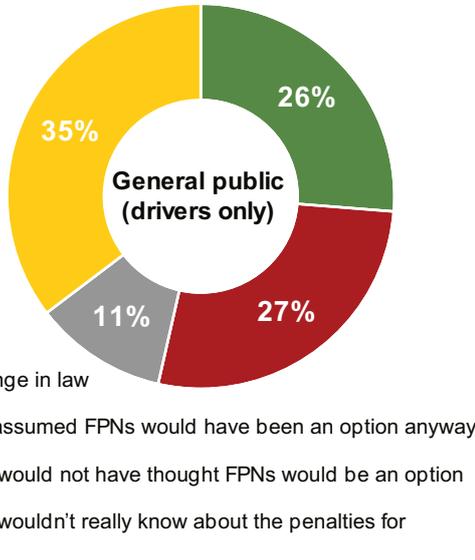
Meanwhile just under a quarter of the general public (23%) claimed they knew about the change in the law – this rises to 26% when analysed by current drivers only, compared to 17% of non-drivers. When this question was raised in qualitative discussion groups, references were made to seeing the change in the law on television, as well as personal experience of receiving an FPN.

Offenders' self-reported awareness of FPNs as a careless driving penalty prior to their offence was higher than public awareness of the change in the law (though of course, they were asked for retrospective views and there may therefore be some recall bias) – over half of offenders (54%) said that they were already aware of the FPN as a possible penalty before they were issued one.

Again, this has potential implications when exploring a deterrence effect (of FPNs) to re-offending. Some offenders participating in qualitative interviews did refer to previous driving offences committed such as speeding. For these individuals, awareness may have been related to prior experience of other driving offences, as they may feel that they have a better understanding of the system than others.

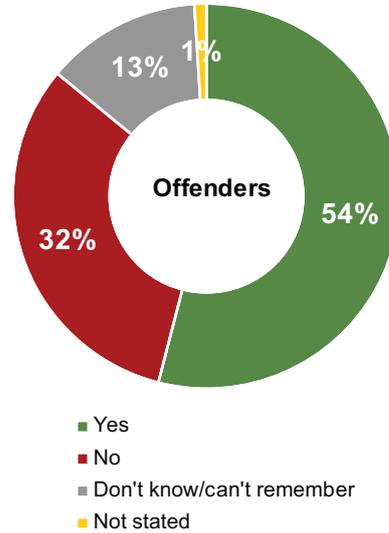
Figure 7.4 – Awareness of FPNs as a disposal option among the general public and offenders

Q. Before today, which one of the following statements best matches how much you knew about the issuing of Fixed Penalty Notices for careless driving?



Base: All respondents England and Wales only (1,751) 10th July – 16th July 2015

Q. Before you were issued a Fixed Penalty Notice for a careless driving offence, were you aware that Fixed Penalty Notices could be issued for careless driving?



Base: All valid responses (1033) : Fieldwork dates 13 July – 14 August 2015

Qualitative research with these two audiences allowed a deeper discussion around awareness and understanding of the introduction of the FPN itself, and its severity in relation to other disposal options for careless driving. Without prompting, the FPN was raised by the public as one of several possible penalties but it was not understood as one of a suite of disposal options. Instead, the FPN was often framed around references to speeding penalties or simply a newer, ‘harsher’ penalty to generate revenue, perhaps for the police.

*“So it’s basically the same as what it is for speeding... You can have the three points or you can do the course.”* Male, Wolverhampton

*“I was watching that thing on TV the other night – they were giving a fixed charge of £90 and then they drive away.”* Female, Weston-Super-Mare

*“You’d only find out about it if and when you got caught for doing it.”* Female, resident of Weston-Super-Mare

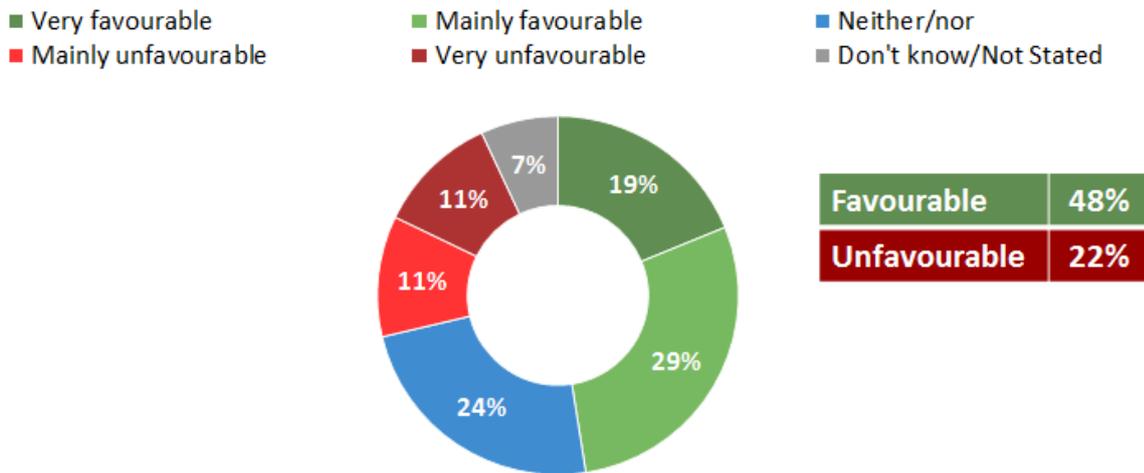
It was apparent during interviews with offenders that the FPN was not always presented by police as one of a set of possible penalties. This chimes with findings from the qualitative research conducted with traffic police in case study areas. It tended to be the case in some case study police forces that the decision of which penalty to issue is not handled by the police officer, but, instead by ‘back office’ staff. In such situations, the police officer may not talk through the possible penalties, and the offender would not know that more than one disposal option is available

### 7.3 Attitudes towards FPNs for careless driving

Despite mixed awareness of the FPN and the other disposal options for careless driving among offenders, those surveyed – on balance – were positive towards the intervention, though many were neutral/undecided. Nearly half of offenders (48%) were favourable of it, including 19% who said they were “very favourable”, compared with 22% who were either “mainly” or “very” unfavourable.

Figure 7.5 – Attitudes towards the introduction of FPNs for careless driving amongst offenders

Q. In principle, how favourable or unfavourable are you towards the introduction of Fixed Penalty Notices for careless driving?



Base: All valid responses (1033): Fieldwork dates 13 July – 14 August 2015

During interviews with offenders, factors that were identified as driving positive opinions of the FPN included recognition that it avoids the financial costs, stress, time and hassle of a court summons – i.e. factors which led to it being seen as the ‘fast stream’ option.

