



<u>Policy Title</u>	POLICE VEHICLE COLLISIONS (POLACCS)
<u>CCMT Sponsor</u>	ACC SPECIALIST OPERATIONS
<u>Department/Area</u>	ROADS POLICING

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1.0 Rationale

This Policy is designed to prevent collisions where members of the police service are involved and gives guidance to all staff, including investigating officers, managers and drivers, on a wide range of aspects. This includes standards of driving, what to do when things go wrong, action to be taken against our own drivers and others and measures that can be taken to prevent or ameliorate future incidents.

2.0 Intention

This Policy is intended to:

- ensure the incident is impartially and professionally investigated
- ensure that the Thames Valley Police is transparent, consistent and beyond reproach in its handling of the collision
- ensure appropriate action is taken against any party
- ensure all Health and Safety aspects, including near misses, are thoroughly investigated and reported upon by the driver's/passenger's line managers (See Paragraph 7.7)
- recover losses from other parties in appropriate cases
- monitor the collision history of our drivers through the 'penalty points system' and to identify and consider any training implications and needs which may be appropriate to reduce the likelihood of a re-occurrence
- collect statistics for returns to the Home Office

3.0 General Principles

The purpose of this policy is to act as a guide to everyone that may be involved in a Polacc. This policy sets out the investigation stage and supervision required by those persons investigating such an incident. The policy applies to all Police Officers, Police Staff, Agency Staff, members of Special Constabulary, Community Support Officers and others.

4.0 Guidance, Procedures & Tactics

4.1 DEFINITIONS

4.1.1 Police Vehicle

Any motor vehicle or vehicle owned, hired, loaned, or otherwise used for the purposes of any police force and being driven/ridden by any person. It includes any motor vehicle or vehicle owned by a third party being driven

by a member of a police force and privately owned motor vehicles or vehicles being used where the driver/rider is on duty. (Such privately owned motor vehicles must have comprehensive insurance cover to include business purposes).

4.1.2 Driving whilst at work

The policy applies to any person driving in connection with Thames Valley Police business whilst under their direction or control. This includes all Police Officers, Police Staff, Agency Staff, members of Special Constabulary, Community Support Officers and others. All new members of staff will be required to undergo the e-learning package before driving on police business.

The categorisation of all drivers and riders for the purpose of this policy document will fall in to one of the following categories:-

4.1.3 Category One

Those regularly using motor vehicles insured by Thames Valley Police i.e. any motor vehicle owned, hired, loaned, sponsored or otherwise used on Thames Valley Police insurance.

These drivers will be categorised as:-

Basic
Standard Response
Advanced

4.1.4 Category Two

Those using privately owned motor vehicles on Thames Valley Police business and for which expenses may be claimed.

There may be occasions when Category Two or non drivers need to drive a police vehicle (e.g. if they occasionally use a hire car or fleet vehicle):

Line manager/person hiring vehicle to check driving licence before use
OR

If Category Two driver declaration of current driving licence on expense form accepted.

Any breach of the restrictions outlined in this policy may result in suspension from driving and disciplinary proceedings.

4.1.6 Police Vehicle Collision (POLACC)

The term 'collision' is the police service's preferred term for a crash or accident but as the term 'Polacc' is ingrained within police terminology it will continue to be used.

Any incident at any location where injury was caused to any party or where damage was caused to any vehicle or property and that incident was owing to the presence of a police vehicle or police officer or a member of staff. The definition of a Polacc is wider than a Road Traffic Act '*accident*' and may include:

- actual collisions involving a police vehicle
- pursuits where the third party crashes without contact with the police vehicle (See Pursuit Policy for definition of 'Pursuit' - Pursuit Policy)
- third party collisions resulting from manoeuvres to avoid a police vehicle or member of staff. In such cases this would relate to specific positive actions such as point duty, attending an incident, etc. rather than merely being 'present'
- damage only to the police car
- collisions on private property
- deliberate acts on behalf of a police driver (Operational Damage) Operational Damage may result from a pre-planned manoeuvre which must be authorised in accordance with the Pursuit Policy, or from a spontaneous manoeuvre. In either case the actions must be proportionate, reasonable and justifiable.

It does not include:

- Criminal damage to police vehicle (TA7 still to be sent BUT marked up as Criminal Damage)
- Windscreen damage (Reported directly to repairers)
- Punctures and the like
- Where the journey is merely travelling to or from the place of work in a private vehicle and the driver/rider is considered "off duty" (if injury results, a PER 10 and Per 10a should be completed)

4.1.7 POLACC Category

It is for the investigating/supervisory officer to decide which below category a Polacc will fall. Terms such as serious injury, extensive, etc. are to be given their accepted meanings.

4.1.8 Category One POLACC

Any Polacc at any location which results in:

- fatal injury to any party, or
- serious injury to any party, or
- the police vehicle being likely to be written off, or
- extensive damage to a third party vehicle or property

In the case of Polaccs involving fatality or very serious injuries the following procedures will be considered by the Senior Investigation Officer

TVP & TRL MOU

(Memorandum of Understanding between the Thames Valley Police and Transport Research Laboratory (TRL Limited) relating to the investigation of collisions involving police vehicles.)

TVP & VOSA MOU

(Memorandum of Understanding between Thames Valley Police and the Vehicle Operating Standards Agency in relation to vehicle examinations in the Thames Valley Police Area – HGVs and PCVs only)

RDIM

(Road Death Investigation Manual)

Driver Policy

(Force Driver Policy)

4.1.9 Category Two POLACC

Any Polacc, not falling within category one, where:

- damage to the police vehicle is such that the vehicle will be out of service for immediate repairs, or
- Section 170 Road Traffic Act has not been complied with i.e. fail to stop and report, or
- the collision comes within S170 Road Traffic Act owing to the presence of a mechanically propelled vehicle on a road, i.e.:
 1. where injury has been caused to any person, excluding the driver of that vehicle
 2. where damage has been caused to any vehicle (etc.), other than that vehicle (etc.)

