



# CIVIL NUCLEAR CONSTABULARY

## Email

[REDACTED]  
[REDACTED]  
[REDACTED]

### The Executive Office

Civil Nuclear Constabulary

Building F6 Culham Science Centre

Abingdon

Oxon

OX14 3DB

Tel: 03303 135400

Website: <https://www.gov.uk/cnc>

20<sup>th</sup> July 2022

Dear [REDACTED]

I am writing in response to your request for information regarding the below. Your request has been handled under Section 1(1) of the Freedom of Information Act 2000. In accordance with Section 1(1) (a) of the Act I hereby confirm that the CNC/CNPA does hold information of the type specified.

- 1. Do you impose restrictions on how much a police driver trained to standard level can exceed the speed limit when making lawful use of exemptions ?**
- 2. If yes to question 1 please provide details of the limits imposed.**
- 3. Please provide the relevant policy and procedure documents that detail how a standard level driver may make lawful use of speed exemptions.**

1. Due to the inherent, changing nature of road conditions and risk, our policy does not determine a figure by which police drivers may exceed the speed limit when responding to an emergency. Rather, those trained and authorised drivers are required to exercise their experience, gained through training and operational practice, to determine what is safe in each set of circumstances, all the while being cognisant of the policy which determines that the exemptions do not include driving at a speed or in a manner which is dangerous, nor driving in a manner which would amount to driving without due care and attention. Those who are not trained or authorised are not permitted to use exemptions.

2. N/A

### 3. Please find attached our Motor Vehicle Driving Including Pursuit Policy

The Civil Nuclear Constabulary is a specialist armed police service dedicated to the civil nuclear industry, with Operational Policing Units based at 10 civil nuclear sites in England and Scotland and over 1600 police officers and staff. The Constabulary headquarters is at Culham in Oxfordshire. The civil nuclear industry forms part of the UK's critical national infrastructure and the role of the Constabulary contribute to the overall framework of national security.

The purpose of the Constabulary is to protect licensed civil nuclear sites and to safeguard nuclear material in transit. The Constabulary works in partnership with the appropriate Home Office Police Force or Police Scotland at each site. Policing services required at each site are agreed with nuclear operators in accordance with the Nuclear Industries Security Regulations 2003 and ratified by the UK regulator, the Office for Nuclear Regulation (ONR). Armed policing services are required at most civil nuclear sites in the United Kingdom. The majority of officers in the Constabulary are Authorised Firearms Officers.

The Constabulary is recognised by the National Police Chiefs' Council (NPCC) and the Association of Chief Police Officers in Scotland (ACPOS). Through the National Coordinated Policing Protocol, the Constabulary has established memorandums of understanding with the local police forces at all 10 Operational Policing Units. Mutual support and assistance enable the Constabulary to maintain focus on its core role.

We take our responsibilities under the Freedom of Information Act seriously but, if you feel your request has not been properly handled or you are otherwise dissatisfied with the outcome of your request, you have the right to complain. We will investigate the matter and endeavour to reply within 3 – 6 weeks. You should write in the first instance to:

Kristina Keefe  
Disclosures Officer  
CNC  
Culham Science Centre  
Abingdon  
Oxfordshire  
OX14 3DB

E-mail: [FOI@cnc.pnn.police.uk](mailto:FOI@cnc.pnn.police.uk)

If you are still dissatisfied following our internal review, you have the right, under section 50 of the Act, to complain directly to the Information Commissioner. Before considering your complaint, the Information Commissioner would normally expect you to have exhausted the complaints procedures provided by the CNPA.

The Information Commissioner can be contacted at:

FOI Compliance Team (complaints)  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

If you require any further assistance in connection with this request please contact us at our address below:

Kristina Keefe  
Disclosures Officer  
CNC  
Culham Science Centre  
Abingdon  
Oxfordshire  
OX14 3DB  
E-mail: [FOI@cnc.pnn.police.uk](mailto:FOI@cnc.pnn.police.uk)

Yours sincerely  
Kristina Keefe  
Disclosures Officer



# Motor Vehicles Driving including Pursuit – Procedures and Authorisation

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## POLICY STATEMENT

The Civil Nuclear Constabulary (CNC) has a legal duty to ensure, as far as reasonably practicable, that persons carrying out work related driving on behalf of the CNC are able to do so in a safe and competent manner which minimises the risks to Police Officers, Police Staff, other road users and members of the public.

The CNC requires persons carrying out any work related driving, including pursuit, to comply as far as reasonably practicable with this policy and procedure document and all applicable driving legislation, regulations and standards.

## SCOPE

This policy and procedure applies to all CNC police officers and staff, including consultants, contractors and casual or interim staff when carrying out work related driving for / on behalf of the CNC.

This procedure should be read in conjunction with CNC Owned Vehicles and Other Vehicles used for CNC Purposes;

## AIMS OF THE POLICY / PROCEDURE

To ensure that the CNC provide appropriate training and vehicles to enable Police Officers and Police Staff to conduct work related driving in accordance with the above policy statement.

## DEFINITIONS

### *Work Related Driving*

“Work Related Driving” is defined as, “The activity which employees are required to undertake in pursuance of the objectives of the organisation and which involves the use of a motor vehicle to contribute to achieving those outcomes, including travelling to training events and meetings”. Travelling to and from an individual’s normal place of work / duty is generally classed as “commuting” and not “business” irrespective of whether it attracts a payment.

The CNC requires all persons undertaking work related driving on behalf of the CNC as a minimum to be authorised at appropriate Basic Driver levels for both Warranted and Staff members (see [subsection – Driver “Basic Level” Warranted and Staff Authorisation](#)).

## ***Blameworthy Driving Incident***

A blameworthy driving incident is one:-

- which could reasonably have been avoided; **and**
- where the individual was deemed to be at fault.

A driving incident should not be considered blameworthy unless:-

- the individual concerned was aware of the incident / damage at the time or as soon as possible after the incident;
- the incident / damage was investigated to a reasonable standard;
- the individual was given an opportunity at the time of the investigation to explain the incident / damage;
- no doubt exists concerning the cause of the incident / damage.

