

**POLICE & CRIME COMMISSIONER FOR CLEVELAND**

**DECISION RECORD FORM**

**REQUEST:**

PCC for Cleveland to take membership of the Road Safety Trust

**Title:**

Membership of the Road Safety Trust (National Driver Offender Retraining Scheme)

## Executive Summary:

In common with all Police & Crime Commissioners, the PCC for Cleveland has received a recommendation from the Association of Police & Crime Commissioners, to the effect that as local policing body for Cleveland, the PCC should enter into the new corporate governance arrangements for the National Driver Offending Retraining Scheme (NDORS).

NDORS is the umbrella arrangement under which alternatives to prosecution such as 'speed awareness courses' offered in respect of certain categories of driving offence are accredited, administered and technically supported. A briefing paper from the Cleveland & Durham Specialist Operations Unit, setting out the local collaborative arrangements for delivery of courses and the handling of the fee arrangements, is attached to this Decision Record.

New national corporate arrangements are necessary mainly as a result of the changes to the national umbrella body for Chief Police Officers, specifically the transition from ACPO to the National Police Chiefs' Council. The ACPO Transition team and the APCC Board prefer – and have agreed – that residual review and professional advice work in respect of the predecessor arrangements should abide the establishment of new arrangements. The full text of the recommendation from the APCC Chief Executive is as follows

*I am writing to update you on the modified governance and operational arrangements for the National Driver Offender Retraining Scheme (NDORS) and to seek your agreement to join the Scheme.*

*Currently all police forces in England, Wales and Northern Ireland and most, if not all safer roads partnerships benefit from membership of the Scheme and the ambition of the new structure is to ensure that NDORS achieves the aims and objectives of police forces including: transparency, oversight, accountability and operational efficiency focused on improving the safety of UK roads for all road users.*

*Earlier this month we sent out the final proposals for the new arrangements. As you know, I have recently been working with the ACPO Review Team and PWC to address a number of concerns relating primarily to executive powers, funding arrangements and organisational representation. It was absolutely right and necessary to consider alternative operating models and review the proposals to ensure absolute clarity and transparency moving forward. I am pleased to report that the Board have accepted the modified arrangements which I believe will help forces to provide added value and safety benefits for all road users.*

*The proposals introduces a new governance model which addresses a number of historic arrangements providing full and appropriate operational control and remove any management burden and commercial risks for forces. They provide a long term national solution, with clear accountability, responsibility and transparent scrutiny for the future including a mechanism to recover appropriate costs incurred to deliver the Scheme.*

*We anticipate that the new organisation, known as "The Road Safety Trust" will need to enter into commercial support contracts, through its operational arm, "UK ROEd Ltd" with IT service providers and specialist training and support services providing the necessary flexibility and expertise to support the Scheme. An independent governance board will provide oversight and scrutiny and I will have "power of veto" thus ensuring that member forces have the final say. It is hoped that a volunteer Police & Crime Commissioner, with the appropriate knowledge and experience will also join the Board. Please do contact me if you would like to be put forward for this position.*

*I hope that the material provided to you is sufficient to allow you to become a member of the Road Safety Trust, thereby enabling the force to continue to benefit from the Scheme.*

Placing reliance upon the material supplied by the APCC, membership of the Road Safety Trust will permit participating PCCs (or Chief Constables, if Schemes of Consent allow them to assume membership) to take part in appointing the trustees and influence the development and direction of NDORS. There appears also to be the need to make special – and perhaps more complex – arrangements for participation in the scheme for those organisations who do not assume membership of the Road Safety Trust through their appropriate corporation sole (in Cleveland, the contracting corporation sole would be the PCC). Any disturbance to the smooth operation of the scheme can be avoided by assuming membership of the Trust whilst remaining committed to the effective scrutiny of the new corporate governance structure and any residual matters relating to the previous delivery model.

The Road Safety Trust will also be responsible for applying any residual surplus from administrative levies on course participants, to charitable purposes of a road safety nature. That stewardship role is important within the context of the public interest in ensuring the proper application of such funds.

The PCC will note that the APCC recommendation indicates that the maximum financial liability accruing to the PCC in respect of membership is the sum of £1.00 in the event of the winding up of the Trust.

**Decision:**

That the PCC for Cleveland notes the material circulated by the APCC and the recommendations arising from it;

That the PCC assumes membership of the Road Safety Trust and authorises the Chief of Staff to prepare and submit the necessary formal paperwork;

That the Chief of Staff be authorised to continue to engage at regional and national level in respect of any necessary assurance work in respect of the new structures and arrangements; and the appropriate finalisation of the predecessor arrangements.

**Implications:**

Has consideration been taken of the following:	Yes	No	
Financial	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Legal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Equality & Diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Human Rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Sustainability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Risk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

(If yes please provide further details below)

## Decision Required – Supporting Information

Financial Implications: (Must include comments of the PCC's CFO where the decision has financial implications)

The APCC recommendation indicates that the maximum financial liability accruing to the PCC in respect of membership is the sum of £1.00 in the event of the winding up of the Trust and as such there are no direct financial implications from agreeing this decision.