3. where damage has been caused to an animal (as defined) other than on that vehicle
4. where damage has been caused to property constructed on, fixed to or growing on land forming part of a road or land adjacent to a road, or

The collision results in:

- injury to the driver of that vehicle or any other person
- allegations by any party of an offence against the police vehicle driver, or
- it is appropriate to take proceedings against any party, including third parties or recommend Driver Improvement Scheme for a member of the public

4.1.10 Category Three POLACC

Any other vehicle collision which results in damage to any vehicle, or property, but, does not come within category one or two.

4.1.11 Investigating Officer

A regular police officer of at least the rank of sergeant, including an acting rank, who was not a passenger in the vehicle involved in, nor witness to, the incident.

4.1.12 Supervisory Officer

A regular police officer holding supervisory rank, including acting rank, of a rank higher than that held by the driver of the police vehicle where the driver is a police officer, or any investigating officer where the driver is not a police officer. It does not include a police officer holding supervisory rank who was a passenger in the vehicle involved in, nor witness to, the incident.

4.1.13 Culpability

The culpability of the member of staff shall be classified as either **avoidable** or **unavoidable**. A Polacc or any other driving incident, shall be considered avoidable if the member of staff is in any way at fault, whether or not the circumstances and actions of the driver lead to the question of a prosecution being considered unless the Polacc is recorded as '**Operational Damage**'.

4.2 INVESTIGATION

4.2.1

All Polaccs will be immediately reported to the local police covering the area where the Polacc occurred. An investigating officer shall attend the scene for the purposes of scene management and immediate investigation of the collision. Where the driver is of a lower rank than the investigating officer or is a member of police staff, etc., the investigating officer shall deal with all aspects of the Polacc as a supervisory officer. Where the driver is of an equivalent or higher regular police rank than the investigating officer and the Polacc is:

- considered to be avoidable on the part of the member of staff; a supervisory officer shall take over the investigation, including any interviews, as soon as possible; or,
- considered to be unavoidable on the part of the member of staff; a supervisory officer shall review the papers submitted by the investigating officer.

Where the Polacc forms part of a criminal investigation into other matters by any party the investigating / supervisory officer shall ensure that any interview by himself / herself or others takes account of any driving offences and that appropriate charges etc. are put to the offender.

Where the Polacc was out of force it should also be reported to a supervisory officer on return who should confirm that the other force has dealt with it, or if not, investigate it himself / herself. In either case he / she should ensure that Polacc Reporting is notified by the TA7 system. If a collision falls under category C and the police driver is on a return journey back into the Thames Valley Police force area it may in some circumstances be more appropriate to report the collision to a supervisor immediately on return.

4.2.2

In category three and minor category two cases not involving third parties where the attendance of an investigating officer is not practicable, the facts of the incident shall be reported at the earliest opportunity to a supervisory officer.

4.2.3

Every driver involved in a collision involving a police vehicle shall, within the provisions of legislation, be required to provide a preliminary test, for example a screening breath test, if practical. In other incidents the provision of a preliminary test should be considered, if appropriate, within the provisions of legislation.

4.2.4

Where the driver of the police vehicle supplies an evidential breathtest sample above the prescribed limit or has supplied samples for analysis, or

other circumstances make it appropriate, Professional Standards should be advised (if out of hours, through HBI). This will include FIT (Field Impairment Testing) where appropriate.

Preliminary Breath Testing

(Preliminary Breath Testing of Drivers involved in collisions)

4.2.5

It is the responsibility of the investigating / supervisory officer to fully investigate the incident and to report upon it. The investigation must be impartially and professionally carried out. The investigating officer will also ensure that consideration is given in serious cases to seizing where appropriate the mobile phone of the drivers involved and the Sepura personal radio. There may be occasions where seizing of the drivers clothing is also appropriate. Further guidance on these issues can be obtained from the Road Death Investigation Manual and Mobile Phone Policy. When a vehicle has been involved in a Polacc the vehicle log book must be checked by the supervisor / investigating officer to ensure it has been correctly completed and that the driver is who the log book says it is. Any discrepancies found in the log book will be dealt with by means of the penalty system or even disciplinary action.

RDIM

(Road Death Investigation Manual)

Phone Policy

(Mobile Phone Policy)

4.2.6 Category One POLACCS *(See below for Fatal or Life Threatening Collisions)*

The investigating / supervisory officer will be a Roads Policing Supervisor who will consider the attendance of the Collision Investigation Unit, and any other appropriate resources as outlined in the Road Death Investigation Manual. Such Polaccs will be fully investigated and reported upon by way of a collision booklet (NCRF) and will include an impartial and searching interview of any driver to ascertain any explanation of how the collision occurred and an explanation of any conflicting evidence, together with witness statements as appropriate. The investigating officer will need to consider whether the incident falls within the definition of a critical incident. If this is the case then early declaration needs to be made and the associated policies and procedures followed.

Critical Incident

(Critical incident Policy and Procedures)

Where it is considered that the standard of driving of any party has departed from the standard of care and skill that would, in the circumstances of the case, have been exercised by a reasonable, prudent and competent driver, particularly if any party has been injured, then that

driver should, in the absence of exceptional mitigating factors, be reported for the appropriate offences and a full prosecution file prepared.

4.2.7

In cases where any party receives fatal or life threatening injuries the incident will be dealt with in accordance with the 'Road Death Investigation Manual' available on the Intranet and the Memorandum of Agreement on the Investigation Protocol drawn up with TRL (Transport Research Laboratory) which allows 24 hour independent supervision / investigation of such Polaccs. The investigation into the collision will be a joint one between Professional Standards and Roads Policing. In any event, Superintendent Roads Policing shall make the final decision on the member of staff's culpability in respect of the 'driving whilst at work'.