*“The FPN is better than the stress of going court – it should cut down on your costs as well.”*

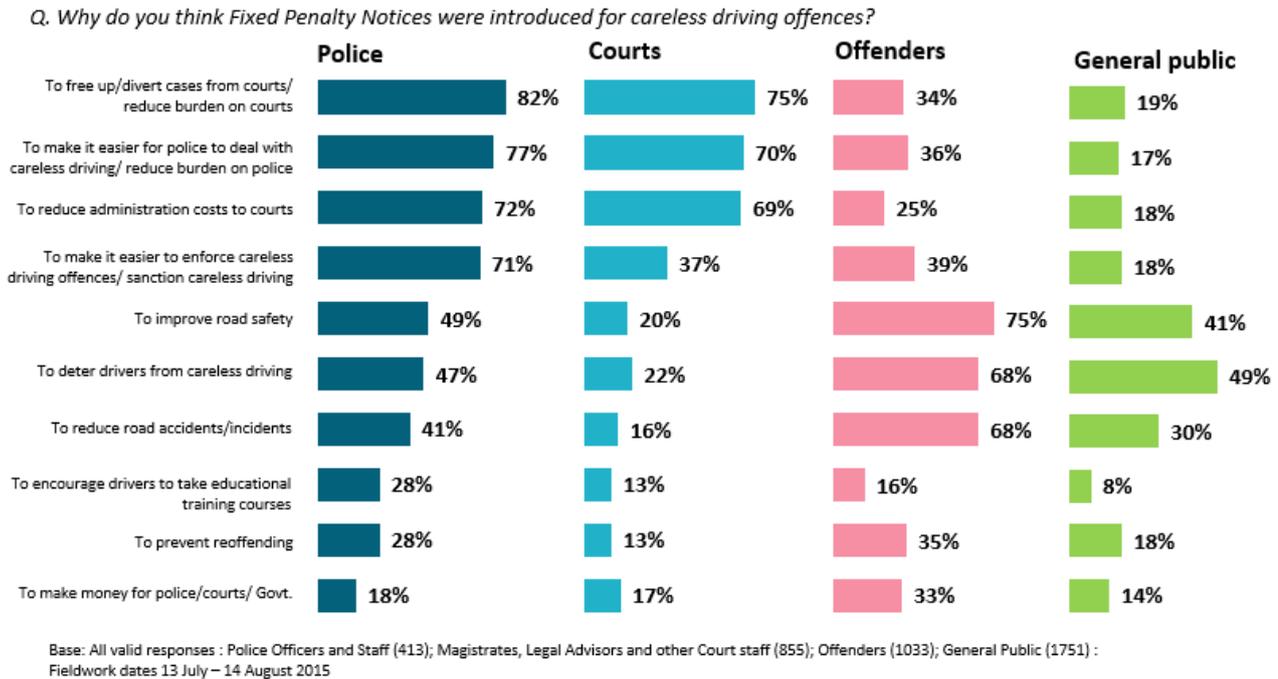
Male offender

This perception of a favourable alternative to a pathway to court was described from offenders’ own perspectives as a personal (private) benefit and was not, for example, described as a net (social) positive externality of freeing up the courts (and reducing subsequent time and financial costs).

While police and those in the court survey (typically magistrates) were more likely (when surveyed) to mention diversion of cases from the court among the top reasons for introducing FPNs for careless driving, this was less top of mind for offenders and the general public (Figures 7.6). Four in five police (82%) and three quarters of court survey respondents (75%) mentioned reducing burden on the courts, compared with 34% of offenders and 19% of the general public. Instead, improving road safety and deterring

drivers from driving carelessly were the most commonly selected reasons for the intervention among offenders and the general public, followed by reducing road accidents.

Figure 7.6 – Perceived rationale for introducing FPNs for careless driving among police, courts and offender audiences (more than one option code could be selected)



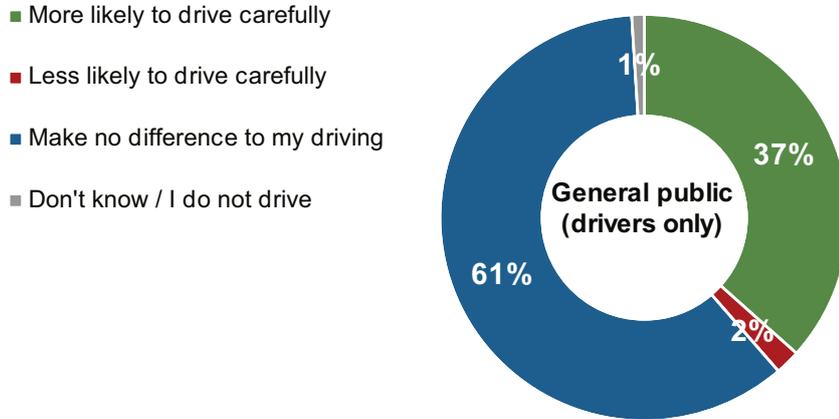
### 7.4 Perceptions of the impact of the FPN on driver behaviour and deterrence effects

For the FPN to play a role in preventing careless driving, reducing road accidents (and associated costs) and improving road safety, it follows that the threat or actual experience of receiving a FPN must act as a deterrent which leads to better and more careful driving.

The public and offenders held mixed views as to whether awareness of the FPN would influence driver behaviour. Nearly two in five drivers (37%) thought knowing about the possibility of being issued an FPN for careless driving would make them personally more likely to drive carefully, but just over three in five (61%) thought it would make no difference to their driving.

Figure 7.7 – Perceived impacts of awareness of the FPN on driver behaviour among drivers

Q. Does knowing about the possibility of being issued a Fixed Penalty Notice for careless driving make you personally more likely to drive carefully, less likely, or will it make no difference to your driving?



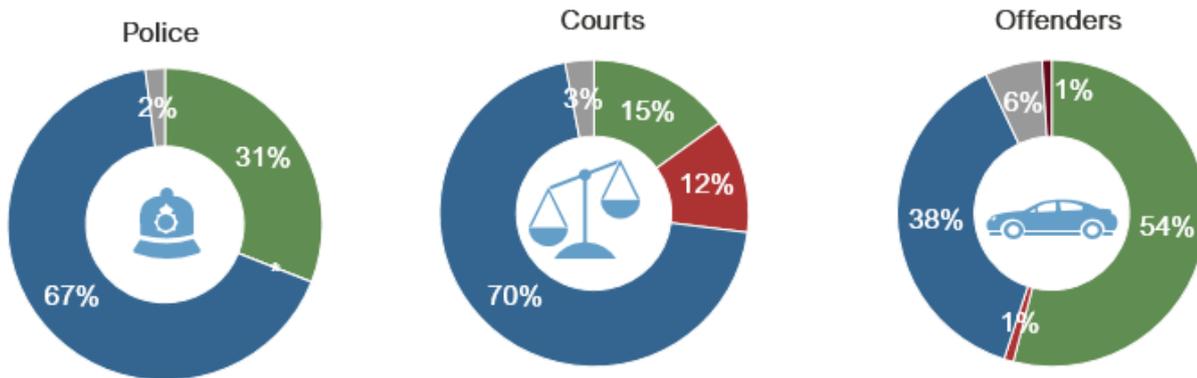
Base: All respondents England and Wales only (1,751) 10th July – 16th July 2015

Offenders were more confident that awareness of the FPN disposal option would make people more likely to drive carefully, with over half of those surveyed (54%) feeling it would have a positive effect, compared with 38% who said it would make no difference to people's driving. Those in the court survey (made up primarily of magistrates) were the least likely of all audiences to say that knowing about the introduction of the FPN would make people drive more carefully.

Figure 7.8 – Perceived impacts of awareness of the FPN on driver behaviour across police, courts and offender audiences

Q. If the public were made aware of the introduction of Fixed Penalty Notices for careless driving, do you think the changes would make people more likely to drive carefully, less likely, or would they make no difference to people's driving?

■ More likely to drive carefully ■ Less likely to drive carefully ■ Make no difference to people's driving ■ Don't know



Base: All valid responses : Police Officers and Staff (413); Magistrates, Legal Advisors and other Court staff (855) : Offenders (1033). Fieldwork dates July – August 2015

In the qualitative interviews with court staff, there was some recognition that some of their perceptions may reflect some lack of knowledge of the final outcome of cases which do not arrive at court, though some court staff were more pessimistic that the FPN could have an impact.