## ***Pursuit***

A police driver is deemed to be in pursuit when a driver / motorcyclist indicates by their actions or continuance of their manner of driving / riding that they have no intention of stopping for the police, and the police driver believes that the driver of the subject vehicle is aware of the requirement to stop and decides to continue behind the subject vehicle with a view to either reporting its progress or stopping it.

## **DRIVING STANDARDS**

### ***Legal Duty***

The CNC has a legal duty to ensure, as far as reasonably practicable:-

- the on-going management and monitoring of employees' eligibility to drive specific vehicles on work related business;
- that any person undertaking work related driving on behalf of the CNC is able to do so safely, competently and in compliance with Road Traffic (Vehicles & Driving) and Health & Safety legislation;
- the provision of appropriate procedures, guidance and training to effectively manage work related road safety and work-related driving activities.

### ***Driver - Medical Requirements and Occupational Health***

The Road Traffic Act 1988 in Part III outlines the physical fitness requirements for drivers of vehicles. There are a number of medical conditions for which the holder of a driving licence must notify the Driver and Vehicle Licensing Authority (DVLA). Details are contained in DVLA guidance – driver information – medical rules. ([www.dft.gov.uk/dvla/medical.aspx](http://www.dft.gov.uk/dvla/medical.aspx)).

Any person undertaking work related driving on behalf of the CNC is required to notify their Line Manager of any medical condition or any other condition (e.g. visual impairment) which may affect their ability to carry out driving activities, even if only for a temporary period.

It is also a legal requirement for any person undertaking any form of driving to adhere to the advice given in connection with the taking of any prescribed medication that may affect their ability to drive (e.g. claims that the medication may cause drowsiness etc.). In such cases the individual should take advice from their GP before undertaking any driving.

Where there are concerns about an individual's ability to undertake work related driving because of a medical condition, the Line Manager should make a referral to the Occupational Health Department (OHD).

### ***Driver - Eyesight Standards and Testing***

The basic standard eyesight requirement for CNC work related driving is the same as for the DVLA Group 1 standard (for a driver to be able, aided or unaided, in good daylight to read a number plate from a distance of 20 metres [65ft]).

The eyesight requirements for Police Officers carrying out police driving activities at Standard Response or Advanced levels are the same as for the DVLA Group 2 standard.

An individual failing to meet the required eyesight standard for their driving classification will be restricted from undertaking the relevant work related driving until the standard is met; i.e. any Police Officer failing the DVLA Group 2 standard may still be authorised to undertake work related driving –provided they can meet the Driver Basic Level Warranted standard (see [subsection – Driver “Basic Level” Warranted and Staff Authorisation](#)).

Any person undertaking any driving skills assessment / driver training / driving course / driver re-assessment, may be required to undertake an eyesight test appropriate to the level of driver authorisation prior to the commencement of the assessment / training / course / re-assessment.

**N.B.** As part of the CNC annual / periodic medical assessment requirements for Police Officer, the OHD carry out eyesight tests and will notify any failure to meet the required standard eye test to the Officer's Line Manager in accordance with CNC procedures.

## ***Driver authorisation - General Driver Requirements***

The National Police Chiefs' Council (NPCC) ([College of Policing \(CoP\) Driver Training Learning Programme](#)) identifies 3 levels of police driving standards namely:-

- Basic Police Driving;
- Standard Response Police Driving;
- Advanced Police Driving.

The Manual details the criteria that need to be met and the competence that must be achieved by a police driver to be authorised to a particular driving standard / level, or a specialist capability of the vehicle, or a particular activity being undertaken by the driver.

The National Association of Police Fleet Managers (NAPFM) and the College of Policing use a calculated assessment to determine a vehicles overall performance which delivers a final Performance Value (PV) enabling categorisation of Response and Advanced cars, Motorcycles, and Vans up to 3.5t.

The CNC requires that all persons undertaking work related driving on behalf of the CNC are assessed for competence and appropriately authorised for the vehicle or the use to which it is being put. This will be achieved through a process of driver evaluation / assessment / training for the appropriate level of driving standard i.e. the driving standards requirements for Police Staff will be different to those for Police Officers who undertake certain police operational driving activities.

CNC Police Officers and Police Staff who were **in post prior to 4 July 2011**, have all either:-

- been given “preserved rights”, or
- have passed the relevant Driver Basic Level driving skills assessment; or
- have not been allowed to undertake work related driving.

CNC Police Officers and Police Staff who have not been authorised under the preceding paragraph, must complete an appropriate Basic Level driving skills assessment ([see Section – Driving Assessments](#)), irrespective of whether it is a mandatory requirement (i.e. it is a condition of employment because of the role they are required to perform) or not in order to be authorised to undertake work related driving.

## ***Driver “Basic Level” Warranted and Staff Authorisation***

This level of authorisation is the minimum standard required for all CNC Police Officers and Police Staff who carry out CNC work related driving, irrespective of whether the vehicle is owned by the CNC or whether it is hired, leased or privately owned.

Drivers authorised to this level must abide by the following restrictions: -

- must comply with road traffic legislation at all times;

- must not use any emergency response exemptions ([see Section – Driving Restrictions & Exemptions](#));
- must not use blue flashing lights or other emergency warning equipment (excepting Police Officers using a liveried police vehicle when stationary and necessary to protect an incident scene or in accordance with subsection on [“Restrictions – Stopping of Vehicles”](#) and [Appendix C](#) );
- must not undertake any vehicle pursuit;
- will not be authorised to drive armoured vehicles;
- the OUC may authorise a Police Staff member to drive a liveried police vehicle where appropriate (e.g. a kennel assistant conveying police dog to a veterinary practice); in such a case, an “Out of Service” sun visor attachment and emergency lighting roof bar cover should be utilised.

### ***Standard Response Level Authorisation***

This level of driver authorisation is for Police Officers who have been trained in the standard response elements contained in the [CoP Driver Training Learning Programme](#). and assessed as competent in those elements, which includes responding safely to incidents that may require the use of legal exemptions ([see Section – Driving Restrictions & Exemptions](#)). This level of driver training (including refresher training) must be conducted by authorised driving instructors. Authorised standard response drivers are subject to the restrictions contained in the [CoP Driver Training Learning Programme](#) and applicable to this driving standard.