4.2.8

In the event of a fatal or life threatening Polacc, a Family Liaison Officer, or if appropriate, Officers, will be appointed by the Senior Investigating Officer in accordance with the 'Road Death Investigation Manual'. This would generally be a fully trained Family Liaison Officer due to the potentially sensitive nature of the case.

Please see Family Liaison guidance notes on Roads Policing Intranet site - Family Liaison officers .

4.2.9 Category Two POLACCS

Such Polaccs will be fully investigated and reported upon by way of a NCRF collision booklet and will include an impartial and searching interview of any driver to ascertain any explanation of how the collision occurred and an explanation of any conflicting evidence, together with witness statements as appropriate. **Those collisions involving injury to any party should be attended by a Roads Policing supervisor, however it is accepted that this may not be practicable. If this is the case, contact should be made at the earliest opportunity with a Roads Policing supervisor. The Roads Policing supervisor will then take on the investigation and deal as per the policy.** Where it is considered that the standard of driving of any party has departed from the standard of care and skill that would, in the circumstances of the case, have been exercised by a reasonable, prudent and competent driver, particularly if any party has been injured, then that driver should be reported for the appropriate offences and a full prosecution file prepared, subject to:

Where the offending driver is a member of the public, cognisance should be given to aggravating or mitigating factors when arriving at the decision to prosecute.

Where the offending driver is a member of staff, in the absence of exceptional mitigating factors, it will be for the Superintendent Roads

Policing to take cognisance of any aggravating or mitigating factors including the wishes of the aggrieved.

In all cases the aggrieved should not be asked whether they would support any prosecution or not and any such comments should only be included in a statement if freely volunteered. In this way the Thames Valley Police is, and is seen to be, impartial in dealing with its own staff.

4.2.10 Category Three POLACCS

Such Polaccs will be fully investigated - verbal explanation from drivers to investigating / supervisory officer will suffice. These explanations are to be recorded on the TA7 that will be completed. If further explanation is felt to be required this can be done on an accompanying Gen 46.

Further Investigation Matters For Consideration

4.2.11

Where a police vehicle, maintained by Force Transport, is involved in a fatal or life threatening Polacc the vehicles involved will be examined by a Force Vehicle Examiner and Vehicle and Operator Services Agency (VOSA) Examiner See para.5.1.8). In addition the vehicle's AVLS system will be downloaded and the information examined. Early consultation to take place with collision investigator or with Radio Communications Headquarters who will facilitate this download. In other cases where the police driver alleges a contributory vehicle defect, the supervisory officer should refer this to a Roads Policing Supervisor who will consider an examination by a Force Vehicle Examiner and VOSA Examiner. In the case of vehicle defects in other police vehicles and third party vehicles this will be dealt with as would occur in any other collision.

4.2.12

In serious cases, vehicles involved in Polaccs will be retained until authorisation is given for their disposal or repair. Where proceedings are to be taken and the police have no requirement to further retain the vehicles involved, the parties to be prosecuted shall be written to. They shall be advised that if an independent examination is required it must be completed within time limits advised otherwise the vehicle will be disposed of.

4.2.13

Staff involved in Polaccs have the same legal responsibilities as any other driver under the Road Traffic Act, that is, they must stop and exchange details etc. However, as the definition of a Polacc is wider than a Road Traffic Act '*accident*', there are some situations where the organisation places additional duties, upon the driver of the police vehicle:

- The driver must stop and report collisions involving roadside furniture, kerbs etc. even though there is no apparent damage to

the police vehicle and be aware of the dangers of continuing with a potentially unroadworthy vehicle.

- The driver must stop and report collisions which do not involve contact with the police vehicle but result from the presence of the police vehicle (vicinity Polaccs).

There may be exceptional circumstances where the urgency of attendance of the police vehicle justifies either not stopping or stopping but not remaining. However, the more serious the collision the less likely it will be to justify such action. In any case the incident must be reported at the time.

For general information regarding collisions see:

Criminal Justice Site
(From this index please select 'collisions')

Road Traffic Accidents
(PNLD database on Intranet)

4.2.14

If the collision is as a result of a pursuit then the pursuit debrief form TD49 shall be submitted to Roads Policing Polacc Administrator.

Form TD49 can be found on the LAN (Word: File; New; TD49).

Pursuit Policy
(Pursuit Policy)

4.3 SUSPENSION FROM DRIVING

4.3.1

It is the responsibility of the investigating / supervisory officer to consider whether it is necessary to suspend a member of staff from driving immediately. Drivers should not be routinely suspended but it is for the investigating / supervisory officer to make a reasoned judgement on the facts available and to be in a position to justify their decision **not** to suspend.

4.3.2

The purpose of suspension is to allow an objective assessment of the drivers training needs to be undertaken and to protect the Thames Valley Police from further litigation should further incidents occur rather than a means of punishing the driver. It allows an opportunity to review all the circumstances before permitting the driver to drive again. The question of suspension must be an objective one concerned solely with the circumstances and outcome of the Polacc and the individual. Extraneous factors such as shortage of drivers, etc. should not be a part of that decision making process.

4.3.3

A member of staff will be considered for suspension from driving following a collision or other driving incident, either on or off duty, where either:

It is considered that the standard of driving has fallen far below what would be expected of a competent and careful driver and it would have been obvious to a competent and careful driver that driving in that way would be dangerous, and then the driver must be suspended from driving.

It is considered that the standard of driving has departed from the standard of care and skill that would, in the circumstances of the case, have been exercised by a reasonable, prudent and competent driver, then that driver should, in the absence of mitigating factors, be suspended.

There is prima facie evidence of a driving offence likely to lead to prosecution of that driver, then that driver should, in the absence of mitigating factors, be suspended.

There is evidence that that driver's ability, for example, the number of penalty points on their driving permit, is such that remedial training is necessary, then that driver ought, in the absence of mitigating factors, to be suspended.