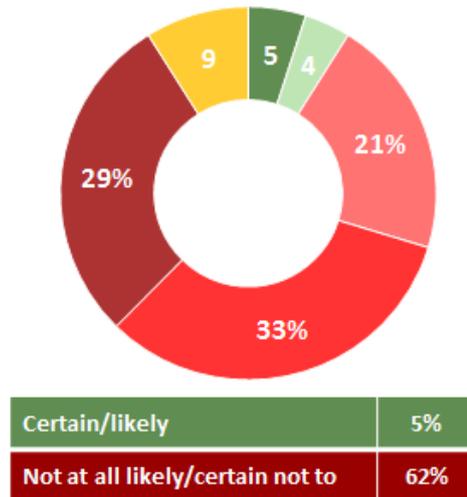
Having prior experience of receiving an FPN leaves offenders more likely to think public awareness of the FPN will improve the standard of driving generally, but this is not true amongst the general public, where awareness is lower.

When offenders were asked to assess their own likelihood of committing a careless driving offence (again), a majority said they were unlikely or certain not to reoffend in the next two years (33% said “not at all likely”, 21% said “not very likely”, and 29% said “certain not to”).

Figure 7.9 – Offenders’ self-reported likelihood to reoffend in the next two years

Q. How likely, if at all, do you think you are to commit a careless driving offence again in the next 2 years (regardless of whether or not you are stopped by the police)?

- Certain to/very likely
- Fairly likely
- Not very likely
- Not at all likely
- Certain not to
- Not stated/DK



Base: All valid responses (1033); Fieldwork dates 13 July – 14 August 2015

When this was explored in qualitative interviews, the reasoning given by those offenders who did not think they would reoffend revealed important context. For several offenders, their careless driving penalty was viewed as a one-off ‘blip’ which was out of character and not reflective of their usual standard of driving. Some described their experience as a ‘miscarriage of justice’ and this perception heavily clouded their attitudes towards the FPN, as well as policing and justice system in general.

The reasons given by offenders who viewed themselves as innocent included the following:

- **mechanical faults** with the vehicle they were driving (a faulty electric handbrake, for example);
- presence of **other passengers in the vehicle** (such as children, or a passenger with a disability) which, in the offender’s opinion, was evidence that they were driving carefully, as they always would when driving this particular passenger;
- disbelief that their driving was careless combined with a **lack of evidence** to prove it, or even information they believed proved they were driving carefully (for example passing an alcohol breath test);
- disbelief that their driving was careless and a perception that police were issuing penalties in order to **reach minimum FPN quotas or targets**;

- **absence of other road users** involved in the incident, and no persons injured as a result of the careless driving;
- **environmental or personal context** and circumstances, such as the sun being “too low”, light levels too dark, low blood sugar levels at the time of the incident and high levels of stress due to unrelated incidents prior to driving.

Some offenders explained that their personal experience of receiving the FPN as a penalty would make them drive more carefully, while others felt the chances of reoffending were out of their control.

*“... You never know what circumstances are going to come up.” Male offender*

However, some of the offenders interviewed considered themselves unlikely to receive the same penalty again because they had undertaken avoidance strategies. For example, one offender subsequently avoided the area where the incident occurred, which he considered a “black spot” – an unlucky area that they were also fearful of driving through again.

Others mentioned that they avoided areas which they now know to be policed, and therefore think they are unlikely to be penalised for careless driving again.

*“I’m more aware of speeding traps by the police.” Male offender*

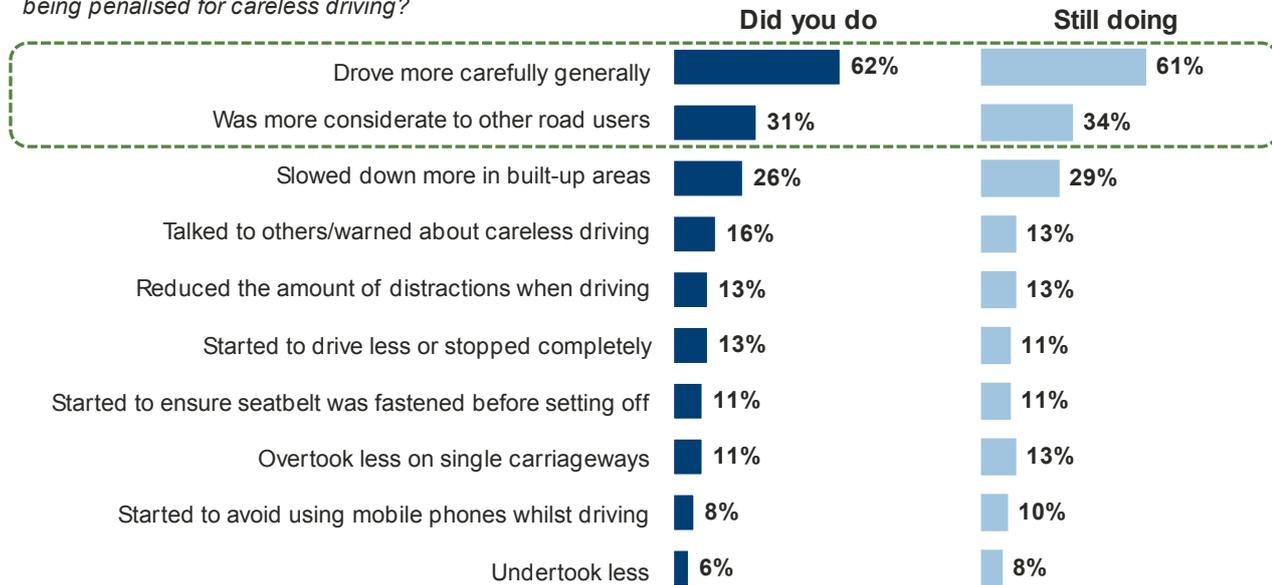
For those who considered themselves to be more cautious, careful drivers since receiving the penalty, often this was with no mention of how, specifically, they had altered their driving. These offenders felt more confident that they were “more careful now”, simply by virtue of having been punished for the offence.

*“It won’t happen again – I’m more cautious now.” Male offender*

This optimism and confidence in self-reported driving behaviour since being penalised was reflected in findings from the survey of offenders. When offenders were asked what they did differently immediately after being penalised, and what they are still doing differently, a majority said they drove more carefully generally, and a smaller proportion were more considerate to other road users (61% and 34% respectively claiming to still be doing this).

Figure 7.10 – Offenders’ self-reported change in driving behaviour since being penalised for careless driving (more than one option code could be selected)

Q. Which, if any, of the following things did you do/are you still doing differently immediately after you were/since being penalised for careless driving?



Base: All valid responses (1033) : Fieldwork dates 13 July – 14 August 2015

Specific examples of ‘better driving’ were less frequently mentioned, such as reducing the amount of distractions when driving (13% said they are still doing this, though this may reflect the fact that offenders were stopped for a particular reason, and the experience has helped them to eliminate that particular behaviour. This was also the case in qualitative interviews for some, highlighting the risk of over-confidence in driving behaviour among certain types of offender, particularly those who did not deem the incident to be their fault. Meanwhile, others had chosen not to drive at all due to the psychological impact of the incident which, for first-time offenders and older drivers particularly, sometimes appeared to have a larger impact on their attitude to driving in general than the penalty itself. This was particularly the case when a collision was involved, but for others it was as simple as being pulled up for doing something wrong. A minority (13%) reported no change in their standard of driving since the offence.