### ***Standard Response Level Authorisation Strategic Escort Group Armoured Vehicles (Non-Operational)***

This level of driver authorisation is for Police Officers who have been trained to Standard Response level. In addition, officers will have received appropriate training for any armoured vehicles that are in operational use by the Strategic Escort Group. This will include and is not limited to appropriate Health and Safety input, acquisition of Driving License Category if needed and appropriate driving familiarisation as directed by the CNC Lead for Driver Training.

This authorisation level is specific to the **Non-Operational** use of armoured vehicles and therefore officers trained to this level **must not** use any emergency response exemptions whilst driving armoured vehicles. ([see Section – Driving Restrictions & Exemptions](#));

### ***Standard Response Level Authorisation Strategic Escort Group Armoured Vehicles (Operational)***

This level of driver authorisation is for Police Officers who have been trained to Standard Response level. In addition, officers will have received appropriate training for any armoured vehicles that are in operational use by the Strategic Escort Group. This will include and is not limited to appropriate Health and Safety input, acquisition of Driving License Category if needed and appropriate Response Driving assessments as directed by the CNC Lead for Driver Training.



This authorisation level is specific to the **Operational** use of armoured vehicles and therefore officers may use emergency response exemptions ([see Section – Driving Restrictions & Exemptions](#));

### ***Advanced Level Authorisation***

This level of driver authorisation is for Police Officers who have been trained in the advanced elements contained in the [CoP Driver Training Learning Programme](#) and assessed as competent in those elements including the driving of high performance vehicles operationally. This level of driver training (including refresher training) must be conducted by authorised driving instructors. Authorised advanced drivers are subject to the restrictions contained in the [CoP Driver Training Learning Programme](#) and applicable to this driving standard ([see Section – Driving Restrictions & Exemptions](#)).

### ***Advanced Level Authorisation Strategic Escort Group Armoured Vehicles (Operational)***

This level of driver authorisation is for Police Officers who have been trained to Advanced level. In addition, officers will have received appropriate training for any armoured vehicles that are in operational use by the Strategic Escort Group. This will include and is not limited to appropriate Health and Safety input, acquisition of Driving License Category if needed and appropriate Advanced Driving assessments as directed by the CNC Lead for Driver Training.

This authorisation level is specific to the **Operational** use of armoured vehicles and therefore officers may use emergency response exemptions ([see Section – Driving Restrictions & Exemptions](#))

### ***Specialist CNC Vehicle Authorisation***

#### ***C1 Level Authorisation Ballistic Protected Vehicles at Category 1 sites (Operational)***

This level of driver authorisation is for Police Officers who have been trained to standard response level and also hold Driving Licence Category C1. In addition, officers will have received appropriate training for any Ballistic Protected Vehicles that are in operational use. This will include and is not limited to appropriate Health and Safety input, local procedures and appropriate driving familiarisation as directed by the CNC Lead for Driver Training.

## Authorisation Periods

The table below details the maximum periods of CNC/College of Policing authorisations at each level

Work Related Driving Level	Authorisation Period
Basic (All Personnel)	5 Years
Standard Response (Police Officers)	1 Year (officers must requalify once in every training year)
Advanced (Police Officers)	1 Year (officers must requalify once in every training year)

An authorisation may be withdrawn where an individual has:-

- been involved in 2 or more previous blameworthy driving incidents (see [subsection – Blameworthy Driving Incident](#)), whether work related or not, within a two year period;
- had their driving licence endorsed and their current points total 7 or more;
- had restrictions / conditions placed on their driving licence (e.g. on medical grounds);
- been involved in a driving incident in which their standard of driving provides valid grounds for withdrawing their authorisation.

An authorisation will be withdrawn where an individual has been disqualified from driving or had their driving licence suspended by a Court or the DVLA. It may also be withdrawn due to a lapse in authorisation to drive. An officer trained and authorised to either advanced or standard response level, and who is deployed within a role where those training levels are neither used nor required for a 12-month period or more reverts to **Basic Warranted Level** unless the officer is appropriately refreshed during this period.

If subsequently required, the previous training and authorisation level can be restored at any time following successful completion of a driving assessment or refresher training.

## DRIVING ASSESSMENTS

### *Drivers, Basic Warranted and Staff Authorisation Assessment*

The arrangements for a Basic Warranted or Staff driving skills assessment is managed through the Operational Driver Training Unit. The assessment must be conducted by a qualified and authorised driving assessor. [Appendix A](#) to this document contains the performance criteria that need to be met during the required Basic Level driving skills assessment

Prior to a driving skills assessment, a meeting should be conducted with the individual (this will usually be a CLD responsibility for new recruits; otherwise this this will be managed by the Head of Department (HoD) / Operational Unit Commander (OUC) / Manager<sup>1</sup>) to inform an evaluation of:-

- the individual's ability to comply with the legal requirements for driving;
- any risk to the CNC based on the individual's previous driving experience;

and to promote and manage work related road safety through the provision of:-

- some practical advice ([see Appendix B](#)); and
- an explanation of the requirements and scope of the driving authorisation; and
- information as to the individual's responsibilities for compliance with the law in relation to work related driving.

The person conducting the meeting should enquire into / discuss the individual's previous driving experience / driving incidents which could have relevance in assessing driving competency. In reviewing previous driving incidents a sensible and pragmatic approach should be adopted; particular care should be taken in deeming an incident as blameworthy (see definition [Subsection - Blameworthy Driving Incident](#)) against the individual. In cases of doubt, the benefit of doubt should be given to the individual whose competence is being assessed.

The individual seeking authorisation will be required to provide evidence of the driving record. If they wish to be authorised to drive a private motor vehicle (a vehicle not owned by, hired or leased to the CNC), they must also produce a valid certificate of insurance for that vehicle and, where one is required, a valid vehicle test certificate for that vehicle ([see subsections on Driving Licence / Insurance / Vehicle Test Certificate](#)).