Where it is necessary to further investigate the incident to ascertain the full facts, but it seems likely that it will fall into one of the above categories, then suspension shall be as for that appropriate category.

Any disciplinary offences must also be considered where the incident is such that, the manner of driving is outside that permitted by the driver's classification, or, the type of vehicle being driven was not authorised within the driver's classification, or, the manoeuvre was not an authorised one. In such cases it would be appropriate to notify Professional Standards; or Superintendent Roads Policing may refer the matter.

4.3.4

Where an investigating / supervisory officer has immediately suspended a driver, and served a 'Suspension from Driving Notice' (TD15) that suspension shall remain in force unless and until it has been subsequently overruled by the LPA/BCU/OCU Commander of the driver who shall endorse the TD15 to that effect. Where an officer has not been suspended but the circumstances are such that it appears that he or she should have been, a clear explanation of that decision will be recorded on the TA7. Any cases which cannot be resolved should be referred to Superintendent Roads Policing for arbitration.

Form TD15 can be found on the LAN (Word: File; New; TD15).

4.3.5

Where a driver has not been suspended from driving immediately the LPA/BCU/OCU Commander of the driver must actively consider, having

regard to the circumstances and outcome of the Polacc and the driver's penalty points record, the need to suspend and if appropriate, serve a TD15 on the driver.

4.3.6

In any case the Superintendent Roads Policing may direct that the driver be suspended from driving and require the service of a TD15 upon the driver.

4.3.7

Where a TD15 has been served it shall remain in force, unless overturned by the LPA/BCU/OCU Commander, until the Superintendent Roads Policing reinstates the driver.

4.3.8

Where a member of staff is suspended from driving in circumstances other than a driving incident a TD15 should still be served upon the member of staff.

4.3.9

Copies of the TD15 shall be forwarded to the member of staff's personal file and the Driving School as soon as possible for inclusion on the member of staff's driving record. The Driving School will be responsible for updating Central records.

4.3.10

Where a driver is suspended, the Driving Permit must be surrendered to the investigating / supervising officer and forwarded with the Polacc papers to the Polacc Administrator.

4.4 REPORTING THE POLACC

4.4.1 TA7 E Mail reporting

The TA7 can be found as a template on the LAN (Word; File; New; TA7) and when completed sent (Word; File; Send) as an E Mail - in the 'to' box select 'Polacc reporting' and in the 'cc' box copy to LPA/BCU/OCU Commander of driver. In the 'subject' box put the driver's details. **This is to be done before going off duty.**

For 'foreign' force Polaccs in our Area contact should be made with the other force to ascertain appropriate manner of notification.

The TA7 system should also be used to notify Force Transport of instances of criminal damage to police vehicles by the same route.

The TA7 must be fully completed. Where it is indicated on the TA7 that a report is to be submitted this must be done as soon as possible. If no report has been submitted within 28 days Roads Policing Polacc

Administrator will send a chase-up report to the supervisor and LPA/BCU/OCU Commander.

4.4.2 Insurance Forms

The TA7 E Mail system has replaced the requirement to submit Insurance Forms.

4.4.3 POLACC Reports

The type of report will depend upon the category of the incident. Unless a TA7 will suffice, all additional reports will be routed through LPA/BCU/OCU Commander of the driver.

The LPA/BCU/OCU Commander should append his or her views on the report with regard to the appropriateness of proceedings against any party and the culpability of the member of staff before direct submission to Polacc Administrator at Bicester on behalf of Superintendent Roads Policing.

Procedures for Submission / Routing of Paperwork

Submission of Polacc Paperwork		
	Proceedings	No Proceedings
Cat 1 Fatal	As agreed with Supt RPD & C/Supt PSD	As agreed with Supt RPD & C/Supt PSD
Cat 1 Other	Full prosecution file to Polacc Admin on behalf of Supt RPD	NCRF + GEN 46 + appropriate papers, e.g. statements
Cat 2	Full prosecution file to Polacc Admin on behalf of Supt RPD	NCRF + GEN 46 + appropriate papers, e.g. statements
Cat 3	N/A	TA7 providing account in full

Routing of Polacc Paperwork		
	Proceedings	No Proceedings
Cat 1 Fatal	As agreed with Supt RPD & C/Supt PSD	As agreed with Supt RPD & C/Supt PSD
Cat 1 Other & Cat 2	Polacc Admin via LPA/BCU/OCU Commander	Polacc Admin via LPA/BCU/OCU Commander
Cat 3	N/A	Polacc reporting by e mail TA7

- a) In cases of doubt in any of the above categories, Superintendent Roads Policing may seek views of CPS regarding proceedings against any party as an independent arbiter.
- b) Where a member of the public has been charged with offences unconnected with the Polacc and any driving offences have been

considered and charged as appropriate, the papers will be submitted directly to the File Quality Manager as per local procedure: sufficient papers to allow Polacc Admin to make a decision on the culpability of the police driver to be forward as above.

- c) Where a member of Police Staff involved in a Polacc is arrested then early contact should be made with PSD who will oversee that part of the investigation.

4.5 PROCEDURES ON SUBMISSION OF PAPERS

4.5.1

The Superintendent Roads Policing, on behalf of the Chief Constable is the decision maker in all Polaccs. He/she, or his/her delegate, will consider whether proceedings are appropriate against any party and in cases where proceedings are being considered, consult with the Crown Prosecution Service. He/she will also decide upon the culpability of the driver of the police vehicle and any training needs. Any papers, other than the registration of the NCRF, received by ACJs relating to a Polacc shall be forwarded to Superintendent Roads Policing (Polacc Administrator at Bicester) and the investigating / supervisory officer advised accordingly. All papers shall be submitted to Superintendent Roads Policing within 28 days; if this is not possible, a report detailing the delay shall be submitted to the Polacc Administrator at Bicester.