Impacts on the level of bureaucracy for  
police forces and courts

## 8 Levels of bureaucracy for police forces and courts

### Key findings:

#### Courts staff

HMCTS conviction data shows that there was a decrease in the number of careless driving cases processed by the courts in the year following the introduction of FPNs compared to the previous 12 months. This continued a longer-term trend of a reduction in the numbers of cases, potentially reflecting other changes to the policing landscape regarding prioritisation of resources.

Trends in the numbers of driver licence endorsements show that the introduction of FPNs for careless driving was around the point when DVLA endorsements began to consistently outnumber HMCTS convictions.

In line with these shifts in case volumes, those magistrates and other court staff who felt able to give a view on the impact of the introduction of FPNs for careless driving were significantly more likely to agree than disagree that the change in legislation has diverted lower level careless driving cases away from their court. They were also more likely to agree than disagree that it had reduced the level of administration on the courts for the prosecution of careless driving. A sizeable proportion also felt that the change had led to staff in their court spending less time on careless driving cases.

Views were more balanced regarding the impact on ease of prosecution, though this is perhaps to be expected given the more serious cases which require a hearing will inevitably still be dealt with by the courts. It should be noted across all these measures there were significant numbers – between 34% and 56% - who did not feel they knew enough about the introduction of FPNs to give a view, reflecting the lack of awareness across magistrates and court staff outlined previously.

#### Police

Over half of those police officers who expressed a view in the police survey felt that officers are now spending less time dealing with careless driving offences following the introduction of FPNs. Insight from the in-depth interviews suggests that this may also reflect the introduction of TORs in some areas and again highlights other procedural/ contextual factors which may also be having an

This chapter first draws on HMCTS data to identify trends in careless driving offences that have been processed through the courts pre and post the introduction of FPNs. It then

outlines findings from the in-depth interviews and surveys with police and court staff to explore perceptions of how the introduction of FPNs has impacted upon levels of bureaucracy and cases within courts.

## 8.1 Volumetric analysis of HMCTS data

This analysis is based on data from Her Majesty's Courts and Tribunal Service (HMCTS) for careless driving offences processed by the courts between August 2011 and July 2014 across England and Wales. The Criminal Justice System offence codes included in this analysis are:

- RT88575 - to drive a mechanically propelled vehicle on a road/in a public place without due care and attention;
- RT88576 - to drive a mechanically propelled vehicle on a road/in a public place without reasonable consideration to others.

### 8.1.1 Careless driving offences processed by the courts

Figure 8.1 below shows the number of careless driving offences processed through the courts in England and Wales across three periods:

- August 2011 to July 2012 - the 'pre-baseline' year (included for a more comprehensive view of trends over time);
- August 2012 to July 2013 - the 'baseline' year; and
- August 2013 to July 2014 - the first year following the legislative change which introduced FPNs for these offences

Across the whole of England and Wales, careless driving offences processed through the courts reduced by 4% in the first year of the legislative change compared to the baseline. This followed a previous reduction of 11% from the pre-baseline year to the baseline which may reflect changes to the policing landscape or other factors – though this has not been covered in this evaluation.

Figure 8.1 – Careless driving offences processed through the courts

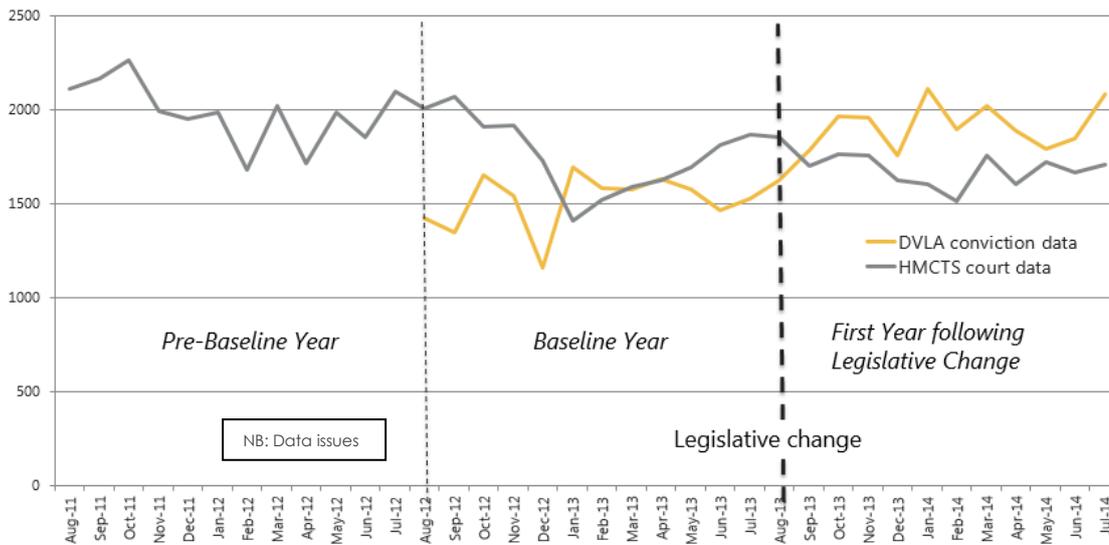
Site	Aug 2011 to Jul 2012 (pre-baseline)		Aug 2012 to Jul 2013 (baseline)		Aug 2013 to July 2014 (first year of legislative change)		% change between the baseline and first year of legislative change
	Total	Monthly mean	Total	Monthly mean	Total	Monthly mean	
Whole of England and Wales	23,834	1,986	21,136	1,761	20,269	1,689	-4%

Figure 8.2 confirms that from October 2013 to July 2014, there were fewer offences processed through the courts compared to the number of endorsements recorded. By comparison, the prevailing trend before October 2013 (except for a few months) had

been more offences processed through the courts than endorsements recorded. This potentially reflects the use of FPNs (following the legislative change in August 2013).

Within figure 8.2 the DVLA endorsement data starts at close to zero in August 2011 due to the removal of records by DVLA where the endorsement period has expired. Data in the pre-baseline year is therefore not complete.

Figure 8.2 - Careless driving offences in England and Wales: cases processed through the courts and DVLA endorsements



	Baseline Year Aug-12 to Jul-13	Pilot Period Aug-13 to July-14
DVLA Endorsements	18,174	22,736
HMCTS Convictions	21,136	20,269
DVLA endorsements as a percentage of DVLA and HMCTS	46%	53%

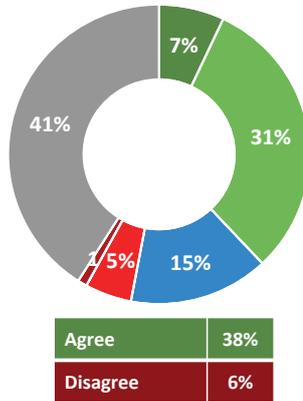
## 8.2 Perceptions of impact on the level of bureaucracy among court staff

There were some indications from both the court survey and the qualitative court interviews that the introduction of FPNs has led to some of the 'lower level' offences being diverted away from court. Around four in ten in the survey (38%) agreed that lower level cases had been diverted from court, while a similar proportion (41%) were unable to say, 15% felt it made no difference, and just 6% disagreed.

Figure 8.3 – Perceived effectiveness of FPNs diverting lower level offences away from court – court survey

Q. To what extent do you agree or disagree, that the introduction of a Fixed Penalty Notice for careless driving offences has diverted lower level careless driving offences from your court?