The person conducting the assessment meeting must:-

- review the evidence; any documents produced must be originals and not copies, to ensure they meet the requirements [in subsections on Driving Licence / Insurance / Vehicle Test Certificate](#); there is no requirement to take and retain copies of an individual's driving document ;
- complete form– Work Related Driving Evaluation / Documentation, which they and the individual must sign;

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<sup>1</sup> The term "Manager" refers to larger CNC policing units whereby the responsibility to undertake the assessment process can be delegated to an Officer not below the rank of Inspector or Police Staff level M1.

- pass the completed form to the person responsible for administering / updating the Chronicle. Once the information has been the completed form should be shredded.

The Operational Driver Training Unit (ODTU) will conduct driving skills assessments by a qualified and approved driving assessor. Arrangements for these assessments are managed through the operational driver training Unit.

When attending any driving skills assessment / driver training, individuals are required to bring their driving licence with them for checking. Failure to produce the driving licence may preclude the individual from undertaking the training / assessment.

When an individual undertakes the Basic driving skills assessment, the assessor will provide a report of their assessment to the CLD Admin Team who in turn are required to provide the individual's HoD / OUC / Manager with a copy of the assessment report.

The HoD / OUC / Manager will meet with the individual and, on the available information and the Basic Level driving skills assessment report, will take the decision and inform the individual whether or not they are authorised to undertake CNC work related driving including privately owned vehicle on condition that the criteria continue to be met (see [Documentation and Records](#) ).

### ***Failing to reach the required competency standard / Non Authorisation***

Where an individual is assessed as not reaching the required standard of competency for the Basic Level driving skills assessment the assessor will provide a report and will inform the individual's HoD / OUC / Manager.

The HoD / OUC / Manager will meet with the individual, inform them that they are not authorised to undertake CNC work related driving and discuss available options i.e. alternative modes of travel and possible options for development of driving skills with a subsequent reassessment of their driving skills.

Where an individual who has a mandatory requirement to carry out CNC work related driving undertakes the Basic Level driving skills assessment and is not deemed competent, or has had their authorisation withdrawn, the individual may appeal to the Head of Human Resources and request a case conference for the matter to be reviewed by the Head of Human Resources (or their deputy) and at which the individual can make representations. Consideration may be given to possible options, where deemed appropriate e.g. the individual may be allowed a period of time to undergo driver training and to retake a Basic Level driving skills assessment.

### ***Standard Response and Advanced Level Authorisations***

Training at these levels will be allocated based on operational requirements and arranged through the Operational Driver Training Unit (see [Section on Driver Requirements Authorisation subsections – Standard Response / Advanced Level](#))

## **DOCUMENTATION AND RECORDS**

### ***Maintenance of Driver Records***

All personnel requiring authorisation to undertake any form of CNC work related driving must provide evidence of their driving record (entitlements and/or penalty points).

Personnel authorised to undertake work related driving using a private vehicle are also required to produce the vehicle insurance certificate which should contain cover for the appropriate business use, and produce a current vehicle test certificate (if one is required)

Each OPU / Department is required to update Chronicle with the information required.

### ***Frequency of Document Checks***

The line manager is responsible for ensuring that the driving record is checked annually (usually in April of each year).

It is an individual's responsibility to notify their line manager of any changes in circumstances which may affect their authorisation to undertake work related driving; this includes any changes / updates to driving / vehicle documentation (i.e. vehicle insurance or vehicle test certificate); the new documentation must also be produced.

Line Managers should enquire into the individuals driving experiences since their previous annual document check.

Failure by the employee to provide evidence of their driving record will automatically result in the individual no longer being authorised to undertake any form of CNC work related driving. Failure to produce other required driving documents, or possessing invalid driving documents, will result in the individual no longer being authorised to undertake work related driving in a privately-owned vehicle.

If the individual has been involved in 2 or more blameworthy driving incidents (work related or otherwise) in the previous 2 years, or there is any aspect of the individual's recent driving experiences which gives the Line Manager cause for concern as to the individuals driving competency, e.g. driving licence endorsements total 7 current points or more, they should withdraw the authorisation and refer the individual for a Basic Level driving skills assessment (arranged through Operational Driver Training Unit).

In reviewing previous driving experiences; particular care should be taken in deeming an incident as blameworthy against the individual. In cases of doubt, the benefit of doubt should be given to the individual whose competence is being assessed.

## ***Driving Licence***

Evidence of the driving record is to be presented to the Line Manager by the employee accessing their details online for free through the DVLA View Driving Licence Service at the following web address:- <https://www.gov.uk/view-driving-licence> and allowing the line manager to view the computer screen, giving the line manager the check code for viewing online or printing of a summary for them to review. They will then record the details on form– Work Related Driving Evaluation / Documentation for subsequent inclusion on Chronicle.

The essential driving requirements that need to be met are: -

- that it is a full driving licence issued by DVLA (for Police Officers this must be for ‘manual’ vehicles and not ‘automatic only’<sup>2</sup>);  
**N.B.** It is desirable that the driving licence has been held for longer than 3 years.
- the period of validity is current;
- the category of vehicle(s) permitted covers the vehicle(s) to be driven;
- that the endorsement section of the driving licence shows a current total of 6 points or less.

## ***Insurance***

Driving without appropriate vehicle insurance cover is an absolute offence on the driver of a motor vehicle. Individuals undertaking work related driving in a privately-owned motor vehicle must ensure that their vehicle insurance covers the relevant work-related driving (i.e. that it is current, covers the person and vehicle concerned, and covers the use to which the vehicle is being put).

**N.B.** Where there is doubt as to the level of cover (e.g. transporting police dogs), it is the individual’s responsibility to have the details confirmed by the Insurance Company.

The CNC will not authorise an individual to undertake work related driving or pay travelling expenses for journeys undertaken in a privately-owned vehicle, unless the individual is authorised under this procedure and produces a valid vehicle insurance certificate.

The HoD / OUC / Manager conducting the assessment meeting for consideration of the individual’s eligibility to carry out work related driving in a privately owned vehicle must inspect the original vehicle insurance certificate (copies are not acceptable) to ensure the requirements are met, and record the required particulars on form– Work Related Driving Evaluation / Documentation.