4.5.2

Superintendent Roads Policing may direct that a driver be suspended from driving police vehicles and where a driver has been suspended, either by Area or himself / himself, shall decide upon an appropriate course of action.

4.5.3

Where a Suspension from Driving Notice TD15 has been served and not overturned it shall remain in force until the Superintendent Roads Policing reinstates the driver.

This may be:

- Following consultation between the LPA/BCU/OCU Commander of the driver and Superintendent Roads Policing prior to submission of papers where, following investigation, the circumstances have changed.
- Following submission of papers by LPA/BCU/OCU Commander of the driver together with recommendations, to Superintendent Roads Policing.

4.5.4

On submission of papers relating to a Polacc, Superintendent Roads Policing will consider the following:

- The need to prosecute any party
- The culpability of the member of staff
- The number of penalty points to be awarded where the finding was 'avoidable'
- The lifting of any suspension from driving and any training implications
- The culpability of any member of public involved
- Any insurance claim against any member of public
- Health and Safety issues
- Breaches of internal policies

4.5.5 The Need to Prosecute Any Party

Except where a party has already been charged with an offence (where papers shall be submitted directly to FQM), the Superintendent Roads Policing shall consider any prosecution file. Where it is considered that there is no requirement to prosecute the file shall be marked accordingly and returned to ACJ.

Where there is prima facie evidence of an offence by any party and proceedings are felt to be justified, taking into account the specific gravity factors of the case, the prosecution file shall be sent to CPS for their views. The Superintendent Roads Policing shall take account of those views when arriving at his decision.

In cases where no prosecution file has been submitted but the circumstances are such that there is prima facie evidence against any party of an offence or an allegation of an offence against a member of staff, the Superintendent Roads Policing may seek the views of CPS as an independent arbiter. In this way the Thames Valley Police is, and is seen to be, impartial in dealing with its own staff.

In suitable cases, members of the public may be offered a Driver improvement Course or receive a warning letter as alternative to prosecution.

4.5.6

Where proceedings have been instigated against a police officer or member of staff, Professional Standards shall be notified by Roads Policing. ACJ will advise Professional Standards of the court date.

4.5.7

With regards to referring police staff to the National Driver Improvement Scheme as an alternative to prosecution: The national ACPO policy guidance states, "Whilst there is no reason in principle why offers should not be made to emergency service drivers following on-duty incidents, these cases pose a particular dilemma in so far as a higher standard of driving than can be offered by the Driver Improvement Scheme may be trained for and expected. It may be that in-house remedial driver training is more appropriate under the circumstances than the Driver Improvement Scheme. This is a matter for individual Chief Constables' discretion".

As there already exists within our organisation a mechanism to give remedial training in the form of our own Driving School, together with the fact that:

- there may be an expectation that TVP will pay the course fees as the incident was an on duty occurrence,
- there may be an expectation that attendance at the 1½ day course would be in duty time, and,
- the manner of driving may often arise in circumstances which a 'normal' member of the public would not face,

it is not appropriate to consider such referrals unless there are exceptional circumstances to justify it.

4.6 DRIVING PERMITS AND PENALTY POINTS

Driving Permits

4.6.1

Superintendent Roads Policing, having considered papers in relation to a Polacc or other driving incident, shall record the Polacc or incident as either **avoidable** or **unavoidable** on the part of the member of staff. Where it is recorded as avoidable the Penalty Points system will apply.

4.6.2

The Penalty Points system is complimentary to the rest of this Policy and Procedures Document and does not replace the immediate suspension from driving system contained within this document. The Points System augments this document by identifying long term training needs and to improve the standard of police driving.

4.6.3

Driving Permits will be produced at the request of a supervisor / line manager.

4.6.4

Drivers involved in Polaccs shall produce their Driving Permit to the investigating officer. The Driving Permit will be retained by the investigating officer and submitted with the Polacc papers to

Superintendent Roads Policing (Polacc Administrator Bicester) where the driver has been suspended.

4.6.5

Superintendent Roads Policing shall, upon a finding of avoidable, consider the degree of culpability and shall endorse the Driving Permit with the appropriate points.

4.6.6

A new Driving Permit will be issued with the updated points thereon and forwarded to the LPA/BCU/OCU who shall arrange for the driver to be seen and advised and for the old permit to be destroyed (if not surrendered) and the new one issued.

Penalty Points

4.6.7

Penalty Points will be awarded on the Driving Permit (or on the system where no Permit is issued) as below according to the seriousness of the Polacc or driving incident

- Standard of driving has departed very slightly from the standard of care and skill that would, in the circumstances of the case, have been exercised by a reasonable, prudent and competent police driver of the same driver classification - very minor damage has resulted from a low speed manoeuvre and the driver has no history of similar occurrences. = **MINIMUM OF 1 UP TO & INCLUDING 3 POINTS**
- Standard of driving has departed slightly from the standard of care and skill that would, in the circumstances of the case, have been exercised by a reasonable, prudent and competent police driver of the same driver classification - minor damage has resulted. = **3 POINTS**
- Standard of driving has departed from the standard of care and skill that would, in the circumstances of the case, have been exercised by a reasonable, prudent and competent police driver of the same driver classification - injury or serious damage has resulted. = **6 POINTS**
- Standard of driving has fallen below what would be expected of a competent and careful police driver of the same driver classification and it would have been obvious to such driver that driving in that way would be dangerous. = **9 POINTS**
- Standard of driving has fallen far below what would be expected of a competent and careful police driver of the same driver classification and it would have been obvious to such driver that driving in that way would be dangerous - serious injury or serious damage has resulted. = **12 POINTS**

- Where a member of Thames Valley Police Staff is involved in a collision which amounts to a Category 3 Polacc driving whilst at work his / her privately owned and insured vehicle and:
 - the member of staff is deemed to be culpable and;
 - the damage incurred by that vehicle is of a very minor nature and;
 - the standard of driving by the member of staff which gave rise to such an incident occurring has departed only very slightly from the standard of care and skill that would in the circumstances of the case have been exercised by a reasonable, prudent and competent police driver of the same driver classification and;
 - there is no history of similar occurrences;

Then the Superintendent Roads Policing may deem it appropriate that penalty points shall not be awarded against that member of staff.