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know



Base: All valid responses (855) : Fieldwork dates 13 July – 14 August 2015

*"I very rarely see ones now that are in the low categories"* Legal advisor

Several of the court staff interviewed in-depth had noticed that there were fewer careless driving cases coming before the courts, but had not attributed a specific reason to this, and were unaware that FPNs had been introduced for careless driving (a finding echoed in the quantitative survey, where only 39% of magistrates and court staff were aware). However, the news was not a surprise – they agreed with the premise of keeping offenders out of court where possible, assuming the out of court disposal option is felt to be proportionate and appropriate.

*"Keep matters out of the court system...a cheaper, faster disposal"* Legal advisor

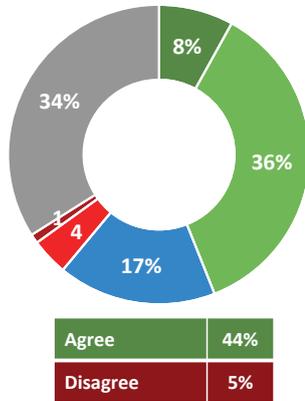
*"General drive is to get things out of the courtroom if it can be avoided – these people aren't strictly criminals"* Legal advisor

Related to the above findings, there was an indication that the introduction of FPNs had reduced the level of administration on the courts for the prosecution of careless driving. The qualitative interviews demonstrated that the last part of this sentence is important – FPNs may not have reduced the level of administration overall, but they had reduced the administration around this particular offence. Two fifths (38%) of court staff agreed that it has had this effect, with a minority (6%) disagreeing (Figure 8.4). However, as with previous questions, a significant minority (34%) did not know enough to express an opinion.

Figure 8.4 – Effectiveness of FPNs in diverting lower level offences away from court – court survey

Q. To what extent do you agree or disagree, that the introduction of Fixed Penalty Notices has reduced the level of administration on the courts for the prosecution of careless driving?

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know



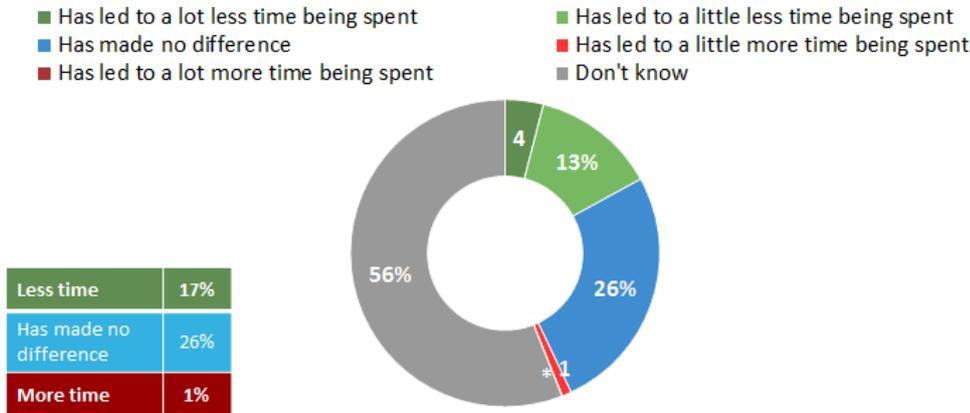
Base: All valid responses (855) : Fieldwork dates 13 July – 14 August 2015

From the survey of magistrates and courts staff, there were indications that despite a sense of fewer cases coming to court amongst some, the introduction of FPNs had so far been felt to have made little difference to the length of time that courts staff spend on careless driving cases. A large part of this is the lack of awareness of the impacts of the change; the majority (56%) were unable to say whether or not it had made any difference, whilst a further quarter (26%) felt it had made no difference. Around one in six (17%) felt that it had resulted in less time being spent on cases, whilst just 1% felt the opposite.

The qualitative interviews with legal advisors gave some context to this – participants tended to feel that individual cases that come before their court still take up the same length of time, but that it was harder to comment on the overall picture across their area.

Figure 8.5 – Effect of FPNs on careless driving cases in court – court survey

Q. From your experience, has the introduction of Fixed Penalty Notices for the offence of careless driving led to staff in your court spending less time on careless driving cases, more time, or has it made no difference?



Base: All valid responses (855) - Fieldwork dates 13 July - 14 August 2015

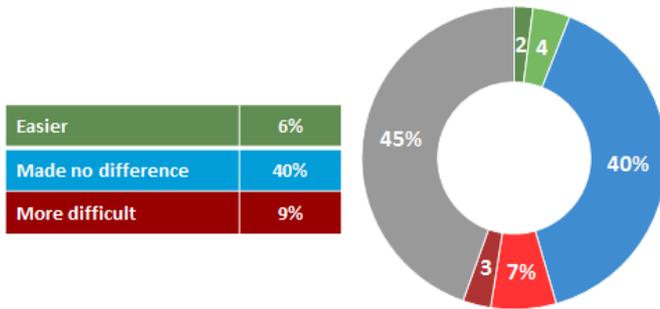
Though some recognised that the numbers of careless driving cases may have decreased in courts, there was not a sense of reduction in the overall burden, as their time was felt to be taken up with other driving offences – there was a sense that workload had been *redistributed* rather than *reduced*. This is partly reflective of the way in which work tends to be block booked, and courts staff will spend a whole day immersed in road traffic offences – it is therefore difficult to discern any differences in the prevalence of different offence types without reference to volumetric data (see previously in chapter).

There was very little agreement amongst court respondents that the introduction of FPNs had made it easier to prosecute individual careless driving offences. Just 6% of those surveyed felt it was now easier, with 9% feeling it was more difficult. The vast majority felt it had made no difference or were unable to say (40% and 45% respectively).

Figure 8.6 – Ease of prosecution of careless driving offences – court survey

Q. To what extent is it easier or more difficult to prosecute careless driving offences since the introduction of Fixed Penalty Notices for careless driving offences?

- Much easier now
- A little easier now
- No difference
- A little more difficult now
- Much more difficult now
- Don't know



Base: All valid responses (855) : Fieldwork dates 13 July – 14 August 2015

### 8.3 Perceptions of impact on the level of bureaucracy among police

Views expressed by police officers in the qualitative research – both in groups and individually - showed there was a sense that the FPN is easier to administer than some other disposal options. As discussed previously, views of FPNs were intertwined with the Traffic Offence Report – in at least one Police Force area, the new ‘streamlined’ TOR did not require as much information from individual officers about their recommendations for prosecution (a cause for concern amongst some).

This ease of administration was cited by some as a reason for fewer careless driving cases being perceived to be appearing before the courts; less time is required from officers to prepare statements, collate information, and take time out of their day to appear in court themselves.

*‘It’s easier to fill in the ticket than do the paperwork for the court summons, but I don’t think that encouraged people to fine stuff that they wouldn’t have done before’* Police Officer

Data from the survey of police officers/staff showed that approaching half (45%) agreed that the time spent by police officers had reduced, whilst one in ten (10%) disagreed, and 30% felt it had stayed the same.

A similar percentage (41%) agreed that FPNs had reduced the time that the police force as a whole spends on such cases, but it is worth noting that a third (32%) were unable to say – perhaps due to the issue identified in the qualitative interviews of officers feeling ‘removed’ from the process of enforcement after they have submitted the TOR, or not knowing enough to provide a view on the bigger picture at force level.