Legal Implications: (Must include comments of the Monitoring Officer where the decision has legal implication)

It is lawful for the PCC to take membership of the Trust. The Chief of Staff (as Monitoring Officer) will remain involved in associated legal and assurance work in the manner described in the Decision.

Equality and Diversity Implications

None arise

Human Rights Implications

None arise

Sustainability Implications

None arise


Risk Management Implications

None discrete from the above.

### OFFICER APPROVAL

#### Chief Executive

I have been consulted about the decision and confirm that financial, legal, and equalities advice has been taken into account. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner.

Signed:  Date: 12/2/15

#### Police and Crime Commissioner:

The above request HAS / DOES NOT HAVE my approval.

Signed:  Date: 12/2/15

## National Driver Offender Retraining Scheme (NDORS)

### Overview of NDORS

The NDORS scheme is the mechanism through which police forces can make a discretionary offer to offenders who commit low level road traffic offences.

The scheme offers behavioural education to members of the public in lieu of a fine and receiving points on their drivers licence.

The courses offered nationally through the NDORS scheme are:

- National Speed Awareness Course – low level speeding
- National Driver Awareness Course – low end careless driving after a collision
- RIDE – Motorcyclist low end offending
- What's Driving Us – low end deliberate such as careless driving, mobile phone.
- Driving 4 Change – low end careless and other offending
- Your Belt-Your Life – Non wearing of seatbelt (non endorsable offence)

### NDORS Organisational Model

To ensure that the NDORS Schemes organisational arrangements are transparent and focussed on improving road safety two linked entities have been established:

- **The Road Safety Trust**

The Trust has charitable status and all Police forces in England, Wales and Northern Ireland are invited to become members. The Trust manages and makes grants to approved road safety initiatives which member Forces are able to apply for. The funds available represent the surplus generated from the £5 admin levy paid by each NDORS course participant to UK ROEd Ltd.

- **UK Road Offender UK (UK ROEd Ltd)**

Incorporated company which is the business arm of the Trust and will administer and provide support to the NDORS Scheme on behalf of forces who are members of the Trust. This includes:

- development and review of courses,
- ensuring all training providers are operating to the NDORS code of conduct,
- licencing of trainers ensuring a robust quality assurance process,
- development and maintenance of the national NDORS database which all forces have access to.

The £5 levy is paid to UK ROEd to facilitate this service provision and any surplus generated is transferred to the Trust.

### NDORS in Cleveland and Durham

A joint procurement exercise was undertaken in Summer 2014 in order to identify one supplier to provide NDORS courses across both force areas, covering the counties of Cleveland, Durham and the borough of Darlington. See Decision Record Form ref: 45-2014

Hartlepool Borough Council was the successful provider and commenced the new contractual arrangements in Cleveland on 1<sup>st</sup> September 2014. The Durham element of the contract commences

on 4<sup>th</sup> May 2015 when the contract with the current provider TTC expires. The contract period is for 3 years with the option to extend for a further 2 periods, each of 1 year; making a total of 5 years.

With the exception of 'Your Belt – Your Life' and RIDE the full suite of NDORS courses are available in the Cleveland and Durham force areas.

Courses are delivered at a range of accessible venues spread across the area and take place during the day and at weekends to ensure that clients can fit attending around work and personal circumstances.

### **Financial Arrangements**

With the exception of Driver Alertness the NDORS Courses delivered in Cleveland and Durham cost £85 to attend and last 4 hours. The fee is paid by the client direct to the course provider.

The course fee is broken down as follows:

- Client Pays Course provider - £85.00.
- Course provider returns the nationally agreed central Levy to UK ROEd Ltd of £40.00.
- UK ROEd retains £5 of this £40 to facilitate service provision as detailed previously.
- UK ROEd returns the remaining £35 to the originating force where the offence occurred – this is classed as the 'cost recovery' element of the fee.
- The cost recovery element of the fee is designed to meet a reasonable element of the costs incurred by the Police to detect and process the offence.

The course provider uses the remaining course fee (£45) to administer and deliver courses to a standard agreed both nationally and as part of the local contract.

In the case of the Cleveland and Durham contract the course provider returns an additional 'added value' amount to both the Office of the Police and Crime Commissioner for Cleveland (OPCCC) and the Office of the Police and Crime Commissioner for Durham (OPCCD). The value of this return formed part of the pricing evaluation within the procurement exercise

The overall effect of this 'added value' element of the contract is that around £200,000 more funding will be available to the PCC's across the joint force area.

Ros Pluck  
Traffic Management and Casualty Reduction Manager  
Cleveland and Durham Specialist Operations Unit  
12 February 2015