4.6.8

These categories serve as guidelines only when awarding penalty points. Aggravating circumstances or driving record may result in higher points up to a maximum of 12; mitigating circumstances may result in fewer points being awarded. Points will be awarded either in the range of 1-3 or 3, 6, 9 or 12 points without other intermediary points.

4.6.9

Where the collision results from a reversing manoeuvre, or other manoeuvre in confined situations, and the vehicle contained a police passenger, that passenger shall receive the same number of Penalty Points as the driver, unless it was not reasonable to supervise the reversing or other manoeuvre. Where the vehicle contains more than one police passenger the driver shall nominate one who is best placed to undertake such manoeuvre supervision and failure to do so shall be taken into account.

Outcome of points awarded

Where a member of staff receives less than 6 points there will be no remedial action although Superintendent Roads Policing may consider appropriate remedial action is required.

4.6.10

SIX POINTS - Those staff members who are awarded points which bring their current number to 6 will be required to undergo a driving assessment with the Driving School. The Polacc Administrator shall immediately notify Driving School and the member of staff concerned. The responsibility for arranging the driving assessment lies with the LPA/BCU/OCU Commander or designate and must be done within 4 weeks of notification. Where the driver is currently suspended, that suspension shall remain in force until the assessment takes place.

The assessment will be in the same class of vehicle as was being driven at the time of the award of the last points or which is currently associated with the duties of the driver. Where a driver fails to demonstrate the necessary skills the Driving School shall withdraw the permit and require the completion of a refresher course. The driver may have limitations placed on their future driving as a condition of reinstatement.

4.6.11

NINE POINTS - Those staff members who are awarded points which bring their current number to 9 will be required to undergo a refresher course with the Driving School. The Polacc Administrator shall immediately notify Driving School and the member of staff concerned. The responsibility for arranging the refresher course lies with the LPA/BCU/OCU Commander or designate and must be done within 4 weeks of notification. Where the driver is currently suspended, the suspension shall remain in force until the refresher course takes place. Where the circumstances justify it, Superintendent Roads Policing, may suspend the driver pending the course.

The course will be in the same class of vehicle as was being driven at the award of the last points or which is currently associated with the duties of the driver. Where the driver fails to demonstrate the necessary skills the Driving School shall withdraw the permit. Further remedial measures will be a matter of negotiation between the LPA/BCU/OCU, Superintendent Roads Policing and Driving School. The driver may have limitations placed on their future driving as a condition of reinstatement.

4.6.12

TWELVE POINTS - Where a member of staff accrues 12 or more points that person shall be relieved from driving all vehicles used for police business for a period of 6 months. Having served the period of 6 months the member of staff shall undergo the appropriate driving course.

The course will be in the same class of vehicle as was being driven at the award of the last points or which is currently associated with the duties of the driver. Where the driver fails to demonstrate the necessary skills the Driving School shall withdraw the permit. Further remedial measures will be a matter of negotiation between the LPA/BCU/OCU, Superintendent Roads Policing and Driving School. The driver may have limitations placed on their future driving as a condition of reinstatement.

Outcome following suspension

4.6.13

Having been relieved of driving duties, a member of staff shall not be reinstated until he or she has successfully passed a driving course for the class of vehicle which the driver shall be driving. Where agreed between the LPA/BCU/OCU and Superintendent Roads Policing, the driver may be reinstated to restricted driving duties following assessment, such restrictions will be shown on his or her permit. Upon the successful

conclusion of the appropriate course the points which led to the requirement to do that course (i.e. the number of points allocated to the Polacc) will no longer be reckonable for the 3 year period.

4.6.14

Points will remain upon the Driving Permit indefinitely. Points awarded more than 3 years before the date of the current Polacc shall not be counted towards the total unless Superintendent Roads Policing considers that, in exceptional circumstances which shall be documented, it is appropriate to take cognisance of earlier points. (i.e. the period of reckoning runs from the date of collision until the next or subsequent Polacc).

4.6.15

In exceptional cases, where the impact of a long period of suspension from driving would affect the suitability of a member of staff to remain on a specialist department, it may be necessary for Superintendent Roads Policing, in conjunction with the respective Head of Department to consider returning the member of staff to non specialist duties.

4.6.16

Where a member of staff has appeared before any court in relation to the Polacc, a finding of not guilty or case dismissed shall not necessarily have a bearing on the recording of culpability where the standard of proof is different. The standard of proof in a criminal case is beyond all reasonable doubt whereas the civil burden is upon the balance of probabilities. That reduced burden is applicable to such internal matters. The court result together with the file will be forwarded to Superintendent Roads Policing (Polacc Administrator) by ACJ for consideration.

Appeals Procedure

4.6.17

Should a member of staff or their LPA/BCU/OCU Commander dispute either the points awarded or the findings of avoidable they shall give notice of appeal in writing to the Polacc Administrator within 28 days of the award. A report detailing the grounds of appeal shall be submitted within 28 days of notice of appeal via his or her line manager to the LPA/BCU/OCU Commander, for their comments. Papers shall be forwarded to Polacc Administration for review. Where the original decision is not overturned, the appeal with supporting papers will be forwarded by Polacc Administration to a Roads Policing Inspector. The Roads Policing Inspector will not be from either the Region of the officer involved if Roads Policing staff, nor covering BCU where the member of staff is based. The Roads Policing Inspector shall convene an appeals panel within 28 days, consisting of the following:

- Superintendent Roads Policing
- Federation Rep for Police Officers
- Unison Rep for other members of Police Staff

- RP Inspector
- Driving School Representative

The purpose of the panel will be to independently review all the relevant paperwork and circumstances surrounding the appeal and to come to a conclusion as to whether the original decision in respect of the culpability and / or points awarded should stand, be overturned or reduced. On conclusion of the findings the member of staff will be informed of the resulting decision which shall be final.