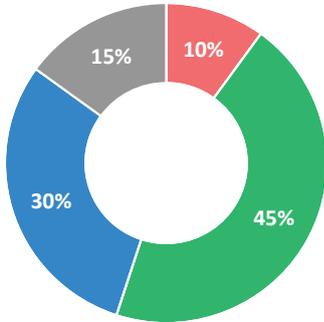
*‘My understanding is that they put the ticket into the system and if they are eligible for a course they will get it.’* Police officer

Figure 8.7 – Time spent by the police on careless driving cases

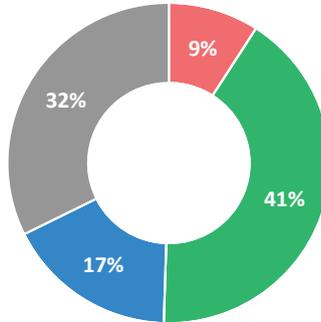
Q. Compared to before the introduction of Fixed Penalty Notices for careless driving, do you think that the amount of time spent by police officers/staff in dealing with careless driving cases has increased, decreased or stayed the same?

■ Has increased    ■ Has decreased    ■ Stayed the same    ■ Don't know

*The time spent by a police officer*



*The time spent by the police force*



Base: All valid responses (413) : Fieldwork dates 13 July – 14 August 2015

# Appendices

# Appendix A: Details of the Ipsos MORI Capibus (general public survey)

Ipsos MORI's Capibus survey is conducted using a random location sampling methodology. The Primary Sampling Unit of this approach are grouped Census Output Areas, small areas comprising c.125 households which cover the entire country. Output Areas are randomly selected from all available areas, and interviewers then conduct interviews using a quota methodology within these areas.

170-190 points are chosen in each wave of the Omnibus, with c.5 interviews conducted at each point, although the precise number depends on the precise size of the area.

Capibus quotas for each chosen point are set to match the profile of the general public using CACI ACORN geo-demographic information. The quotas used are interlocking quotas based on age, gender and working status.

The target population for this survey was all adults aged 17+ living in England and Wales.

Interviews were conducted face-to-face in home between 10<sup>th</sup> July and the 16<sup>th</sup> July 2015.

Capibus surveys use a 'RIM weighting'<sup>17</sup> system which weights to the latest set of census data or mid-year estimates, and National Readership Survey (NRS) defined profiles for age, social grade, region and working status within gender and overall profiles on tenure and ethnicity.

The respondents to the survey are only a sample of the general public in England and Wales aged 15+, so it is not possible to be certain that the figures obtained are exactly those that would have been found if everybody had been interviewed (the "true" values). It is, however, possible to predict the variation between the sample results and the true values from knowledge of the size of the samples on which the results are based and the number of times that a particular answer is given. The confidence with which this prediction can be made is usually chosen to be 95% – that is, the chances are 95 in 100 that the true value will fall within a specified range. The table below illustrates the predicted ranges for different sample sizes and percentage results at the 95% confidence interval.

It is important to note that this table strictly applies only to results from surveys using a random probability sampling approach. This survey uses a random location methodology, which incorporates random and non-random sampling elements, and is therefore not a pure random sample. As a result, the figures below are indicative; however practice and experience show that surveys conducted using this methodology can provide similarly high levels of certainty.

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<sup>17</sup> RIM weighting is designed to attempt to weight all of the weighting characteristics at the same time, while not interlocking them. As the RIM weighting process runs, it tries to distort each variable as little as possible while still trying to attain all of the desired proportions among the characteristics.

## Approximate sampling tolerances

Size of sample on which survey result is based	Approximate sampling tolerances applicable to percentages at or near these levels		
	10% or 90%	30% or 70%	50%
	+/-	+/-	+/-
100 responses	5.9	9.0	9.8
500 responses	2.6	4.0	4.4
1,000 responses	1.9	2.8	3.1
2,000 responses	1.3	2.0	2.2

For example, with a sample size of 500 where 30% give a particular answer, the chances are 19 in 20 that the true value (which would have been obtained if the whole population had been interviewed) will fall within the range of +/-4 percentage points from the sample result.

## Appendix B: Court disposals for careless driving offences

Figure B.1 presents all disposals given for careless driving offences (CJS codes RT88575 and RT88576) between August 2011 and July 2014. This shows the wide range of disposals including community orders, referrals to youth offender panels.

Figure B.1 All court disposals for careless driving offences

Disposal type	2011-12 (Pre-baseline)	2012-13 (Baseline)	2013-14 (After legislative change)
Absolute Discharge	58	51	41
Adjournment	11	11	11
Adult remittal	8	7	9
Anti-social behaviour order on conviction	0	1	0
Bind Over	1	1	0
Committed to Crown Court for sentencing	39	35	37
Committed to Crown Court on bail	11	2	0
Committed to Crown Court S 41 CJA 1988 - Summary offence	47	17	0
Community Order - England and Wales	60	41	42
Conditional Discharge	122	106	75
Deceased	11	12	6
Detention in Court House until time	1	0	0
Discharged (s.6)	7	7	0
Discontinued	770	631	454
Discretionary with disqualification	873	703	49
Dismissed	1343	1179	1075
Fine appeal dismissed	1	0	0
Granted	2	2	0
Imprisonment (Effective Sentence)	1	3	0
Joined on indictment S40 CJA 1988 - Summary offence	3	0	0
No adjudication	4	0	1
No separate penalty on this allegation	2579	2451	2650
Not before the court.	1	1	0
Obligatory disqualification	38	32	1
Order revoked	0	2	0
Parenting Order	3	1	0
Points but reduced disqualification for mitigating circumstance	3	3	0
Points disqualification	505	307	13
Points with disqualification until extended test passed	13	7	1

Proceedings stayed because of an abuse of process	3	3	1
Referred to Youth Offender Panel	69	48	43
Refused	0	1	0
Remand on bail	4	10	2
Reparation Order	1	1	1
Restraining Order	3	1	1
Result on associated case	0	2	0
Sent to Crown Court	35	112	172
Suspended sentence order	6	6	4
UPD - Fine	14738	13127	13108
UPD - Notice of Registration	4	0	0
Withdrawn	2431	2188	2454
Youth Rehabilitation Order	24	24	16
Youth remittal Unconditional bail Other Court Area	1	0	2
Total	23834	21136	20269

## Model Two: Including previous offending, but excluding Greater Manchester

	Odds Ratio	Sig.
<b>Disposal (Reference Category = Cancelled / NFA)</b>		.008
Driver Retraining	.597	.205
Fine	.820	.589
Prosecution	1.172	.664
<b>PFA (Reference Category=Humberside)</b>		
Metropolitan Police	.874	.519
<b>Cohort (Reference Category = Pre-legislative change period)</b>		
Post legislative Change Period	1.484	.027
<b>Previous Offending?(Reference Category=No previous offending)</b>		
Previous Offending	1.944	.001
<b>Age (Reference Category=Under 25)</b>		.068
25 to 30	1.320	.261
31 to 40	.820	.429
41 to 50	.956	.861
51 to 60	.909	.733
61+	.555	.085
<b>Gender (Reference Category=Female)</b>		
Male	2.289	.001
Constant	.048	.000

## Appendix C: Additional analysis of DVLA and HMCTS data

### Endorsements by age

An analysis of the changing level of endorsements across different age groups is shown in Figure C.1. The age groups under 25 (excluding 18 year olds) tend to show the smaller increases, whilst 18 year olds and 41-60 year olds show the largest increases. From discussions with the DVLA, the likelihood of being prosecuted for careless driving by age is in line with other offences.