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<sup>2</sup> The requirement for a manual licence does not apply to Police Staff (i.e. can be ‘automatic only’) unless specified in the employee’s job description

### ***Vehicle Test Certificate***

For CNC personnel to undertake work related driving in a privately-owned motor vehicle for which a vehicle test certificate is required, the original must be produced for inspection by the Line Manager and the details recorded on form– Work Related Driving Evaluation / Documentation.

### ***Vehicle Taxation***

It is the responsibility of the individual wishing to use a privately-owned motor vehicle for work related activity to ensure that the vehicle excise duty has been paid.

## DRIVING – RESTRICTIONS AND EXEMPTIONS INCLUDING PURSUIT

### *Restrictions - General*

When carrying out work related driving, including responding to emergencies, all drivers must drive within their own capabilities, in accordance with any training provided, within the capabilities of the vehicle and with due regard to the prevailing road and traffic conditions. Any breach of the law relating to driving, without proper cause and justification may render the driver liable to prosecution and / or action being taken against them under the CNC disciplinary processes.

The law provides the police with a number of exemptions from various aspects of Road Traffic legislation. It is the responsibility of the driver to know the relevant legislation. The CNC will only sanction Police Officers who have been authorised at Standard Response / Advanced level to avail themselves of these exemptions and only in circumstances as outlined in subsection [Exemptions and Restrictions – Authorisation Levels](#) below.

Hired, leased or privately-owned vehicles must not be driven using exemptions irrespective of the driver authorisation as such vehicles may not have been tested and approved within the police vehicle categorisation system. The impact of this must be taken into account when considering using such vehicles to meet operational requirements.

### *Highway Code*

Section 38 of the Road Traffic Act 1988 gives the [Highway Code](#) a legal status. Many of the rules in the Code are legal requirements, and failure to obey these is a criminal offence. Although a failure to observe a provision of the [Highway Code](#) shall not of itself render a person liable to criminal proceedings but any such failure may be relied upon to establish or negate any liability in civil or criminal proceedings.

### *Exemptions – Speed*

The principal exemptions relating to speed limits for policing purposes are contained in the [Road Traffic Regulation Act 1984 \(s.87\)](#) and the [Road Safety Act 2006 \(s.19\)](#). The exemptions do not include driving at a speed or in a manner which is dangerous, nor driving in a manner which would amount to driving without due care and attention.

### *Exemptions - Red Traffic Lights*

Section 36(1)(b) of the Traffic Signs Regulations and General Direction 2002, allows a police vehicle to proceed past the stop line at a red traffic signal as long as it is not done “*in a manner or at a time likely to endanger any person or to cause the driver of any vehicle proceeding in accordance with the indications of light signals operating in association with the signals displaying the red signal to change its speed or course in order to avoid an accident*”.



## **Exemptions - Keep Left (Right)**

Section 15(2) of the Traffic Signs Regulations and General Direction 2002, allows police vehicles to pass on the wrong side of a “Keep Left” or “Keep Right” sign as long as it is not done “*in such a manner or at such a time as to be likely to endanger any person*”.

## **Exemptions and Restrictions – Authorisation Levels**

Only Standard Response and Advanced Level drivers using vehicles for policing purposes are authorised to take advantage of the legal exemptions and only if it the following criteria are fulfilled:-

- The action is deemed proportionate, justifiable and necessary; **and**
- the observance of the particular provision would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion; **and**
- it is connected with one of the following criteria: -
  - i. The driver has been appropriately trained and authorised and is reacting to an incident which requires an immediate emergency response; **or**
  - ii. It is necessary for structured training, development or assessment with an appropriately trained instructor / assessor; **or**

## **Restrictions – Stopping of Vehicles**

The stopping of another vehicle by a police driver, even a compliant stop, can be an extremely hazardous task. It is essential that officers carrying out this task are fully aware of the risks involved to themselves, the subject vehicle and its occupants and other road users.

Standard Response and Advanced Level authorised police drivers may conduct vehicle stops in compliance with their driver training. Additional guidance is contained in [Appendix 'C'](#).

Basic Level Warranted trained and authorised police drivers may only conduct 'compliant' vehicle stops and subject to the guidance contained in this policy and procedure document as set out in [Appendix 'C'](#); see also [Restrictions - Pursuit Driving](#) (below)

## **Restrictions – Pursuit Driving**

Pursuit driving will only be undertaken in line with Driving including Pursuit Policy.

Officers can only engage in pursuit driving if they have received the appropriate training (Initial Phase Pursuit) and are driving an appropriate vehicle.

They are required to immediately seek authorisation from the CNC Force Incident Manager (FIM). The FIM must apply the National Decision Model to determine whether a pursuit is necessary, balanced against the threat, risk and harm posed. The FIM must record their decision, the rationale behind it and, if they authorise an initial phase pursuit, any parameters to be applied and notify the local Police Force.

Police Officers driving in connection with any CNC duties or business, including immediate pursuit, are required at all times drive to within their capabilities and any

actions are required to be proportionate, accountable and necessary in the circumstances.

### ***Exemptions – Action to be taken***

In all cases where an Officer is relying upon an exemption, they are required to contact the CNC Command and Control Centre (CCC) as soon as practicable and provide details of circumstances i.e. time and date / location / reason for breaching a driving restriction / whether or not a speed detection device may have been activated.

The CCC should log the incident and notify the relevant Home Office / Police Scotland Force Control Room.

Blue lights may be used by police drivers (all levels) when the vehicle is stationary and protecting the scene of a collision, or other obstructions and the vehicle positioned to offer the best protection to the scene.

Blue lights and sirens may be used by Officers authorised for Standard Response / Advanced Level driving, in accordance with training provided, when reacting to an incident which requires an immediate emergency response or when required for legitimate safety or operational reasons.

## **DRIVING SAFETY AND OTHER CONSIDERATIONS**

### ***Driving Safely***

Driving safely in and out of work is a key consideration for the Constabulary. Additional driving courses can give officers and staff additional safety and driving skills to help with everyday driving. Whilst the CNC delivers driving training, officers and staff are encouraged to undertake further advanced motoring courses through the Institute of Advanced Motorists (IAM).

The Institute of Advanced Motorists also recognises police driver qualifications if you wish to become a member. For further information on course or membership see the IAM website ([click here](#)).

### ***Reporting of vehicle collisions***

Whenever a vehicle collision occurs involving any vehicle being used for CNC business, it is the responsibility of the driver to ensure that the incident is reported in accordance with CNC Owned Vehicles and Other Vehicles Used for CNC Purposes - Section on Reporting of Vehicle Collisions.

### ***Seat Belts***

The Motor Vehicles (Wearing of Seat Belts) Regulations 1993 provides various exemptions including those specifically for persons driving or riding in a vehicle while it is being used for police purposes. NPCC guidance is for drivers and passengers in

vehicles being used for police purposes to wear seat belts at all times unless to do so would endanger them or any other person. CNC will follow this NPCC guidance.

Seat belts will be worn by Police Officers carrying weapons overtly in vehicles in accordance with instructions and training unless to do so would endanger them / any other person, or observance of this instruction would be likely to hinder the deployment of the officer on that occasion (see also Mode of Carriage Table). Further guidance on the use of seat belts whilst driving and wearing body armour is contained in CNC and Unit Risk Assessments.

### ***Mobile Telephones***

Using a hand-held mobile phone whilst driving is an illegal activity which also places the driver, passengers and other road users at unnecessary risk. Furthermore the public will look to police drivers to set the right example to others at all times. The use of a handheld mobile phone whilst driving is not permitted and, in all cases, drivers will find a safe place to stop and switch off their engine before answering or making a call.

Under the law, a 'hands-free' mobile phone (or police radio) does not require the driver to significantly alter their position in relation to the steering wheel to use it. Conversation using hands-free equipment still however distract attention from the road. It is safer not to use any telephone while you are driving.

It is acknowledged that using a hands-free mobile phone, fixed for example into a cradle, including pressing buttons in order to make or receive a call (but not text) will not specifically breach the regulation. Equally, the CNC has an obligation to effectively manage and reduce "at work" risks. CNC policy is that the use of a hands-free mobile phone whilst driving is only permitted to the extent necessary to answer a call. This does not mean drivers must answer a hands-free mobile call when driving. That is a matter at the particular time for individual judgement and responsibility, but if a call is answered conversation will be very brief. Inform the caller you are driving and never enter into lengthy conversation whilst that is the case. Find a safe place to stop before continuing the conversation or replying to the call.

Consideration should be given by the driver where practicable, to switching their mobile phone off and planning stops or breaks to deal with any calls. In a non-operational policing environment this is more likely to be practicable, but again it is a matter for individual judgement and responsibility in the particular circumstances. It is reiterated however, that the law must be complied with at all times.

When telephoning a colleague who is driving, both the caller and the driver share a responsibility to manage the risks and comply with this policy. It should be remembered that

- the caller cannot see what the driver can see
- the loss of concentration involved in lengthy and demanding conversations is dangerous for the driver and for other road users, and
- there is a difference between a driver talking to a passenger and talking on the phone. Passengers act as a second set of eyes and can see when the driver needs to respond to potential hazards.

## ***Airwave Radios***

Airwave radios fall under the same legislation as mobile telephones. The CNC requires that Airwave radios must not be used by the driver whilst driving unless it is safe to do so and can be operated using hands free facility with a remote Push-To-Talk (PTT) installed. Only CNC installed and approved hands-free devices with a remote PTT may be used with CNC Airwave radios. It is imperative that strict radio discipline is maintained when using a remote PTT to provide the minimum distraction possible.

## ***Smoking***

Smoking is not permitted in CNC vehicles at any time. Smoking is prohibited outside of the vehicle where fuel and or flammable substances are stored or drawn. Correct signage notifying prohibition of smoking is to be visible in all vehicle compartments.

## ***Reversing***

Reversing manoeuvres are a potential risk and a hazard to other road users. Some vehicles may be fitted with reversing detection equipment such as sensors and cameras. Drivers should not rely totally on such aids when reversing. The driver should check behind to ensure no hazards and exit the vehicle to check if necessary. If another person is available, the driver must ask them to assist in the manoeuvre.

## ***Fatigue***

Fatigue is a significant factor attributed to many road traffic collisions and is particularly prevalent amongst shift workers. The driver of a vehicle has individual responsibility for not driving when tired as this could result in careless or dangerous driving. CNC Managers / Supervisors have a duty to ensure drivers are fit to drive and must manage the issues arising from fatigue in the workplace e.g. by managing working hours and Working Time Directives.

## ***Drink & Drugs / Fitness to Drive***

Both alcohol and drugs can impair the ability of a person's driving ability. All drivers may be required to take a screening test for alcohol and / or drugs to comply with Road Traffic legislation or following involvement in a road traffic collision or in line with Substance Misuse Policy.

Where a person is taking medication which may affect their ability to drive a vehicle (e.g. medication which may cause drowsiness) or has any other reason for believing they may be unfit to drive, they should declare the fact to a Supervisor and they should not undertake any work related driving.

## ***Severe Weather Driving***

General advice on driving or undertaking journeys during conditions which would make travelling more hazardous is contained in Severe Weather Contingencies.

## ***Transportation of weapons and ammunition***

The transportation of weapons and ammunition must be in accordance with the procedure. See also Mode of Carriage Table.

## ***Carrying of Non-Police Passengers in Police Vehicles***

This is detailed in CNC Owned Vehicles and Other Vehicles used for CNC Purposes.

## ***Cycling to and from work***

The CNC is a member of the government cycle to work scheme. This enables employees to purchase a bicycle and equipment for cycling to work whilst benefiting from income tax and national insurance savings. If employees are cycling to work the CNC strongly recommends wearing a helmet and correct safety equipment at all times during the journey. Further cycling safety advice can be found on the [Royal Society for the Prevention of Accidents](#) website.

## ***Motorcycle journeys***

The CNC does not have an operational motorcycle capability, but employees often use them to travel to and from work. The CNC recommends wearing all of the appropriate safety equipment and approved safety helmet. The CNC also endorses the “[Bike Safe](#)” initiative for employees to participate. This gives the opportunity for motorcyclists to learn and improve riding skills by having a observed ride with a police motorcyclist.

## **RESPONSIBILITIES**

### ***All Personnel***

All persons carrying out work related driving on behalf of the CNC are required to comply with this procedure and must not to undertake driving or use equipment: -

- for which they have not received appropriate training / instruction / authorisation;
- if for any other reason they believe their competence, ability or fitness is likely to affect their ability to do so.

Where an operational requirement or emergency situation necessitates action, which will breach this procedure, the action taken should be proportionate and justifiable and reported to a Supervisor, or in their absence to the CCC.

### ***Line Managers / Supervisors***

Managers and Supervisors are responsible for ensure that all this procedure is complied with and, as far as reasonably possible, that vehicles are driven in line with CNC standards and that persons carrying out work related driving:-

- have had their driving documents check procedures completed and been properly authorised to carry out the particular activities;
- are aware of their responsibilities.

### ***South Division (vehicle lead)***

This department is responsible for identifying the operational requirements and the appropriate level of training required. Other responsibilities include:-

- researching and monitoring traffic legislation for its impact on CNC policies and procedures and, if required, introducing the appropriate changes;
- liaison with the CLD for the provision of driver training and assessment;
- provision of advice and guidance to Managers and Supervisors.

The Fleet Inspector (Vehicle lead) is responsible for arranging the Vehicle User Group and facilitating the submission of proposals to this group.

### ***Health, Safety and Environment (HS&E) Manager***

The HS&E Manager is responsible for providing guidance on the health and safety requirements for work related driving activities and, where appropriated assist with the review of procedures and assist in incident investigation where appropriate

### ***Operational Driver Training Unit (ODTU)***

ODTU has responsibility for determining training methodology and delivery through liaison with sites ad departments for the supply of appropriate driver training and assessments in a timely manner and in accordance with CNC requirements.

### ***Professional Standards***

This department may be consulted for advice and guidance on dealing with breaches in procedures, the law and matters relating to complaints and conduct or have a role to play in investigations into any breaches committed.

## **HUMAN RIGHTS AND EQUALITY**

This document has been reviewed for human rights and equality and is assessed as having an acceptable impact.

For those whom driving is not a requirement of their role, the internal driving assessment will be necessary if they wish to drive on works business. However, for those who do not take the test, for example as part of a reasonable adjustment, the Constabulary will cover the costs of public transport.

## **REFERENCES AND OTHER RELATED DOCUMENTS**

The following listed documents are referenced within this SOP

CNC Owned Vehicles and Other Vehicles used for CNC Purposes

College of Policing (CoP) Driver Training Learning Programme

[College of Policing – Authorised Professional Practice – Road Policing](#)

[www.dft.gov.uk/dvla/medical.aspx](http://www.dft.gov.uk/dvla/medical.aspx) DVLA Guidance -[Driver Information - Medical Rules](#)

[Road Traffic Regulation Act 1984](#)

[Road Safety Act 2006](#)

[Transportation of weapons and ammunition](#)

Mode of Carriage Table

[Severe Weather Contingencies](#)

Work Related Driving Evaluation / Documentation

Substance Misuse Policy

The following documents, although not referred to within this document, are listed because of their significance in relation to motor vehicles / driving / work related driving

The Road Traffic Act 1988

Health and Safety at Work Act 1974

The Road Vehicles (Construction and Use) Regulations 1986 as amended

The Provision and Use of Work Equipment Regulations 1998 (PUWER)

The Management of Health and Safety at Work Regulations 1999

## **RECORDS**

Work Related Driving Evaluation / Documentation

## ***Appendix A - Driving Skills - Performance Criteria***

1. Complete basic vehicle safety checks, recognise, report and document obvious defects;
2. Know the importance of familiarisation with a vehicle's controls including active and passive safety systems before driving;
3. Demonstrate effective observations, anticipation and planning to ensure that hazards are recognised and safe driving is maintained;
4. Steer the vehicle accurately in order to maintain it on a safe and appropriate course;
5. Safely and accurately control the vehicle through appropriate use of the accelerator, brakes, gears and clutch;
6. Drive according to the conditions and circumstances in a manner which minimises the risk of loss of control;
7. Approach and negotiate corners safely;
8. Position the vehicle safely, relative to the attendant circumstances;
9. Make appropriate use of signals and respond correctly to those given by others;
10. Make sound judgements in relation to selection of locations for performance of parking and manoeuvring the vehicle and understand the benefits of acquiring assistance before completing difficult manoeuvres;
11. Reverse, manoeuvre and park the vehicle safely in all circumstances;
12. Have a working knowledge of the '[Highway Code](#)'.



## ***Appendix B - Assessment and Risks - Practical Advice***

In addition to conducting a basic evaluation to ensure that the person intending to undertake work related driving meets the legal requirements and that they understand what is expected of them, the Assessment Meeting is an opportunity for promoting and managing work related road safety through the provision of some practical advice.

Below is a list of factors which a person should consider before undertaking work related driving; the list is not exhaustive, but rather a guide.

- Is the journey necessary – can the activity / object of the journey be carried out in a different way e.g. meeting by telephone or video conference;
- If the journey is necessary – is there an alternative, suitable mode of transport;
- If the journey is to be undertaken in a motor vehicle - are the legal criteria met – driving documents requirements;
- Consider the journey factors – time / distance / weather conditions - can the driving be shared otherwise take regular breaks from driving and split the journey with stopovers to avoid driving excessive hours in a day;
- Is the driver competent and capable to undertake the journey – do they have any health issues;
- Is the driver competent and capable – have they received appropriate training / instruction;
- Remember to check the condition / roadworthiness / serviceability of the vehicle;
- Is the vehicle suitable for the journey being undertaken – avoid overloading – ensure any equipment / load is suitably secured and any protective measures are factored in;
- Has the journey been authorised.

Drivers are advised that the CNC has no responsibility or liability when a privately-owned vehicle, being used on CNC business / for worked related driving, breaks down and requires recovery or repair. This could result in inconvenience, affect personal safety or result in the driver incurring large costs if the driver does not have appropriate cover for vehicle breakdown / vehicle recovery / roadside assistance (e.g. AA / RAC etc.).

## ***Appendix C – Guidance on the stopping of another vehicle by a Basic Level Trained and Authorised Police Driver***

This guidance is included in the basic driving assessment.

The stopping of another vehicle by a police driver can be an extremely hazardous activity. For this reason, Standard Response and Advanced Level authorised police drivers will have received training to equip them with the knowledge, understanding, skills and ability to safely conduct a stop of another vehicle being driven. Their authorisation authorises them to stop a vehicle in compliance with their driver training; they must not carry out vehicle stopping tactics for which they have not been trained.

This appendix has been formulated in line with legislation, regulations and national guidance documents issued by the [College of Policing \(CoP\) - Authorised Professional Practice \(APP\) – Road Policing](#) and the CoP Driver Training Learning Programme. It contains more comprehensive guidance to supplement the main policy and procedure document; in particular the section on [Restrictions and Exemptions Including Pursuit](#).

The aims of this appendix are to:-

- provide greater clarity as to considerations and requirements in relation to the stopping of vehicles by CNC officers when driving a vehicle;
- ensure, as far as reasonably practicable, the stopping of vehicles is carried out safely, legally and with due regard to other road users.

This appendix is intended to provide direction to Basic Level Warranted authorised police drivers and to reinforce the training received by other police drivers.

With the exception of the limited circumstances contained in Driving including Pursuit Policy a Basic Level Warranted authorised police driver may conduct a stop of another vehicle that is being driven, subject to the instruction and guidance contained in this policy and procedure document together with that contained in this Appendix.

A police driver may be required to justify their action of stopping another vehicle. In addition to justification, the action needs to be lawful, necessary and accountable. Good practice therefore is to use the National Decision Model before taking the action by giving due consideration to the CNC Mission and the Code of Ethics > any information and intelligence > threat and risk assessment > relevant powers and policies > options and contingencies.

When a CNC Driving (Basic Warranted) authorised police driver wishes to stop a vehicle they:-

- must be in police uniform and, if conducting a stop from a vehicle, that vehicle must be clearly marked as a police vehicle;
- must consider the suitability of the location of the intended stop (the [Highway Code](#) contains good advice and guidance about stopping of vehicles);
- must consider their own safety, the safety of the occupants of the other vehicle and other persons who may be affected by the action being taken;

- must **not** exceed a speed limit and may **not** utilise emergency exemptions (see [Restrictions and Exemptions Including Pursuit](#)) in order to make ground on a vehicle prior to stopping it;
- are only to carry out **compliant** stops (i.e. where the driver of the other vehicle appears to be complying / prepared to stop for police); *If dangerous or erratic driving is involved then the Basic Level Warranted driver should not follow but stop and pass on the details via the FIM to the host force to action.*
- are initially only to use head lights (flashing) and indicators if appropriate in the circumstances in order to indicate to the driver of a moving vehicle that they require that vehicle to stop (current actions as per national driving manual). If the vehicle fails to stop after a reasonable time, or if the CNC officer considers it reasonable and necessary in order to alert the driver of that vehicle to the CNC presence, the use of blue lights may be authorised when that vehicle is NOT engaged in dangerous or erratic driving (such as speeding or overtaking manoeuvres).
- must, before attempting to stop the vehicle, notify the CCC of the circumstances, location etc., and comply with any instructions from the FIM; once the vehicle stops then the Driver Basic Warranted driver will leave on the blue lights to protect the stationary vehicles and the scene of the stop.

If at any stage (flashing headlights or using blue lights) the vehicle to be stopped changes behaviour and engages in dangerous or erratic driving or it is evident that a vehicle has failed to stop when requested to do so, and the driver of the subject vehicle is clearly aware of the intent of the police vehicle, it is officially a pursuit. The driver of the CNC vehicle must immediately break off any attempt to pursue or follow and make this clear by slowing the vehicle and pulling over prior to moving off again in accordance with College of Policing - Authorised Professional Practice guidelines.

The host force is to be immediately informed and sufficient details provided to enable them to undertake any further action deemed appropriate.

**IS THE POLICY:**

New

Revised

**IF REVISED, PLEASE COMPLETE TABLE BELOW**

VERSION NO	DATE	SUMMARY OF CHANGES	AUTHOR(S)
Version 3	01/2016	Reviewed – changes made to take account of:- <ul style="list-style-type: none"> <li>• New format for combined policy and procedure and change from GPMS to GSC</li> <li>• Inclusion of Pursuit and a subsection and Appendix C for Stopping of Vehicles</li> <li>• changes in the CNC departmental structure</li> <li>• abolition of the paper counterpart to the photo card driving licence // no requirement to take or retain copies driving documentation // no central database for recording driving documentation – only a Unit / Departmental database</li> <li>• no requirement to display a Vehicle Excise Licence disc</li> <li>• removal of subsection on Transportation of Enhanced Chemical Agent Monitor (ECAMs)</li> </ul>	
Version 4	05/2016	Amendment to Appendix 'C' to include circumstances in which a Basic Level Warranted driver may use blue flashing lights to indicate the requirement to stop a vehicle	
Version 5	06/2016	Minor change to section - Basic Level Warranted Driver Authorisation (page 4) to reflect change mention in V4 with inclusion of Appendix C	
Version 6	08/21	Detailed information on mobile phone use Driver documents now uploaded onto Chronicle Updated C1 class and ballistic vehicle information Update to pursuit policy Update on authorisation periods Removal of driver authorisation	

Approved by

[Redacted Signature]

Approver

[Redacted Signature]

Date 4<sup>th</sup> August 2021

[Redacted Signature]

Policy Owner

[Redacted Signature]

Date 5<sup>th</sup> August 2021

**DATE POLICY IMPLEMENTED: 6<sup>TH</sup> AUGUST 2021**

**REVIEW DATE: 6<sup>TH</sup> AUGUST 2023**

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