4.7 BUDGET HOLDER FINING PROCESS

4.7.1

Where a Polacc is recorded as 'Avoidable' the budget holder of the vehicle or vehicles involved shall be subject to a 'fine' which will equal the cost of repair to each police vehicle up to a maximum of £500, which may be subject of revision.

4.7.2

Where damage is discovered which has not been reported by way of TA7 the budget holder of that vehicle shall be subject to a fine of £500, which may be subject of revision, AND the cost of repair.

4.8 LIFTING OF SUSPENSION AND ANY TRAINING IMPLICATIONS (IN ADDITION TO THE ABOVE PROVISIONS.)

4.8.1

Where a driver has been suspended and Superintendent Roads Policing has considered the matter the driver may:

- Be reinstated to drive forthwith
- Be reinstated to drive following the successful completion of an assessment by the Driving School
- Be reinstated to drive following the successful completion of an appropriate driving course at the Driving School
- Be reinstated to drive certain classes of vehicle but remain suspended in respect of others until reinstated by the appropriate manner
- Be reinstated to restricted driving duties following assessment
- Remain suspended until a given date or event
- Remain suspended until the matter has been dealt with at court or by other disposal method

(For the purposes of an assessment or driving course the member of staff shall be supervised at all times by a member of the force Driving School).

4.8.2

None of the above prevents the LPA/BCU/OCU from issuing instructions to their staff not to drive particular classes of vehicle as opposed to a complete suspension.

4.8.3

The outcome of Superintendent Roads Policing decision shall be notified in writing to the Driving School. No re-assessment will be undertaken by the Driving School without the written authority of Superintendent Roads Policing. A copy of the covering report from the papers will also be forwarded to the Driving School to ensure any re-assessment or re-training is focused on the needs of the individual. A formal report of any re-test will be made by the examining instructor; a copy will be given to the member of staff and sent to the relevant Personnel Department for placing on his or her personal file.

The Driving School shall be responsible for updating Central records when the member of staff is re-instated showing the class of vehicles authorised to be driven. The Driving School shall also issue an updated Driving Permit.

4.8.4

Following a driving assessment the Driving School can recommend that the member of staff is either re-authorised, re-authorised with a refresher course for the appropriate vehicle class within 6 months, or remains suspended until the successful completion of a refresher course for the appropriate vehicle class.

4.9 CLAIMS AGAINST ANY MEMBER OF PUBLIC INVOLVED

4.9.1

Superintendent Roads Policing shall consider the culpability of any third party and indicate those incidents where it is appropriate to recover the losses of the Thames Valley Police. In incidents involving stolen motor vehicles the claim will be against the owner's insurance providing the driver's name is known.

4.10 INTERPRETATION OF POLICY

4.10.1

By their very nature, all collisions will be different and there may be instances which are not covered by this policy. Polaccs which, by their unusual nature, do not fall within this policy will be dealt with in the spirit of this policy. Advice may be sought from Superintendent Roads Policing (Polacc Administrator) in cases of difficulty.

5.0 Challenges & Representations

In the case of criminal proceedings against any party, challenges may be made as for any other criminal matter.

Those challenges in respect of the general principles of this policy may be made in writing to:

The Assistant Chief Constable (Specialist Operations)
Thames Valley Police
Headquarters
Oxford Road
Kidlington
Oxon
OX5 2NX

6.0 Communication

6.1 Links to Police National Legal Database Other

This policy should be read in conjunction with the following Thames Valley Police policies available on the intranet

Criminal Justice Site
(From this index please select 'collisions')

Critical Incident
(Critical incident Policy and Procedures)

Driver Policy
(Force Driver Policy)

FLO Structure
(Roads Policing FLO Structure)

Phone Policy
(Mobile Phone Policy)

PNLD Database
(PNLD database on Intranet)

Preliminary Breath Testing
(Preliminary Breath Testing of Drivers involved in collisions)

Pursuit Policy
(Pursuit Policy)

RDIM
(Road Death Investigation Manual)

Roads Policing
(Roads Policing OCU Intranet site)

Road traffic Accidents
(PNLD database on Intranet)

Specials Driving Policy
(Specials Driving Policy)

TVP & TRL MOU
(Memorandum of Understanding between the Thames Valley Police and Transport Research Laboratory (TRL Limited) relating to the investigation of collisions involving police vehicles.)

TVP & VOSA MOU
(Memorandum of Understanding between Thames Valley Police and the Vehicle Operating Standards Agency in relation to vehicle examinations in the Thames Valley Police Area – HGVs and PCVs only)

6.2 Implementation Strategy

All members of Thames Valley Police need to be aware of this policy as they may be involved in such an incident or be required to investigate such. Managers additionally need to be aware of their responsibilities under this policy.

This policy needs to be widely publicised by means of all user email, Force Weekly Orders, Managers Brief and Thames View.

7.0 Compliance and Certification

7.1 Human Rights Certification

(i) Legal Basis

The law relating to road traffic collisions generally is enshrined within the Road Traffic Act 1988 and the relevant provisions are applicable to both members of the public and Thames Valley Police staff.

This major part of this policy relates to the internal investigation and internal measures to be taken against its own staff which runs hand in hand with the criminal investigation and any subsequent proceedings. Whilst it has no specific statutory basis to it per se it is nevertheless intended to protect the interests of the Thames Valley Police in meeting the challenges the police service faces whilst engaged in driving and other duties undertaken on the highway and similar environs. It is impacted upon by a number of Acts & Regulations governing road traffic, the exemption granted to 'police' from a number of legal provisions, the investigation of collisions and road traffic offences, crime and the investigation thereof, evidential and legal procedures, etc.