Figure C.1 – Number of endorsements by Age, and change relative to Baseline Year (Aug 2012 to July 2013)

	Number of Convictions		Change relative to Baseline Year
	Baseline Year Aug-12 to Jul-13	First year following legislative change Aug-13 to July-14	First year following legislative change Aug-13 to July-14
<b>Under 17</b>	95	96	+1%
<b>17</b>	202	245	+21%
<b>18</b>	474	632	+33%
<b>19</b>	648	713	+10%
<b>20</b>	630	749	+19%
<b>21-25</b>	3240	3921	+21%
<b>26-30</b>	2575	3139	+22%
<b>31-40</b>	3570	4432	+24%
<b>41-50</b>	2960	3911	+32%
<b>51-60</b>	1791	2476	+38%
<b>61-70</b>	1088	1309	+20%
<b>71+</b>	901	1113	+24%
<b>Total</b>	18174	22736	+25%

The inclusion of under 17 year olds in these records includes both under age drivers as well as those legally able to drive – for example tractor drivers and disabled drivers.

### Endorsements by gender

Figures C.2 and C.3 show a clear gender difference, with men receiving over four times as many endorsements for careless driving as women. Over the time periods covered by the data, this difference has slightly increased. Between August 2013 and July 2014, the number of offences committed by men had increased by 27% compared to the baseline year (Aug 12 to July 13), compared with a 19% increase by women over the same period.

Figure C.2 – Convictions by Gender between August 2011 and July 2014

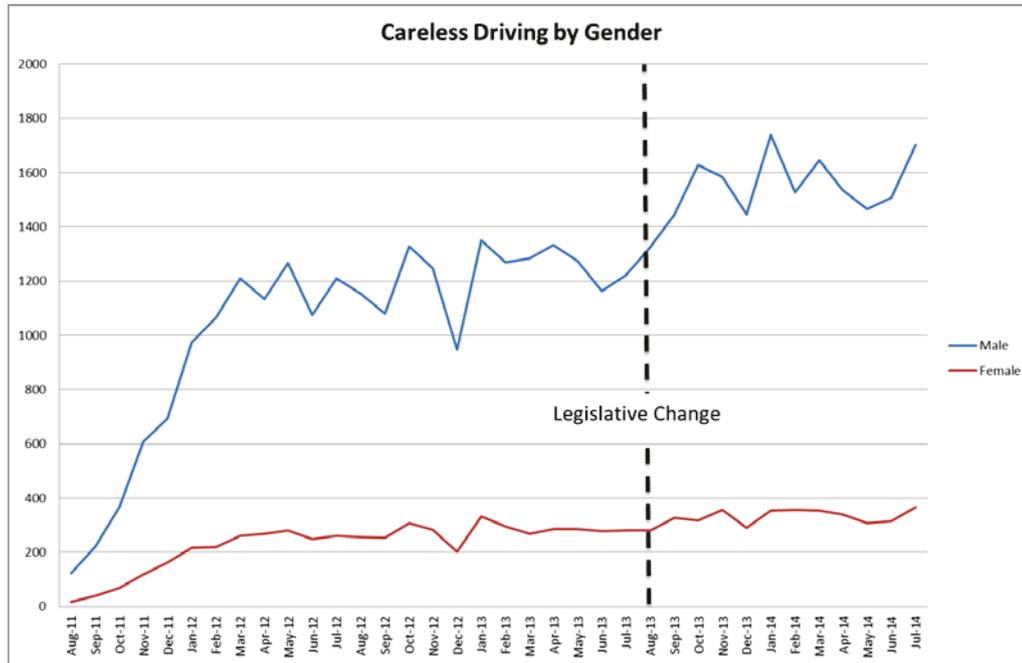


Figure C.3 – Volume of convictions by gender: percentage of annual totals and change relative to baseline year

	Number of convictions, and percentage of annual total		Change relative to baseline year
	Baseline Year Aug-12 to Jul-13	First year following legislative change Aug-13 to July-14	Pilot Period Aug-13 to July-14
<b>Male</b>	14652 (81%)	18546 (82%)	+27%
<b>Female</b>	3522 (19%)	4190 (18%)	+19%
<b>Total</b>	18174 (100%)	22736 (100%)	+25%

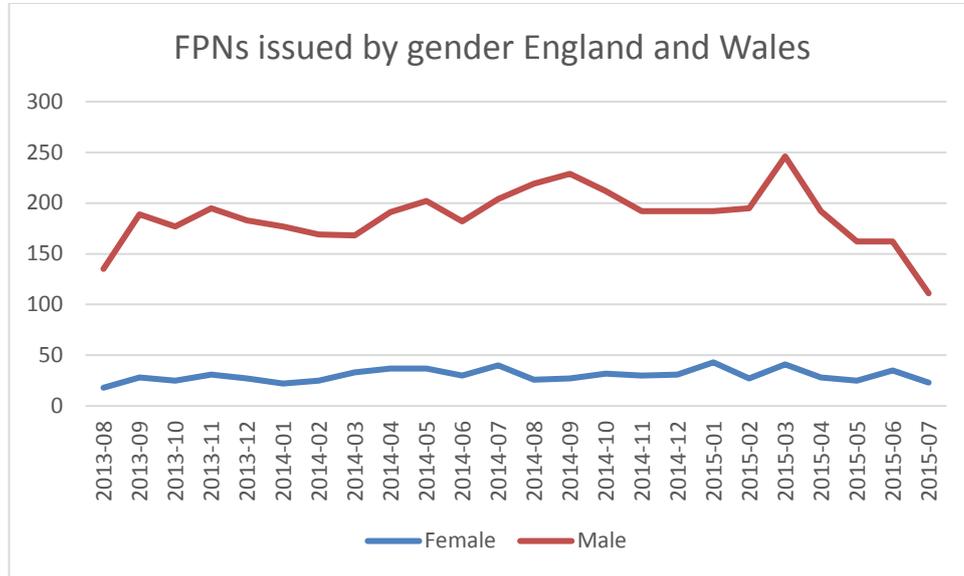
FPNs and gender

Figure C.4 shows the monthly number of FPNs issued between August 2013 and July 2015 by gender across England and Wales.

A total of 15% of FPNs, between August 13 and July 15, were issued to women and 85% to men. This ratio has been reasonably consistent during that time. For both there was an expected initial increase in the first month following the legislative change then a much more modest increase over the next eighteen months. A spike in the numbers of FPNs issued in the spring of 2015 is mainly driven by FPNs issued to males followed by a

decrease in those issued to both genders. This decrease in the last few months will reflect a recording lag.

Figure C.4 – Number of FPNs issued by gender



### Final disposals by age

Figure C.5 shows the total number of final disposals between August 2013 and July 2015 by age of the offender.

Whether these age groups were proportionately more likely to receive FPNs would depend on a consideration of these figures taking into account relative populations and road usage.

Figure C.5 – Final Disposals between August 13 and July 2015: Percentages of totals for each age group

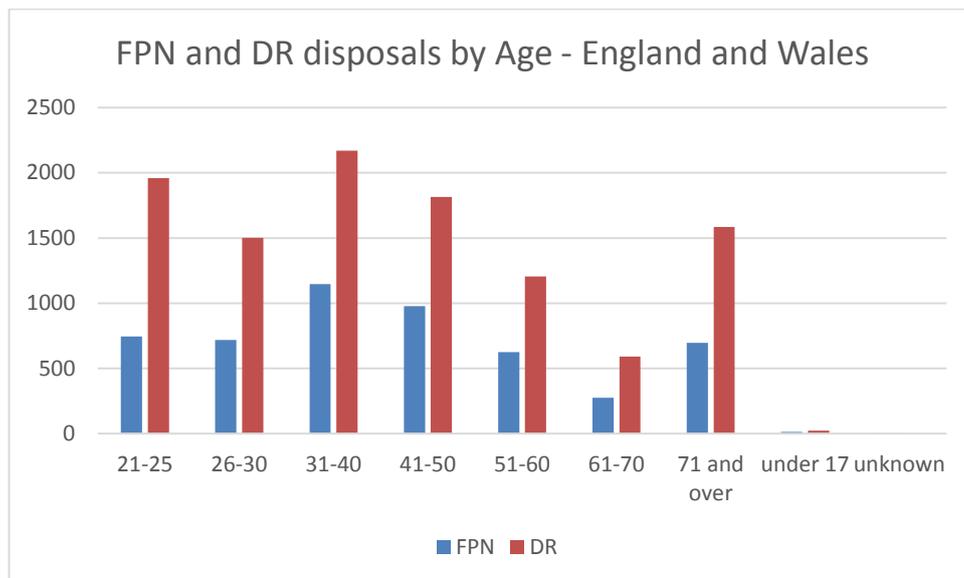
Age	FPN	DR	Prosecution	Cancellation	Incomplete	FPN after DR	Prosecution after FPN or DR
Under 17	18%	31%	24%	11%	3%	3%	10%
21-25	16%	42%	14%	10%	3%	2%	12%
26-30	18%	38%	15%	10%	3%	2%	12%
31-40	20%	38%	14%	10%	3%	3%	12%
41-50	21%	39%	12%	11%	3%	3%	10%
51-60	22%	42%	11%	11%	2%	4%	9%
61-70	22%	46%	6%	14%	2%	6%	4%
71 and over	19%	44%	9%	14%	3%	5%	6%
Unknown	0%	0%	2%	71%	26%	0%	1%
<b>Total</b>	<b>18%</b>	<b>38%</b>	<b>12%</b>	<b>15%</b>	<b>4%</b>	<b>3%</b>	<b>10%</b>

Note that there is no age group listed '17 – 20' within the dataset available to the research team

### FPNs and driver re-training by age

Figure C.6 shows the number of FPNs and driver re-training disposals between August 2013 and July 2015 by age, across England and Wales.

Figure C.6 – FPNs and DR by age – England and Wales



### Driver re-training completions

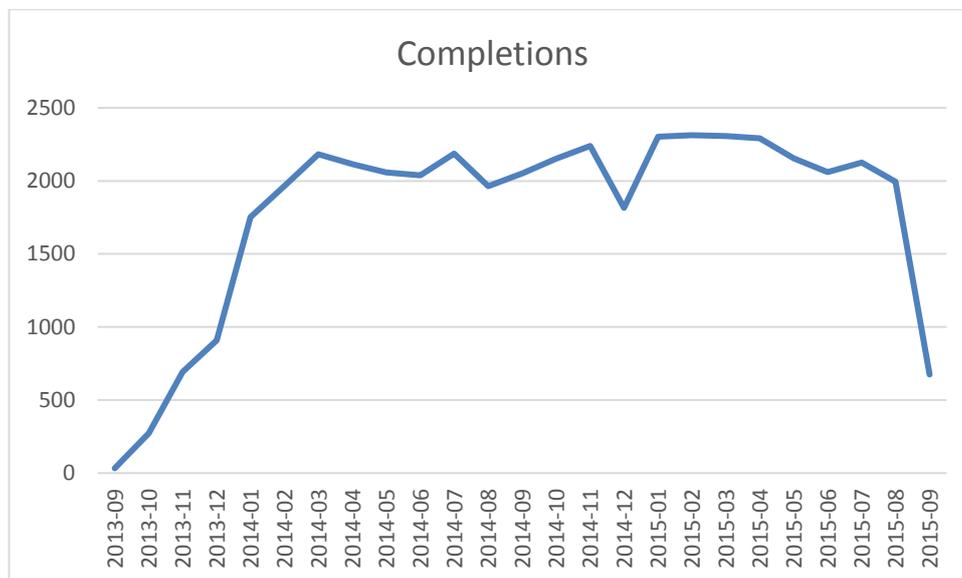
Figure C.7 shows the number and proportion of driver re-training outcomes for the period August 2013 to July 2015 across England and Wales. A large proportion (83%) of driver re-training courses were completed, however, one in six (17%) driver re-training disposals were highlighted as withdrawn within the available data.

Figure C.7 – Numbers who attended and completed driver re-training, who attended but did not complete driver re-training and where the offer of training was withdrawn – England and Wales, August 2013 to July 2015

Number and as % of all driver re-training disposals August 2013 to July 2015			
Attended and completed	Attended and not completed	Offer withdrawn	Total
(83%)	(0.1%)	(17%)	53,970

Figure C.8 shows that driver re-training completions remained relatively constant from February 2014 onwards. The dip in the last two months will reflect a recording lag.

Figure C.8 – Completions of driver re-training over time – England and Wales – September 2013 to September 2015



Since the formalised introduction of driver re-training, completions of the training rose steadily in the first months of the scheme and have remained mostly within the range of 2,000 to 2,500 completions per month. The dip in the last month will reflect a lag in records reaching NDORS.

## Offences processed through the courts by age and gender

Figure C.9 shows careless driving offences across England and Wales processed through the courts by age between August 2011 and July 2014.

The table shows:

- An increase of 34% and 70% respectively for under-17 and 17 year olds in the first year of the change compared to the baseline.
- Fewer cases were processed by the courts for those aged 21 and over in the first year of the change compared to the baseline and pre-baseline year.

Figure C.9 Careless driving offences in England and Wales processed through the courts by age

Age	August 2011- July 12 (Pre-baseline)	August 2012-July 13 (Baseline)	August 2013-July 14 (After legislative change)	Change relative to baseline year, after legislative change
Under 17	167	142	190	34%
17	296	216	346	60%
18	676	542	612	13%
19	903	736	608	-17%
20	897	719	741	3%
21-25	4374	3876	3787	-2%
26-30	3271	3071	3066	0%
31-40	4746	4175	4007	-4%
41-50	3798	3408	3108	-9%
51-60	2269	2078	1916	-8%
61-70	1284	1150	999	-13%
71+	1097	972	860	-12%
Total	23778	21085	20240	-4%

## Offences processed through the courts by gender

Table C.10 shows careless driving offences across England and Wales processed through the courts by gender between August 2011 and July 2014.

The table shows similar reductions of 4% and 5% respectively for males and females in the first year of the legislative change compared to the baseline.

Table C.10 Careless driving offences in England and Wales processed through the courts by gender

	August 2011- July12 (Pre-baseline)	August 2012-July 13 (Baseline)	August 2013- July 14 (After legislative change)	Change relative to baseline year, after legislative change
Male	19305	17149	16481	-4%
Female	4365	3822	3628	-5%
Total	23670	20971	20109	-4%

Table C.11 Careless driving offences in England and Wales processed through the courts by gender and age

Age / Gender Groups	August 2011- July 12 (Pre-baseline)	August 2012-July 13 (Baseline)	August 2013-July 14 (After legislative change)	Change relative to baseline year, after legislative change
Men Aged Under 25	5608	4714	4793	2%
Men Aged 25 or over	13653	12397	11667	-6%
Women Aged Under 25	880	737	708	-4%
Women Aged 25 or Over	3476	3074	2914	-5%
	23617	20922	20082	-4%

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