(ii) Human Rights Articles Engaged

This policy has been drafted in accordance with the Human Rights Act 1998. It is acknowledged that this policy has the potential to engage the following articles of the Act. This policy will be applied with reference to the key principles of the Convention, namely justification, proportionality and least intrusion.

Article 2 Right to Life

Article 2 (Right to life) states that “..... *Everyone’s right to life shall be protected by law*”

The Article imposes two duties on the state, the second of which is to take reasonable measures to protect life. The duty to take reasonable measures to protect life includes a duty to put in place effective criminal law provisions to deter the commission of offences against the person backed up by law-enforcement machinery for the prevention, suppression and sanctioning of breaches of such provisions. It may also include a positive obligation on the authorities to take preventative operational measures to protect an individual whose life is at risk from the criminal acts of another individual.

This policy acknowledges the risks associated with police driving, particularly where an immediate response is expected, and introduces measures to ensure high standards are maintained and allows the organisation to identify those drivers who are at risk of being involved in a collision and to take action to reduce those risks.

Article 6 Right to a Fair Trial

Article 6 (Right to a Fair Trial) states that ‘...*In determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law...*

Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law....’.

Where individuals are to be subject to criminal charges the matter will be considered and dealt with as would happen for any member of the public. Papers will be sent to the Crown Prosecution Service for consideration of proceedings and any subsequent criminal proceedings against either a member of the public or member of the Thames Valley Police will be heard in a court of law. Internal matters will be considered and dealt with in the spirit of this Article. All Police Vehicle Collisions will be impartially and professionally investigated in such a way as to ensure that the Thames Valley Police is transparent, consistent and beyond reproach in its handling of such collisions. The determination of the internal matters will fall to the Head of Roads Policing or his delegate and this policy and procedures aims at maintaining a relationship of proportionality between the means employed; the finding of culpability and penalty points system, and the aim sought to be achieved; the safeguarding of the Thames Valley Police interests by reducing the instance of police vehicle collisions,

identifying 'at risk' drivers and taking appropriate steps to reduce those risks.

Article 8 Right to Respect for Private and Family Life

Article 8 (Right to Respect for Private and Family Life) states that *'everyone has the right to respect for his private and family life.....there shall be no interference by a public authority with the exercise of this right except such as in accordance with law and is necessary in a democratic society in the interests of...public safety...Prevention of disorder and crime...for the protection of rights and freedoms of others.'*

This policy refers to the receiving and recording of all personal employee information. The collection and retention of personal details will automatically engage this article.

The First Protocol Article 1 Protection of Property

Article 1 of the First Protocol (Protection of Property) states; *'every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions of penalties.'*

This policy refers to the retention of vehicles for examination following a Polacc which may engage the above Article.

(iii) Prohibition of Discrimination

Actions taken as a consequence of the Policy will be applied in an impartial and fair way, having due regard for natural justice and Human Rights.

7.2 Diversity Impact Assessment

This policy has been assessed for its relevance against the six strands of diversity and it has been rated as "LOW".

7.3 Diversity (Human Resources)

In the application of this policy, the Force will not discriminate against any persons regardless of their gender, sexual orientation, race or ethnic origin, religion, age or disability.

7.4 Management of Police Information (MoPI) Compliance

Information deemed 'for a policing purpose' that is circulated or received must comply with MoPI guidelines.

7.5 Community Engagement Strategy and Standards

This policy does not have any community engagement implications.

7.6 Data Protection

It is recognised that sensitive personal data will be processed in compliance with this policy. This and personal data will be managed in accordance with the specifications of the Data Protection Act 1988.

7.7 Freedom of Information Act

This policy is suitable to be made available to the public.

7.8 Protective Markings

This document has been assessed for its correct level of protective marking and is 'NOT PROTECTIVELY MARKED'.

7.9 Health & Safety at Work

We have a duty under Health Safety and Work act 1974 to ensure the health safety and welfare at work of our employees and those affected by our work. The investigating officer is responsible to ensure the investigation includes this aspect fully. The areas to consider will include a review of relevant risk assessments and related policies e.g. Driving, Pursuit, Motorway and Trunk Road risk assessments, and deployment of equipment for example, stop stick.

As one of its 'Investigation Purposes' the Thames Valley Police is to ensure all Health and Safety aspects, including near misses, are thoroughly investigated, including the identification of the root causes e.g. Do the risk assessments work?; Are adequate risk controls measures in place?; Is there a safe working procedure?; Are the risk assessments up-to-date and regularly reviewed?

All Health and Safety issues arising from the Polacc, or near miss that have been identified will be reported through the PER10a system. A Gen46 and any associated papers once completed will be sent to Health and Safety HQ and relevant Staff associations.

Further guidance can be sought from the Health and Safety Department or local safety representatives. This information can be found on the intranet under Department, Federation, Contacts Health and Safety.

Health and Safety
(Health and Safety Manual Guidance on Accident Reporting.)

8.0 Monitoring and Review

The applications and outcomes of this policy will be constantly reviewed in relation to general considerations and individuals by the Superintendent Roads Policing and Polacc Administration.

This policy is subject to the Best Value Review of Roads Policing

Roads Policing Best Value Review
(Best Value Review of Roads Policing)

A full review will be carried out by the policy author and will examine:

- Changes in legislation
- Court rulings – Domestic, European and Human Rights
- Examples of good practice from other Forces or other organisations
- Changes in Home Office Circulars
- Developments with ACPO Policy Unit
- Representations made by individuals and relevant organisations
- Relevant Equality data

For use by the Policy Management Unit Only

Chief Officer Policy Authorisation

Policy signed off by:

ACC Specialist Operations:

Date: