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A review of retesting and post-court educational interventions for serious driving offenders

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Executive summary

The aim of this report was to evaluate retesting for serious driving offenders. Under Section 36 of the Road Traffic Offenders Act, 1988, those convicted of a driving offence may be disqualified, and may be required to pass a practical driving test to regain their licence. This test is mandated as an extended driving test (EDT) for very serious offences. For less serious offences the extended test or the standard test can be ordered discretionally. Offenders are also required to take a theory test to regain their licence.

The EDT is assessed in the same way as the standard test, but lasts approximately 70 minutes, compared with 40 minutes for a standard test.

The current offences for which an EDT is mandatory are:

- Motor manslaughter
- Causing death by dangerous driving
- Causing serious injury by dangerous driving (from 2012)
- Dangerous driving
- Causing death by careless driving under the influence of drink or drugs

The research aimed to investigate the use of EDTs in courts, and the number and characteristics of offenders who are ordered to take an EDT or standard test for different offences, together with other penalties and re-offending.

It was originally intended that the research would include analysis of attitudes to the EDT, preparations for the test and reasons why offenders had or had not regained their licence. However, this was not possible due to difficulties accessing driving offenders to take part in interviews or to complete surveys. The findings were therefore based solely on the following:

- Analysis of data on defendants and offenders from the Ministry of Justice (MoJ).
- Data on driving offences from DVLA were linked with data on theory and practical tests from DVSA to provide insight into individual offenders and retesting. DVLA routinely remove offence data for drivers who have fulfilled any driving test requirements and whose offence was longer than four years ago (or eleven years for drink driving offences). Therefore a sample of historic DVLA records was also used to assess previous driving convictions and reoffending.
- Members of the judiciary were consulted and surveyed to provide qualitative feedback on the use of the EDT and to respond to five hypothetical case studies.

The data showed that there were approximately 5,500 drivers who were disqualified until extended test pass and 600 disqualified until standard test pass each year.

The offences above that involve death are indictable offences; that is, they are normally heard at the Crown Court in front of a judge and jury. 'Dangerous' driving is 'triable either way'; that is, on indictment at the Crown Court for the most serious offences (or where the defendant elects to) or summarily at a magistrates' court. In 2013, approximately half of 'dangerous driving' offenders were committed for trial at the Crown Court.

Both magistrates' courts and the Crown Court deal with a large volume of hearings. In percentage terms mandatory EDT offences account for approximately 3% of defendants at the Crown Court and 0.2% of defendants at the at magistrates' courts in 2013.

Use of EDT in courts

The majority of EDTs ordered were for 'dangerous driving' (81%); 4% of EDTs given were for the other offences for which the EDT is mandatory and 15% of those ordered were for offences where EDT can be ordered discretionally (Figure 1).

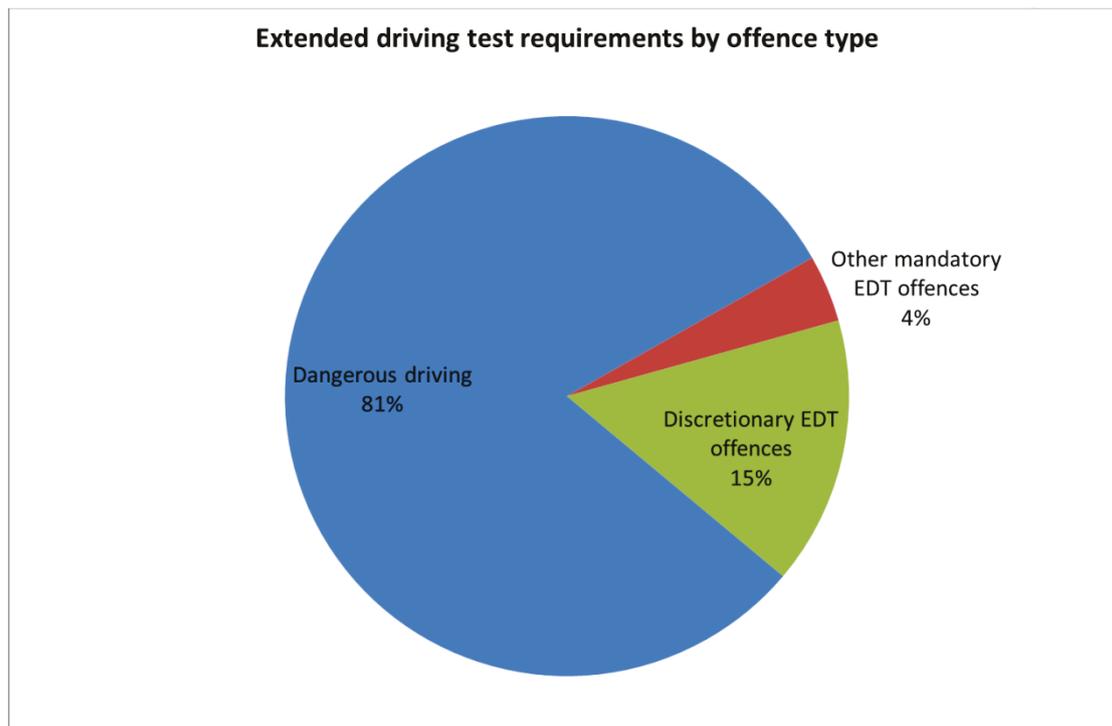


Figure 1: Use of EDT for offences (DVLA data, 2011 – 2015(part))

Between 2009 and 2013 the number of 'dangerous driving' offences reduced by 23% (from 3,400 in 2009 to 2,700 in 2013). The number of 'causing death by dangerous driving' offences approximately halved from 233 to 110 over the same period.

For those offences where an EDT is mandatory it is the given penalty in most instances; in 0.9% of retest offences a standard retest was required, most commonly for 'dangerous driving'. There were some cases of 'dangerous driving' where an offender was not disqualified or disqualified with no retest requirement, but it is unknown why this was the case.

Offenders of discretionary EDT offences that required a retest were also most likely to be required to take an EDT (78%) but were ordered to take the standard retest in 22% of cases. The following two offences accounted for two-thirds of discretionary use of the EDT:

- Drink driving:
 - 32% of all discretionary EDTs; 85% of offenders required to take a retest were ordered to take the EDT
- Aggravated taking of a vehicle:

- 35% of all discretionary EDTs; 90% of offenders required to take a retest were ordered to take an EDT

‘Causing death by careless, or inconsiderate, driving’ had a smaller number of offenders but 92% of offenders required to take a retest for this offence were ordered to take an EDT.

Discretionary orders of EDTs were more commonly ordered than standard tests, especially for:

- Males
- Those offenders with multiple offences heard in court at the same time
- Younger drivers
- Those convicted at courts in Wales, Northern England, Eastern England and the Midlands
- Those convicted at the Crown Court

Characteristics of offenders

In the period 2009-13 95% of offenders of the mandatory EDT offences were male and the most common age group for both males and females was 21 to 25, accounting for 29% of all offenders for these offences (Figure 2).

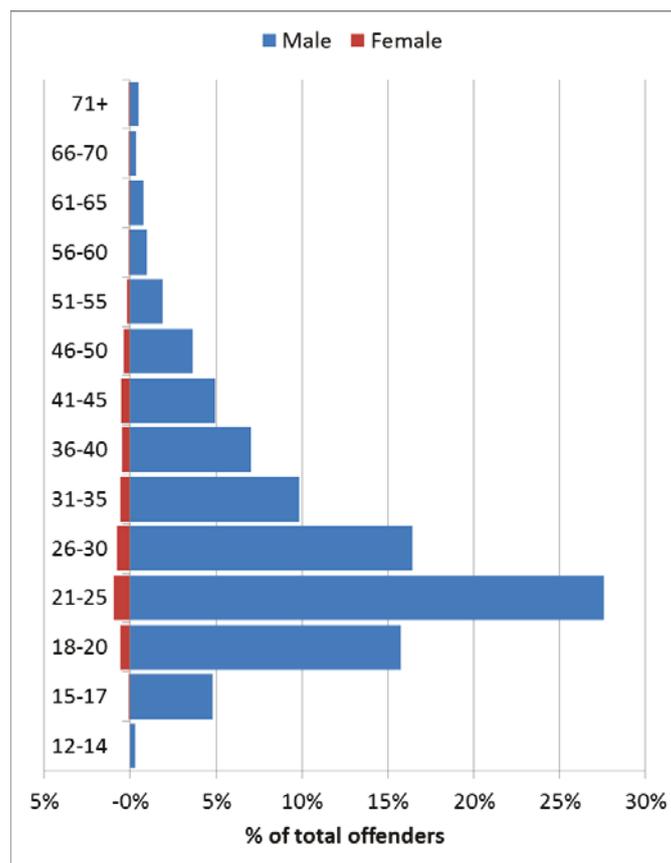


Figure 2: Age and gender breakdown of serious driving offenders in England and Wales, principal offence basis (MoJ data 2009-2013)

For both males and females the number of offenders reduced in each increasing age band, but for females the decline was less pronounced; in particular 11% of female offenders were aged between 41 and 45 compared with 5% of male offenders.

Although the number of female offenders is relatively small when compared with the number of males, there was a higher proportion of female offenders sentenced for 'causing death by dangerous driving' (8%) compared with males (4%).

Analysis of the DVLA sample showed that in the five years before committing an offence which required an EDT, 42% of offenders had not committed a previous offence, 27% had committed an offence which did not require a retest and 8% had committed a previous offence which required a retest.

Offender penalties

The vast majority of retest offenders were given a disqualification period of at least the minimum given in the guidelines. In the period 2009-13, on a principal offence basis, the characteristics of custody and length of disqualification for the main offences were:

- 'Dangerous driving':
 - 38% of offenders were sentenced to immediate custody, with an average sentence length of between 6 and 12 months
 - Average disqualification length of over year and under 2 years
- 'Death by dangerous driving' and 'causing death by careless driving under the influence':
 - 93% of offenders were sentenced to immediate custody, with an average sentence length of 4 years
 - Average disqualification length of 5 years and under 10 years

In the work with members of the judiciary, respondents were asked to state what penalties and ancillary orders they would give in each of five hypothetical cases. In the case involving 'dangerous driving' the majority of respondents stated that they would disqualify the offender and most of these also stated they would order an EDT. There were, however, a few respondents who reported that they would not disqualify or would not require a retest. For the other cases, where the EDT can be ordered discretionally, the majority of respondents selected to disqualify without a test requirement, although a poor standard of driving was given as evidence for ordering an EDT by a few of the respondents, particularly in the case of 'aggravated vehicle taking', for which 5 out of 18 respondents said they would order an EDT.

Previous convictions of the offender were seen as the most important factor in determining the need for an EDT. Age was also seen as important, both for younger novice drivers who are high risk, and older drivers whose driving standard may have lapsed since their previous test.

EDT and standard test results

DVSA data showed that the EDT pass rate has increased slightly over time from 57% in 2005 to 65% in 2014 and the vast majority of EDTs were taken as car tests. The EDT pass rate (65%) was higher than for the standard retest (58%) and all standard tests (47%) (Figure 3). This

suggests that many disqualified drivers have the driving skills required to pass the practical test. The theory test results also showed that retest candidates had a higher theory test pass rate than all candidates.

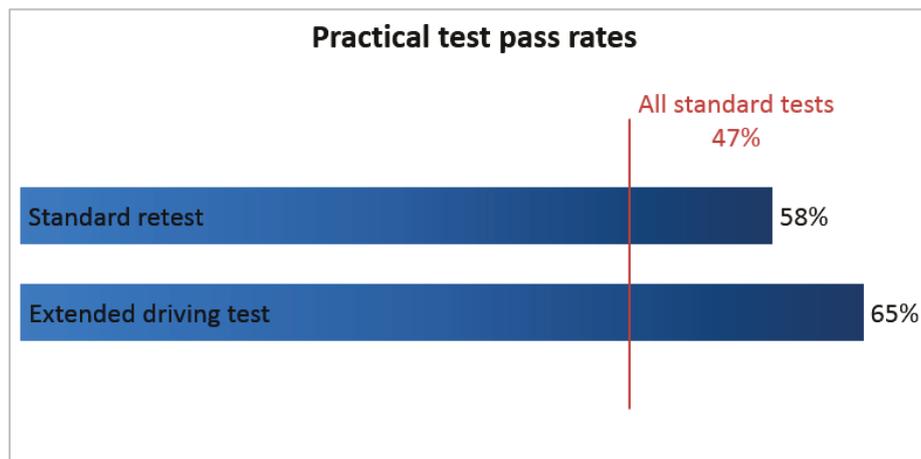


Figure 3: Practical test pass rates (2009-2014)

As with all standard tests, the EDT pass rate for males (63%) was slightly higher than that for females (56%), and lower in London.

Where data on EDTs could be matched with offences, the EDT pass rate was higher for those offenders convicted of 'death by careless driving under the influence' (73%) than for those convicted of 'dangerous driving' (59%) and 'causing death by dangerous driving' (49%) (Figure 4). This suggests that the test-pass-related driving skills of those who were 'careless under the influence' are especially good, relative to those of other offenders. Discretionary EDT offences generally had lower pass rates, with 'aggravated vehicle taking' offenders having a pass rate of 39%, lower than for all standard tests. The pattern was similar for theory test pass rates, with 'causing death by careless driving under the influence' having the highest pass rate (73%) and 'aggravated vehicle taking' having the lowest (41%).

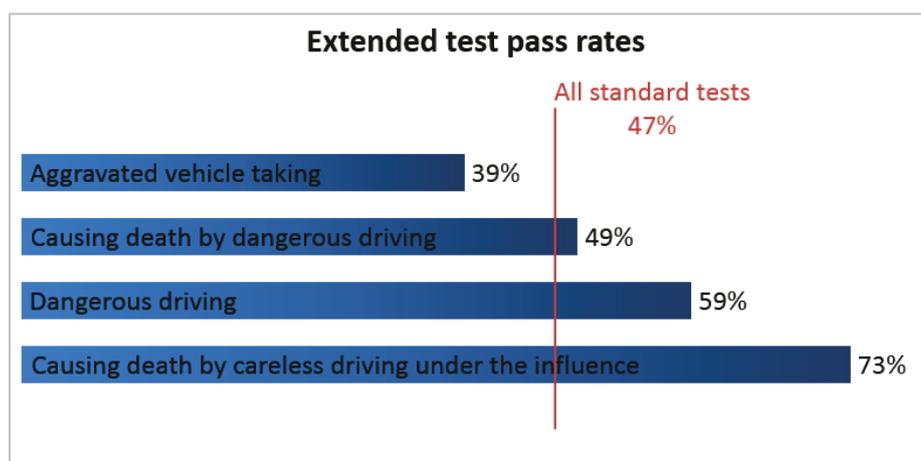


Figure 4: EDT pass rates by offence (2005-2014)

85% of drivers who failed the EDT failed due to one or more serious faults. The most common serious faults were 'use of speed' and 'maintain progressive speed', accounting for 19% and 17% of failures respectively. These two faults do not appear on the top ten reasons for failure for all standard tests. It is possible that this is due to the longer length of the EDT, but it may also reflect the different levels of driving experience or driving style seen in offenders.

Offenders regaining licence

There is a gap between the number of drivers required to take an EDT and those that pass the EDT, suggesting that there is a substantial number of offenders who have not regained their licence. DVLA data showed that there are approximately 2,500 offenders whose disqualification period ended in 2012 or earlier who have not regained their licence.

For those drivers whose disqualification period ended in 2013, 76% had attempted their theory test and 53% had regained their licence. Those whose disqualification period ended in 2014 may have decided not to start this process at the time of the data snapshot, and those whose disqualification ended before this may have since had the offence removed from their record if they have regained their licence. It is not known why drivers have not regained their licence, whether they intend to do so at a later date, whether they are continuing to drive illegally, or have decided not to continue driving at present.

Driving whilst disqualified and reoffending

Since 2011 there have been 359 instances of driving offences for drivers who are currently disqualified until a test pass. 61% of these were for 'dangerous driving' and 23% were for licence offences.

For a sample of drivers who had been disqualified until test pass, 43% have not been convicted of any further driving offences; in the five years since their offence, 8% were convicted of a driving offence and were disqualified until extended test pass and 43% were convicted of another driving offence without a test requirement.

Review of other existing post-court educational interventions

A literature review was carried out to assess the potential effectiveness of other existing tests of driving and post-court educational interventions relevant to disqualified drivers. Although all interventions identified related to drink and drug driving, speeding and/or other minor offences, the review showed that there has been a lot of evaluation work undertaken with different types of programs. The most commonly evaluated interventions include educational and behavioural change programs (or a combination thereof) as well as restrictions and technological approaches (such as the ignition interlock device) which limit exposure of offenders. Restrictions and the ignition interlock have been shown to reduce risk of re-offending while the restriction applies, but little evidence supports their effectiveness once the period of restriction is over; these also do not deal with the source of the problem. Similarly, educational and behavioural interventions (which do aim to change attitudes and risky or deviant behaviours) have been evaluated but there is little evidence of their effectiveness in reducing the risk of recidivism. Although as yet the evidence to support post-court educational interventions is lacking (and existing evidence of similar programs is heavily caveated), this is not to say these interventions do not work to achieve some change. More evidence is needed to ensure that the interventions that are being delivered are effective in reducing the risk of reoffending for all types of offences, but particularly those for which an EDT is currently mandatory.

Recommendations

The recommendations from this work are as follows:

- Encourage more disqualified drivers to regain their driving licence:

This research showed that there are a substantial number of drivers who have completed their disqualification period but have not regained their licence. The data suggested that, once drivers had taken a theory test, they were likely to complete the process; there were many drivers who had not taken a theory test. Consideration should be given to whether reminders could be issued to prompt drivers to apply for their provisional licence or take their theory test. This may also be an opportunity to engage with these drivers to understand why they have not regained their licence.

- Understand the psychological characteristics, attitudes, behaviours and previous convictions of serious driving offenders:

This research was originally intended to improve understanding of the psychological characteristics of offenders, and the effect of retesting and other interventions on attitudes to driving and behaviour. However, this requires engaging with offenders, and in this project no suitable route to these offenders could be found. If a method for engaging with these offenders can be identified, then this research could be undertaken.

- Understand how offenders prepare for the theory and practical tests and understand why they are failing on speed related faults:

The theory test and practical test pass rates were higher for offenders than for all tests; and the types of practical test failures were also very different. Understanding why these drivers are failing, possibly with input from driving examiners would improve understanding of this group. Further, understanding what preparations offenders undertake to prepare for the theory and practical test would also be informative.

- Improve communication, engagement and data sharing between stakeholders:

The process from a driver committing an offence to regaining their licence involves many different stakeholders. Further communication, engagement and data sharing between these stakeholders would be useful to identify routes to engage with offenders, share data and understand processes.

- Consider a randomised trial to assess the effectiveness of EDT:

This project could not identify the effectiveness of the EDT compared to the standard test because the standard test was ordered in relatively few cases compared with the EDT and the types of offence and offenders were different. A randomised trial, whereby offenders would randomly be ordered to take an EDT or a standard retest and the offenders tracked through the process, could be used to understand the effectiveness of these retests.

- Consider educational or other interventions for serious driving offenders:

The higher pass rate of the EDT compared with all standard tests shows that in the majority of cases, the drivers have the skills required to pass the driving test (and the theory test). However, drivers' ability to drive safely when not being observed by an examiner or when there are other factors present (for example, passengers in the car or decisions on driving after alcohol) is not known.

Our consultation with members of the judiciary showed that sentencers would welcome educational interventions as an alternative/in addition to other interventions.

The literature review of other post court educational interventions identified various interventions that aimed to modify a driver's behaviour in relation to road safety. Most of the literature was related to less serious offences for which the EDT is currently used, such as speeding and drink-driving.

- Review guidelines for use of mandatory and discretionary EDT:

There are currently five offences for which the EDT is mandatory. Analysis of the data showed that two other offences ('aggravated vehicle taking' and 'drink driving') accounted for a large number of EDT orders. The current five offences include those where the behaviour of the driver is considered below standard ('dangerous driving') and those offences involving death or serious injury. Consideration should be given to reviewing the guidelines to ensure a consistent approach. Further, the research showed that the EDT was not always ordered when it was mandatory (mainly for dangerous driving), suggesting that the current guidelines are not always followed. Therefore any changes to the guidelines should be communicated to members of the judiciary.

- Understand driving offenders, driving tests and collisions more by linking data sets:

In this project, linking offence data from DVLA and driver testing from DVSA has produced some interesting findings. There are further data sets which could be linked which would provide more information in relation to motoring offences, driver testing and road safety, for example, linking data from offences involving death or serious injury with the national database of road collisions, or recording driver numbers as part of collision reporting so that links can be made to DVLA records and DVSA records.

1 Background

Under Section 36 of the Road Traffic Offenders Act (RTOA) 1988 (Road Traffic Offenders Act 1988), individuals who are convicted of a driving offence or who receive 12 or more endorsements within a three-year period may be disqualified from driving. Disqualified drivers may also be ordered to pass an 'appropriate test'. This may be either a standard driving test or an extended driving test (EDT). Offenders disqualified until 'test pass' or 'extended test pass' must apply for a new provisional driving licence at the end of their disqualification period, and must also pass a driving theory test.

EDTs are mandatory for many of the very serious driving offences heard in the Crown Court. Offenders may also be ordered to take an EDT in any case where a mandatory disqualification applies to an 'endorsable' offence (Sentencing Guidelines Council, 2008, pp. 117-139). Here it says that an EDT is given where it is appropriate to order a driving test and there is evidence of a poor standard of driving within the circumstances of the offence. An EDT can be ordered where it is necessary for the safety of road users after a disqualification and can be ordered where there is evidence of inexperience, incompetence or infirmity (McCormac & Wallis, 2013, p. 20.63).

Table 1 shows the penalties for common driving offences. The current offences where an EDT is mandatory are:

- Motor manslaughter
- Causing death by dangerous driving
- Causing serious injury by dangerous driving (from 2012)
- Dangerous driving
- Causing death by careless driving under the influence of drink or drugs

1.1 Research and objectives

The Department for Transport (DfT) wished to evaluate retesting for serious driving offenders under Section 36 of the RTOA 1988 in the form of the EDT and standard retesting. This is to understand the effectiveness of the legislation and to inform any decisions on any further changes and/or to help inform the development of possible alternatives.

This research aimed to investigate the number of offenders who are ordered to take an EDT or standard test for different offences, together with other penalties. It also aimed to consider the current take up by courts, effectiveness on attitudes to driving, and re-offending.

Other post-court educational interventions are available internationally, and may be relevant to Britain. These and other options for testing competence were also investigated as part of the research and are reported in Appendix G.

1.2 The extended driving test

The EDT lasts for approximately 70 minutes, rather than the 40 minutes for the standard test. The operating procedure indicates that normal assessment methods should be used, and the test must include roads where the national speed limit applies as well as an emergency stop exercise (DVSA, 2014).

Table 1: Offences and penalties (Gov.uk, 2015b) and (Sentencing Guidelines Council, 2008)

Offence	Maximum penalty	Penalty points
*Causing death by dangerous driving	14 years' imprisonment / Unlimited fine / Obligatory disqualification (minimum 2 years)	3 to 11
*Dangerous driving	2 years' imprisonment / Unlimited fine / Obligatory disqualification	3 to 11
*Causing death by careless driving under the influence of drink or drugs	14 years' imprisonment / Unlimited fine / Obligatory disqualification (minimum 2 years)	3 to 11
*Causing serious injury by dangerous driving	5 years' imprisonment and/or a fine Mandatory 2 year minimum disqualification period	3 to 11
*Manslaughter or culpable homicide while driving a vehicle	Life imprisonment and/or an unlimited fine Mandatory 2 year minimum disqualification period	3 to 11
Aggravated taking of a vehicle	2 years' imprisonment and/or a fine Mandatory 1 year minimum disqualification period	3 to 11
Careless and inconsiderate driving	Unlimited fine / Discretionary disqualification	3 to 9
Driving while unfit through drink or drugs or with excess alcohol: or failing to provide a specimen for analysis	6 months' imprisonment / Unlimited fine / Obligatory disqualification	3 to 11
Failing to stop after an accident or failing to report an accident	6 months' imprisonment / Unlimited fine / Discretionary disqualification	5 to 10
Driving while disqualified	6 months' imprisonment (12 months in Scotland) / Unlimited fine / Discretionary disqualification	6
Driving after refusal or revocation of licence on medical grounds	6 months' imprisonment / Unlimited fine / Discretionary disqualification	3 to 6
Driving without insurance	Unlimited fine / Discretionary disqualification	6 to 8
Using a vehicle in a dangerous condition	LGV or PCV unlimited, other vehicles £2,500/ Obligatory disqualification if offence committed within 3 years of a previous conviction for a similar offence – 6 months min. Otherwise discretionary disqualification	3 in each case
Failure to have proper control of vehicle or full view of the road and traffic ahead, or using a hand-held mobile phone when driving	£1,000 fine (£2,500 for PCV or goods vehicle) / Discretionary disqualification	3
Driving otherwise than in accordance with a licence	£1,000 fine / Discretionary disqualification	3 to 6
Speeding	£1,000 fine (£2,500 for motorway offences) / Discretionary disqualification	3 to 6, or 3 (fixed penalty)
Traffic light offences	£1,000 fine / Discretionary disqualification	3
* and bold indicates a mandatory EDT		

1.3 Project overview

The research consisted of two work packages – each with their own objectives, which were addressed by four research tasks, as shown in Table 2.

Table 2: Work packages, research objectives and tasks

Objective	Overall question	Sub-questions	Tasks			
			1. Data analysis	2. Offender surveys and interviews	3. Hypothetical case studies	4. Literature review
Evaluate the use of retesting under Section 36 of the RTOA 1988 and its effect on offending behaviour and attitudes to driving	In what way, if any, has retesting under Section 36 of the RTOA had an effect on drivers' offending behaviour and attitudes to driving?	Use of Section 36 of the RTOA (1988) in courts	✓	✓	✓	
		How many offenders pass and fail the EDT?	✓	✓		
		How many offenders reoffend after taking the EDT?	✓	✓		
		Effect of retesting on attitudes to driving and behaviour		✓		
		Offenders who were eligible to be ordered to take an EDT, but were not ordered to	✓	✓	✓	
Identify and assess the potential effectiveness of other existing tests of driving competency and post-court educational interventions relevant to Section 37 of the RSA 2006	What alternative existing tests of competency to drive could be applicable to the offences relevant to Section 37 of the RSA 2006 and what is their likely effect on driving attitudes and behaviour?	Identifying and estimating the impact of alternative existing driving tests and post-court educational interventions				✓

1.4 This report

At the outset of this project, each of the tasks was initiated.

For Task 1, data requirements were reviewed and data were requested from the Ministry of Justice (MoJ), the Driver and Vehicle Standards Agency (DVSA) and the Driver and Vehicle Licensing Agency (DVLA).

The MoJ was contacted regarding Task 3, and in order for the judiciary to be involved with the project an application needed to be submitted.

It was understood at the outset of the project that Task 2 required engagement with a hard-to-reach group (offenders); various routes were pursued to obtain individuals to respond to an online survey and take part in interviews. Unfortunately it was not possible to request participants via DVLA mailings (for example, included in letters for those nearing the end of their disqualification period).

It was agreed with DVSA that driving examiners could be provided with information about the project and use their discretion to invite test candidates to take part, following their test. However, this method received very few respondents (only one interview was achieved) and the data gathered were therefore not considered to be robust evidence to be included in this report.

This means that it was not possible to answer research questions involving offenders' attitudes and behaviours and no insight was available as to when tests were taken (or not taken) and how drivers prepared for their EDT, standard test or theory test.

The structure of this report is as follows:

- Section 2 gives the process for offending drivers, from the point they are arrested for an offence through to regaining their licence.
- Section 3 describes the data used in this report (both existing data sources and data collected as part of this study).
- Section 4 shows the process for defendants, in terms of which type of courts they attend and how many are found guilty.
- Section 5 looks at the number of offences and how the EDT is used.
- Section 6 analyses the characteristics of offenders, including age and gender.
- Section 7 describes the penalties given to offenders, including disqualifications, imprisonments and fines.
- Section 8 analyses the retesting of offenders, including the performance in the theory test, extended test and standard test. This also includes analysis of how many drivers have progressed since the end of their disqualification period towards regaining their licence.
- Section 9 analyses the reoffending patterns for a sample of drivers.
- Section 10 gives a summary of the research; summaries are also included at the end of each section.
- Section 11 provides recommendations.

2 Process to regain licence following offence

Figure 5 shows the process from a driver committing a serious offence, through prosecution, the courts, disqualification, retesting and to those regaining their licence. At each stage there will be drivers who do not pass to the next stage, for example, those drivers who are not charged, acquitted at court, or not disqualified.

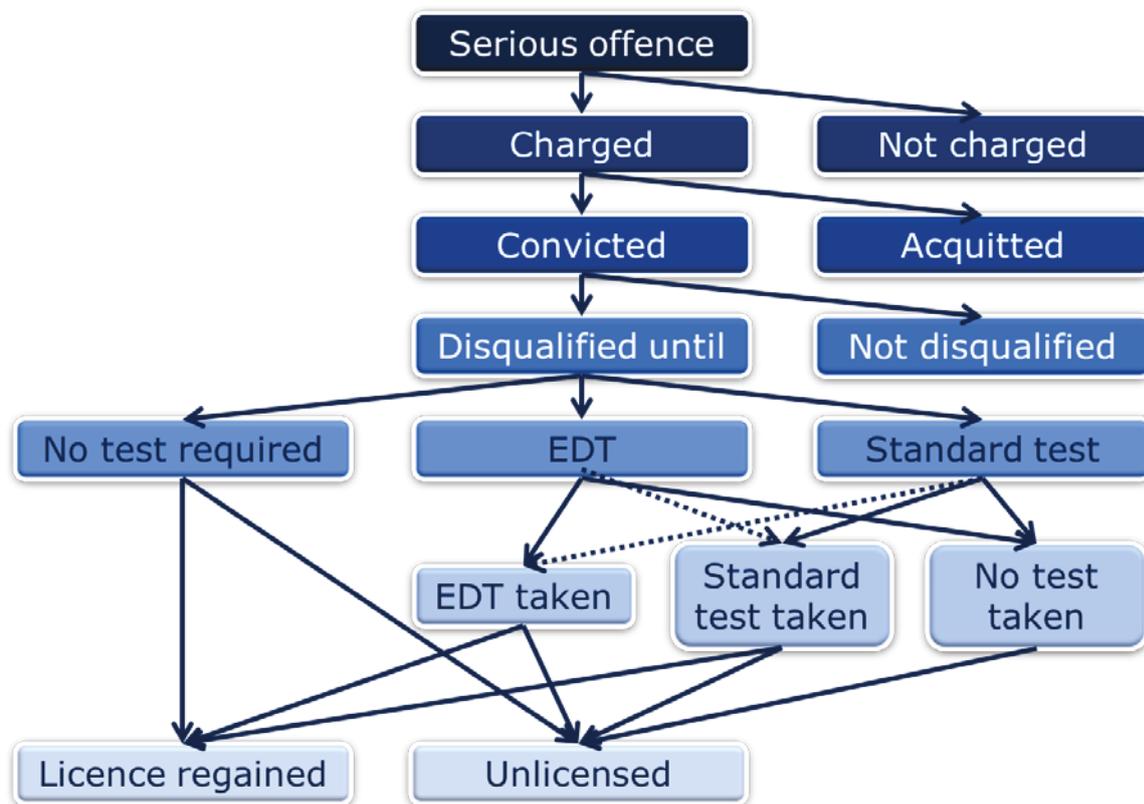


Figure 5: Overview of process from offence to regaining licence (dashed lines should not occur but may)

In addition, drivers disqualified until test pass are required to pass the driving theory test before their practical test.

This process involves the following authorities:

- Police
- Crown Prosecution Service
- Ministry of Justice (England and Wales) or Scottish Government
- DVLA
- DVSA

Previous research (Pearce, 1996) showed there were significant numbers of drivers (convicted of serious offences) who did not have a retest imposed, or for whom only a standard retest was imposed rather than the extended test. These inconsistencies were often due to errors in recording penalties on the form sent from the Courts to DVLA.

However, drivers now apply online for driving tests, and the process should now allow a check that the correct driving test is applied for.

2.1 Offences and charging

A police officer determines whether to arrest a driver for an offence. Whether an offender is charged with an offence or not, or which offence to charge an offender with, is determined by the police and the Crown Prosecution Service (CPS).

The code for Crown Prosecutors (Crown Prosecution Service, 2013) sets out the general principles Crown Prosecutors should follow when they make decisions on cases. If the CPS decides to charge a suspect with an offence, the suspect is summonsed to court.

2.2 Courts

In England and Wales the majority of criminal proceedings start at a magistrates' court. Depending on the offence the offenders take a different route through the courts:

- Summary offences¹ are normally dealt with at a magistrates' court.
- Indictable offences¹ are passed from a magistrates' court to the Crown Court.
- 'Either-way' offences¹ (those that can be tried either in the Crown Court or a magistrates' court) that are deemed not suitable for summary trial due to their seriousness, or where a defendant elects to, are sent to the Crown Court.

In Scotland, depending upon the severity of the offence, cases are referred to the local Sherriff's Court or a justice of the peace court.

2.2.1 Magistrates' courts

A magistrates' court has three lay magistrates, who are not legally trained, and a court clerk who is legally trained and ensures that legal procedure is adhered to, or a district judge, who is a trained lawyer.

If a defendant is found guilty, then a magistrate will determine the appropriate penalty, which may include a fine, imprisonment, or other measures, including penalty points and disqualification. The maximum sentence that a magistrates' court can order is currently:

- up to 6 months in prison (or up to 12 months in total for more than one offence)
- unlimited fine (increased from a maximum of £5,000 in 2015)
- a community sentence

Summary offences which require a higher sentence are passed on to the Crown Court for sentencing.

¹ Definitions are given in Appendix A.2

2.2.2 The Crown Court

The Crown Court deals with indictable offences, and those either-way offences which have been passed from a magistrates' court. The Crown Court also hears appeals from a magistrates' court and for cases where the sentence exceeds the maximum penalty that a magistrates' court may give.

At the Crown Court there is a judge and non-legal court clerk and normally a jury consisting of 12 members of the public. If a defendant is found guilty then the judge will determine the appropriate penalty.

2.3 Disqualification and test pass required

If a defendant is found guilty of a driving offence, the judge or a magistrate decides whether an offender should be disqualified and whether they require a standard test pass or extended test pass in order to regain their licence. Offences can have obligatory or discretionary disqualification (as shown in Table 1 and Appendix A).

Offenders must be disqualified for obligatory disqualifiable offences unless there are special reasons not to do so. Special reasons must be special circumstances particular to the offence rather than offender (Crown Prosecution Service, 2015), for example:

- Defendant drove short distance unlikely to contact with other road users
- Unintentionally committed offence (e.g. misled)
- Committed offence whilst coping with a true emergency

The following are not special reasons:

- Good character
- Good driving record
- Offender, family or employees will suffer personal, financial or other hardship
- Offender is a doctor or in other employment of benefit to the public
- Offender was disqualified whilst on bail
- The offence was trivial

If a driver is disqualified, a driver may be required to do one of the following:

- Apply to get their licence back at the end of the period
- Take a standard retest (after passing a driving theory test)
- Take an extended retest (after passing a driving theory test).

The court notifies DVLA of a driver's driving offences, whether disqualified, their period of disqualification and whether a standard or extended retest is required to regain their licence. If a driver is disqualified they are not normally given penalty points. If a driver is given penalty points instead of being disqualified, the driver may be disqualified under totting up or revoking. The offence remains on a driver's record for a set period of time (see removal of offences, Section 3.1.1).

2.4 Regaining licence

The process for regaining a driving licence following a disqualification until standard or extended test pass is described online (Gov.uk, 2015a) as follows:

1. DVLA will send you a reminder 56 days before your disqualification ends - use this to apply for a new provisional driving licence.
2. Book and take a theory and practical test (or compulsory basic training (CBT) and motorcycle practical test if you ride a motorcycle). If you're disqualified until 'extended test pass', book an extended practical test (which lasts 70 minutes). The fees are higher for extended tests.
3. When you've passed the practical test, ask the examiner to arrange for your new licence to be sent to you - you can legally drive as soon as you've passed the practical test.

Drivers who hold licences for multiple vehicle types are disqualified from driving all vehicles, and must pass an extended test for one of the categories (for example a driver may choose to take an extended motorcycle test or car driving test).

When a test is booked online, users need to submit whether a standard or extended test is required, which is checked against DVLA records.

When offenders whose disqualification period has ended have not regained their licence, there are a number of possible reasons for this:

- They intend to regain licence, but have not done so yet
- They have taken one or more theory and/or practical tests but have failed
- They do not intend to drive any more – no licence required
- They are continuing to (or intend to continue to) drive unlicensed

2.5 Previous research

Previous research (Pearce, 1996) suggested that low awareness of the EDT among courts combined with court processes meant that the EDT is not always employed as intended:

“Although the imposition of an extended retest is intended to be mandatory when a driver is convicted of dangerous driving the courts have not imposed it, or the standard retest, in the majority of cases.” (Pearce, 1996, p.3)

Wilkinson's Road Traffic offences (McCormac & Wallis, 2013, p. 20.70) states that the mandatory requirement to disqualify an offender of dangerous driving until an appropriate test is passed is “unfortunately, sometimes overlooked”.

Research has also found that the EDT was not well-publicised and thus is not an effective deterrent against dangerous driving (Harland & Lester, 1997).

A study into the effect of retesting drivers convicted of 'dangerous driving' under the 1991 Road Traffic Act found that the EDT had little effect on reconviction rates, with many reoffending while disqualified (Pearce, Knowles, Davies, & Buttress, 2002). Those who did pass a retest were found to be significantly less likely to reoffend than those who did not, although this difference was apparent before the retest was taken, that is, these groups of offenders had different pre-existing attitudes to driving and the law.

Studies of driving offenders found that drivers who are convicted of serious driving offences are likely to have committed other types of crimes, either driving offences or other offences (For example Rose (2000) and Broughton (2006)).

In summary, there is a paucity of previous research relating to the use of EDTs. Research which has been carried out was considered throughout the remainder of this report.

3 Data sources and methods

Existing data sources were obtained and used to answer some of the research questions. These data sets are described on more detail below:

- DVLA data (current and historic)
- DVSA data
- Ministry of Justice data

Data were also collected from the judiciary relating to the process and decision making they undertake, through the use of hypothetical case studies.

3.1 DVLA and DVSA data

The DVLA holds a database relating to all GB driving licence holders, including licence type, current offences, associated points and disqualifications. The DVSA holds data relating to driving tests. These includes dates, test centres, and results of theory and practical tests.

DVLA data are subject to removal of offences, which is described below.

3.1.1 Removal of offences

DVLA routinely removes offence records where a driver has completed any driving test requirement, in line with the Rehabilitation of Offenders Act (1974) (Legislation.gov.uk, 2015). Details of offences are only retained if:

- Any driving test requirement has not been completed
- Or
- The offence is within the time kept on licence (normally 4 years; 11 years for some drink/drug driving offences).

This means that the data for offences which occurred more than four years ago are not a representative sample because:

- There are a higher proportion of drink/drug driving offence data
- And
- Only those drivers who have not regained their licence appear

Figure 6 shows how the DVLA and DVSA data can be used to provide a timeline for three example driving offenders, with details of the three example cases described below.

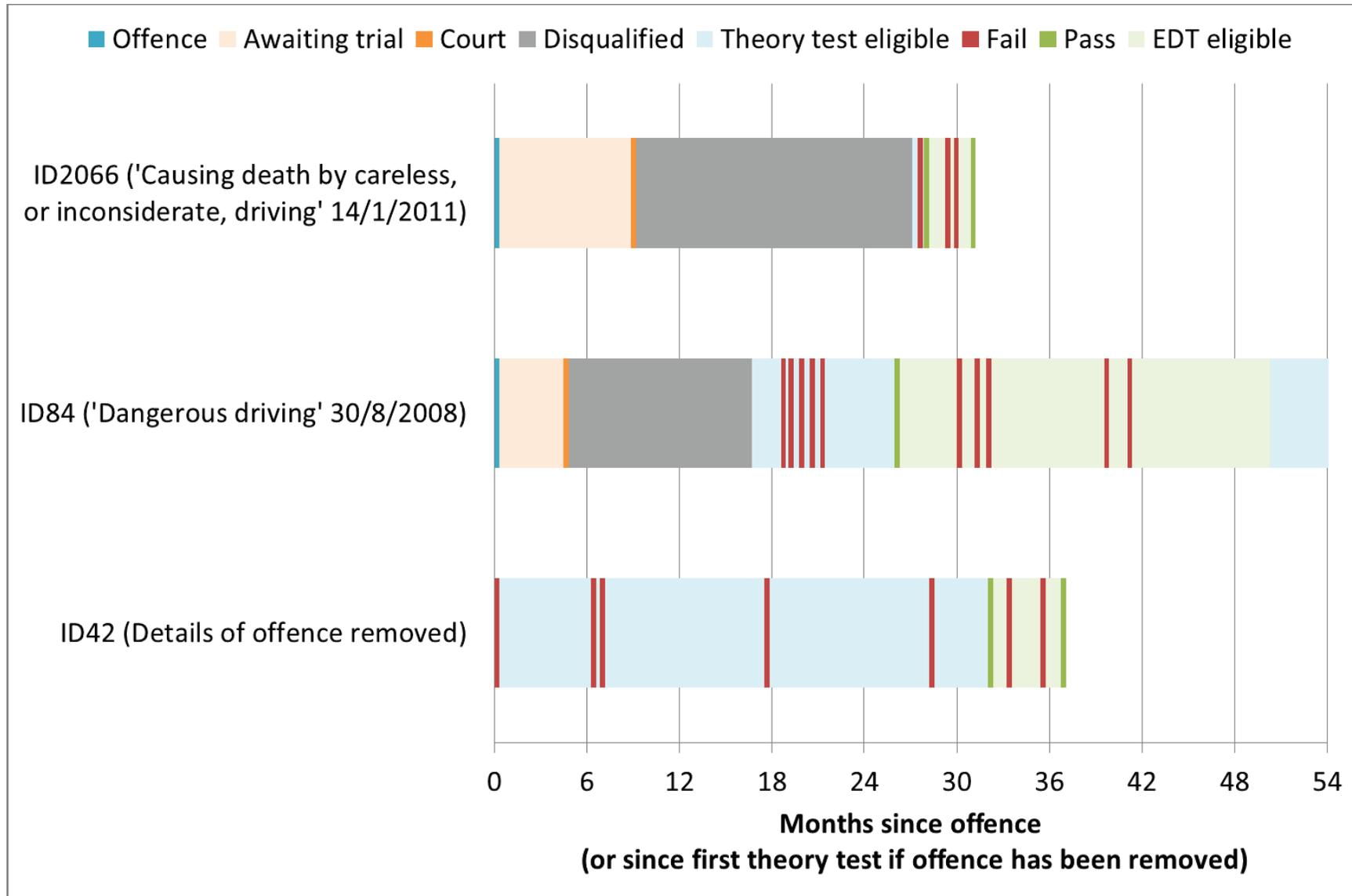


Figure 6: Timelines for three example driving offenders

ID2066

- Committed 'causing death by careless, or inconsiderate, driving' in January 2011
- Court hearing at Lincoln Crown Court in October 2011
- Disqualified for 18 months (until April 2013) and until extended test pass
- Passed theory test at the second attempt in 2013
- Passed EDT at the third attempt in 2013
- In total there were approximately four months between the end of disqualification and passing the practical test
- This offence will remain on the driver's licence for four years from conviction. that is. until October 2015

ID84

- Committed 'dangerous driving' in August 2008
- Court hearing at North Staffordshire Magistrates court in January 2009
- Disqualified for 12 months (until January 2010) until extended test pass
- Passed theory test on sixth attempt in 2010
- Five failed EDT between February 2011 and September 2012
- Theory test pass would have expired in October 2012
- Offence remains on licence (even though was more than four years ago) since practical test not passed yet and is still

ID42

- Passed EDT on third attempt in July 2014
- Theory test records show that six theory tests were taken before this between July 2011 and February 2014
- No data from DVLA about the offence type or date as this has been removed from the licence (the offence occurred more than four years ago)

3.1.2 Data collated for this project

Both the DVLA and DVSA data sets include a driver's unique Driver Number, and therefore these data sets could be linked to enable analysis of driving test data in combination with the data on offences. Discussions with DVLA and DVSA resulted in DVLA and DVSA providing a combined, anonymised data set to TRL. Figure 7 shows the transfer of data and the searches in both data sets.

DVLA data were initially queried based on drivers with a 'disqualified until' marker, either 'til test pass' or 'til extended test pass'. DVSA data were queried for those who have taken the EDT. Cross-referencing between these two data sets was used to select DVLA and DVSA data relevant to drivers who appeared in either initial query. This process provided details of all the groups of interest except those drivers who:

- were ordered to take a standard retest AND
- who have done so AND
- for whom the details of the offence have been removed.

Table 3 shows the data used. The data included offences that were recorded in the data at the time of the extraction. This included a few offences in 2015 and incomplete records for 2014, likely to be due to delays in inputting data from courts.

Table 3: DVLA and DVSA data

DVLA	Practical Test	Theory test
Drivers with an offence requiring a retest currently on their licence	All drivers who took an EDT between 2005 and 2015 plus standard test results for drivers with retest offence on licence	Theory test results for all drivers in database
<ul style="list-style-type: none"> • Offence code • Date of offence and conviction • Court • Standard/extended test • Period of disqualification • Age & Gender • Partial postcode • Other offences on licence 	<ul style="list-style-type: none"> • Test type • Date of test • Test result • Driving test report data 	<ul style="list-style-type: none"> • Date of test • Result • Test centre • Car or non-car

During the course of analysis of the combined data, it became apparent through comparisons with other sources that the data were a sample rather than the records for all offenders. The reason for this was unknown. DVLA therefore supplied a second, aggregated data set of year of offence, offence code, driver age and gender so that the sample could be compared with the full data.

The analysis shown in Appendix B, demonstrates that the sample received was approximately 38% of the full data. While the sample of data was found to be representative in terms of gender, the sample was not representative in terms of age and offence, with younger drivers and mandatory EDT offences slightly over-represented in the sample. This means that the results of this analysis should be used with caution.

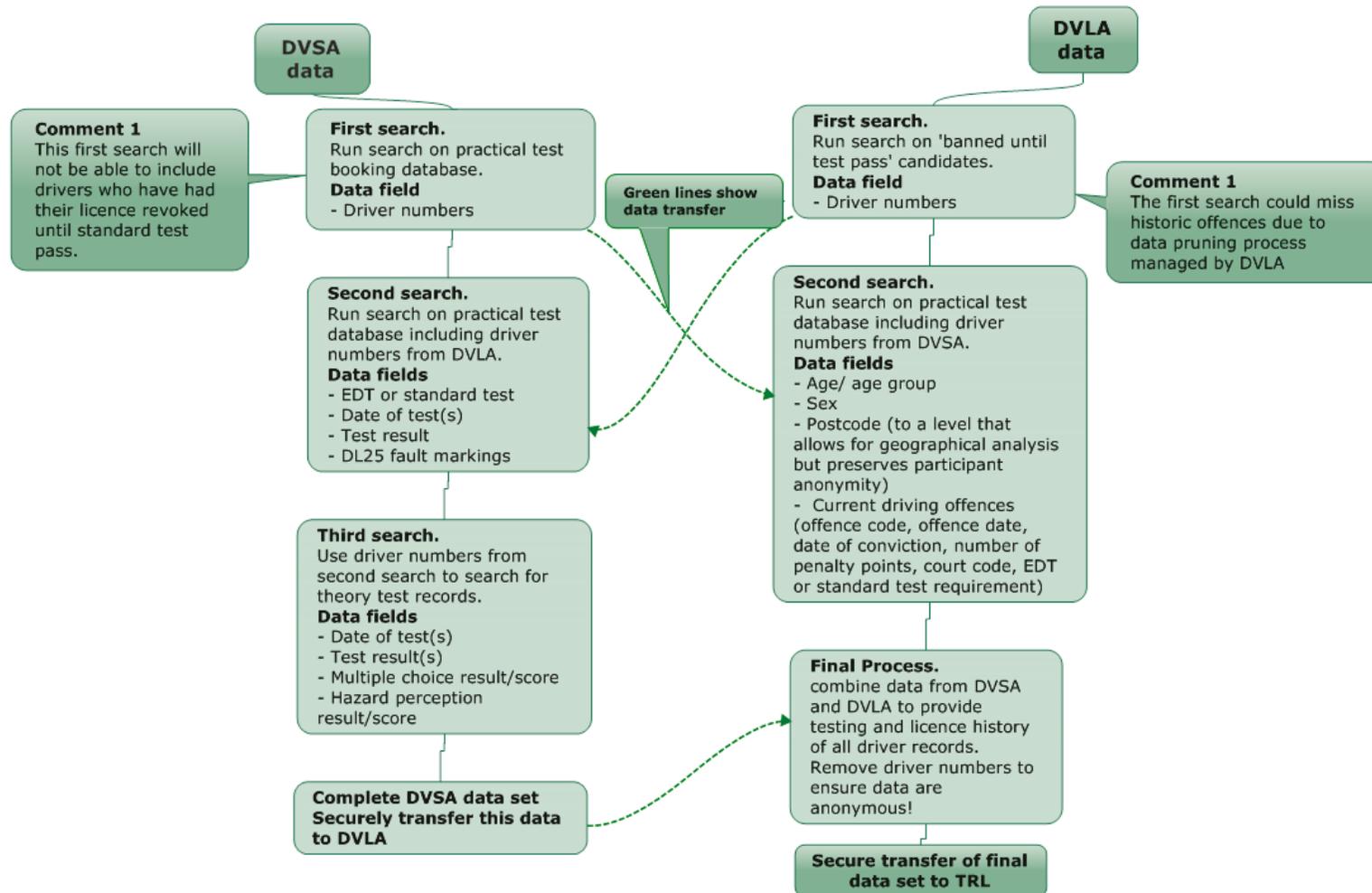


Figure 7: Process for extracting and linking DVLA and DVSA data

3.2 DVLA archive

The DVLA archive, held by TRL, contains records of a subset of drivers and their offences since 1975. Whereas offences after a specified time are removed from the DVLA database in line with the Rehabilitation of Offenders Act (1974) (Legislation.gov.uk, 2015), the archive maintains all offences committed by the sample of drivers (Broughton, 1999) and therefore can be used to look at a driver's full offence history.

The data available in the archive includes:

- Date of birth
- Gender
- Status indicator (whether the driver has data for entire period)
- Offences
 - Date of offence and conviction
 - Number of penalty points incurred
 - Length of disqualification
 - Type of test required

3.3 Ministry of Justice data

The MoJ holds conviction data on offenders, motoring and mainstream offences and their outcomes for England and Wales, based on data provided by individual police forces, courts and the Police National Computer. The information available includes court type and area, offender characteristics, penalty type and length and whether a driving test is required to regain their licence.

Summary statistics for motoring offences on an all offence basis ²are publicly available (Ministry of Justice, 2014) until the year 2013³. Statistics published in later editions are on a principal offence basis. In this document all offence data is used unless specified.

However, the published statistics did not contain enough information for this research, and therefore detailed data were requested from MoJ. The following data were requested and

² Until 2013 motoring offence tables were published on an all offence basis: when a defendant had been prosecuted / found guilty for two or more offences, all offences were included. Published figures from 2014 onwards relate to defendants for whom these offences were the principal offences for which they were dealt with. When a defendant has been prosecuted / found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe. The principal offence pathway is typically used for our published data since the volume and complexity of offending patterns when reporting on all offences for which each individual is prosecuted and sentenced is often too great for meaningful commentary.

³ 2013 data were the most recent data available at the inception of the project. Note that since 2013 MoJ has made changes to the methodology used for their statistics and newer data cannot be compared

supplied for 2009-2013 for offenders found guilty of 'dangerous driving', 'causing serious injury by dangerous driving', and offences involving causing death:

- Offence
- Year of offence
- Police force
- Court
- Age
- Gender
- Ethnic group
- Outcome
 - Period of disqualification
 - Fine amount
 - Principal disposal
 - Sentence type and length
 - Whether disqualified and retest required (no split between standard and EDT)
 - Secondary disposals

Data were requested but not available for:

- Motor manslaughter
- Whether an offender was required to take a standard or extended retest
- Postcode of offenders

The requested data from MoJ refers to the principal offence; other offences that occurred at the same time are not included. The principal offence is defined as the offence for which the heaviest penalty is imposed or for which the statutory maximum penalty is the most severe. Principal offence data will be labelled each time it is used,

3.4 Members of the Judiciary

In order to assess the processes used by courts and to understand the decision-making processes in relation to cases which involve EDTs, members of the judiciary took part in telephone consultations and an online survey.

3.4.1 Qualitative consultation with members of the judiciary about the EDT

To provide initial background to the task, a range of interviews were conducted with senior court personnel (from both the magistrates' courts and the Crown Court) to help capture as much relevant information as possible about the use or lack of use of EDTs (and standard retests). The outcomes of the consultation informed the development of the hypothetical case studies.

At the outset of the project, a case study approach was planned in which descriptions of various real-life cases would be presented to court clerks, magistrates and Justices in order to understand the level to which EDTs were used discretionally. Following the consultation with judicial stakeholders (see Sections 7.2.2.1 and 7.2) it appeared unlikely that this approach would be suitable. Therefore the methodology for this task was modified. Owing to the limited circumstances in the Crown Court for discretionary order of an EDT, it was decided to carry out the hypothetical case study in magistrates' courts only, since in theory more discretion is available for the types of cases normally heard there.

3.4.2 Hypothetical case studies

3.4.2.1 Method

The support of willing justices' clerks was enlisted to construct hypothetical case studies based on their experience. The hypothetical nature of the cases allowed scenarios to be constructed which were as conducive as possible to the order of an EDT (i.e. with a combination of evidence of poor driving behaviour, driver disregard or misapprehension of the rules). In addition, those sentencing were asked to describe their rationale for their choice of penalties and any ancillary orders.

A formal submission was made to Her Majesty's Court and Tribunal Service (HMCTS) to allow access to members of the judiciary for research purposes. The hypothetical case studies were distributed as an online survey. Respondents were provided with background information and asked to provide informed consent (see Appendix D for the full survey).

A hypothetical defendant was described:

- 25 years old
- 9 live penalty points
- Full licence for 7 years
- Previous convictions for careless driving, using a mobile phone while driving, speeding, and failing to comply with traffic light signals
- Currently employed full time, with a net weekly income of £400

Following this, five cases were presented, as summarised in

Table 4. For each case, respondents were told that the defendant entered a 'guilty' plea. Respondents were permitted to refer to the sentencing guidelines (Sentencing Guidelines Council, 2008), and were told to assume that all cases were dealt with at their court, including sentencing.

Table 4: Summary of hypothetical case studies

<p>Case 1: Causing death by driving: unlicensed, disqualified or uninsured drivers (CD90)</p> <p>Defendant regularly drove own car with no licence or insurance</p> <p>Driving on 30mph dual carriageway, pedestrian stepped out in front of car – died the following day</p> <p>Defendant was not exceeding speed limit, collision could not have been avoided</p> <p>Defendant stopped to help</p>
<p>Case 2: Dangerous driving (DD40)</p> <p>Defendant rode a Vespa scooter dangerously around an industrial estate</p> <p>Failed to stop and attempted to escape from police</p> <p>Drove at speed on wrong side of carriageway, wrong way round a roundabout, and on pavement, before disappearing from view</p>
<p>Case 3: Aggravated taking of a vehicle (UT50)</p> <p>Defendant took car without owner’s permission</p> <p>Seen by police, ignored blue flashing lights/siren and drove at speed, overtaking vehicles on bends and solid white lines</p> <p>Defendant crashed into a hedge, tried to escape but was arrested after a police helicopter provided assistance</p>
<p>Case 4: Driving or attempting to drive with a blood alcohol level above the permitted limit (DR10); and Driving without due care and attention (CD10)</p> <p>Defendant found unconscious with minor injuries in the middle of a road</p> <p>Car damage consistent with road traffic collision, and surrounding damage suggested car had veered off main carriageway</p> <p>Bottle of vodka on front passenger seat</p> <p>429mg of alcohol in 100ml of blood</p> <p>Defendant could not recall anything prior to waking up in hospital</p> <p>Defendant was an admitted alcoholic</p>
<p>Case 5: Using a mobile phone while driving (CU80 and TT99)</p> <p>Defendant received two fixed penalty notices for speeding and one for mobile phone use in last 18 months</p> <p>Paid tickets on each occasion</p> <p>Stopped again for mobile phone use, sent a postal requisition</p>

For each of the five cases, respondents were asked what penalty/penalties and/or ancillary orders they would give to the defendant, and to provide reasons for their decision. In addition,

for two of the cases⁴ respondents were asked whether the response would differ based on the offender's plea or a valid exceptional hardship claim.

To further explore discretionary use of the EDT, additional questions were presented following the five case studies:

- Where there is discretion for the court to order an extended driving retest, to what extent, if any, might offender characteristics influence your decision and for what reasons?
- In the presumed opinion of your Bench, how likely is it that an EDT or standard retest will improve an offender's compliance on the road?
- In what circumstances, if any, does your Bench order EDT or standard driving test orders for convicted drivers where there is discretion to do so?
- Are there any offence and/or offender characteristics that would dissuade your Bench from ordering an EDT where there is discretion to do so? If so, please explain.

Full questions are given in Appendix D.

3.4.2.2 *Dissemination*

The survey link was disseminated amongst justice's clerks, Chairmen of the Magistrates' Bench, district judges and magistrates. In total, 18 responses were received. This is a small and non-representative sample of serving magistrates in England and Wales, therefore it is not possible to draw any conclusions from the survey findings regarding the views of the magistracy as a whole. Rather, the survey findings provide an insight into the rationale underlying sentencing decisions in such cases.

Results of the survey based on the hypothetical case studies are shown in the main results section, mostly in Section 7 relating to penalties.

⁴ In order to keep the survey at a manageable length for respondents, questions regarding a not guilty plea and exceptional hardship were applied to only two cases.

4 Defendants

This section provides an overview of the number of defendants and the process they follow through the courts.

The Ministry of Justice publishes criminal justice statistics for England and Wales quarterly (Ministry of Justice, 2014), the annual publication published in May includes statistics on motoring offences. Since 2014 the offences listed are the principal offence for each defendant, that is, the offence which had the highest penalty for each defendant. For example, if a defendant was tried for ‘dangerous driving’ and ‘driving or attempting drive with excess alcohol’ then the primary offence would be ‘dangerous driving’; if the defendant was also tried for ‘armed robbery’ then this would be the primary offence. The offences other than the principal offences are not included in these MoJ data. Pre-2014 motoring data was published on an all-offence basis, here the principal and any secondary offences are all counted.

Figure 8 shows the proceedings reported by MoJ in 2013 for dangerous driving offences on an all offence basis. This offence is the most common offence requiring an EDT and is ‘triable either way’; that is summarily at a magistrates’ court or on indictment at the Crown Court. Data are from LIBRA (magistrates’ courts) and CREST (Crown Courts). The data are shown in Table 51 in Appendix F.

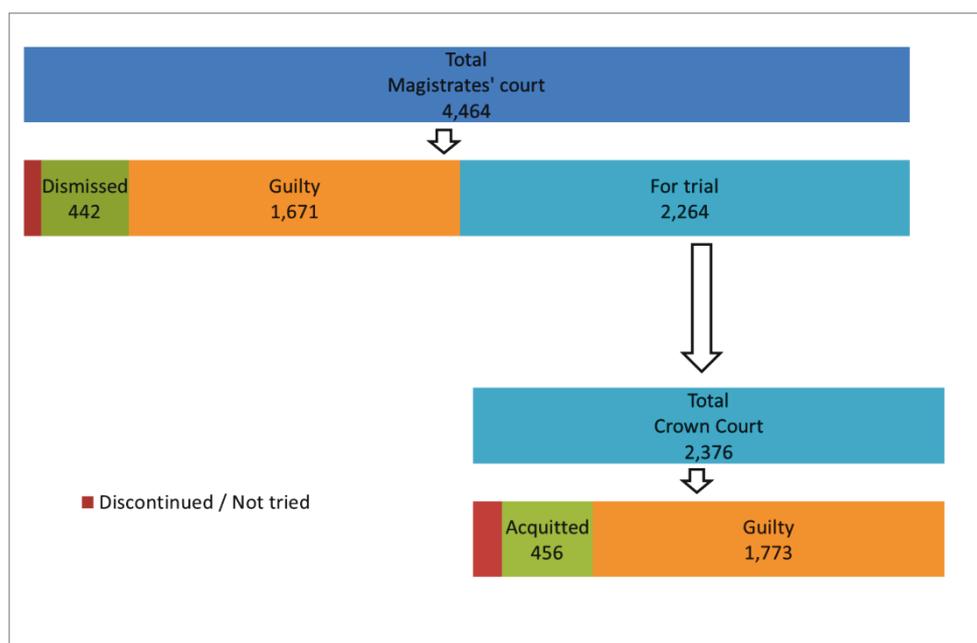


Figure 8: ‘Dangerous driving’ proceedings, England and Wales, 2013 (based on (Ministry of Justice, 2014))*

*Note that the data are not based on individual defendants tracked through the system; therefore the total number of Crown Court trials does not equal committals for trial at a magistrates’ court.

In total in 2013 there were approximately 4,500 proceedings for ‘dangerous driving’ started at a magistrates’ court and approximately half (51%) of proceedings were committed for trial

at the Crown Court. In total, approximately 3,400 defendants were found guilty of this offence, representing approximately 75% of all defendants⁵.

Figure 9 shows the outcomes for other serious offences in 2013 on an all offence basis. The majority of these were committed for trial at the Crown Court.

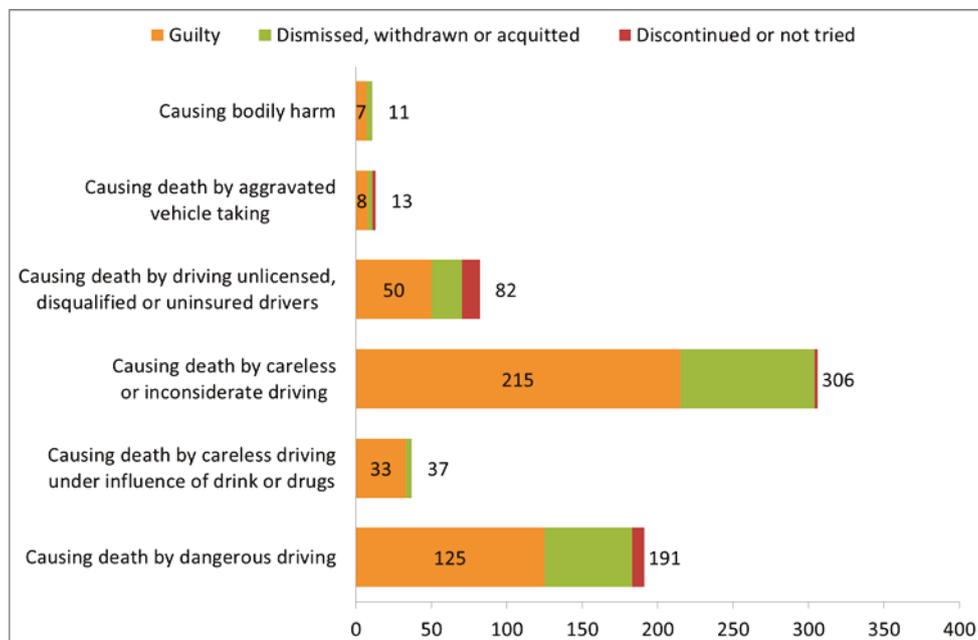


Figure 9: Outcomes for various driving offences, England and Wales, 2013 (based on Ministry of Justice, (2014))

The most common of these offences, ‘causing death by careless or inconsiderate driving’, does not require an EDT. ‘Causing death by driving unlicensed, disqualified or uninsured’ or ‘causing death by aggravated vehicle taking’ also does not have a mandatory EDT.

In 2013 there were 191 outcomes at the magistrates’ courts or crown courts for ‘causing death by dangerous driving’, and 125 defendants were found guilty (65%)⁶.

There were 37 outcomes for ‘causing death by careless driving under the influence of drink or drugs’, and 33 defendants were found guilty⁷.

Table 51 in Appendix F gives the detailed data used in the above two figures.

⁵ MoJ calculates the conviction ratio as the number of convictions at all courts as a proportion of the number of proceedings at magistrates’ court. For Dangerous driving, this was 77% in 2013. Because an individual can be convicted at the Crown Court in a different year to their initial prosecution at magistrates’ court, this can exceed 100%

⁶ Calculated as the ratio of guilty findings at magistrates’ and Crown Courts as a proportion of proceedings at magistrates’ and proceedings for trial at the Crown Court minus the number committed for trial. There were 164 proceedings started at magistrates’ courts in 2013, giving a total MoJ conviction ratio of 76%.

⁷ There were 32 proceedings started at magistrates’ court giving a MoJ conviction ratio of 103%

MoJ statistics for 2013 show that on an all-offence basis motoring offences accounted for approximately 5% of guilty findings at the Crown Court and 37% of proceedings at magistrates' courts. The offences where an EDT is mandatory accounted for 3% of defendants at the Crown Court and 0.2% of offences at magistrates' courts.

Summary

- In 2013 the numbers of defendants in England and Wales for the very serious offences, for which the EDT is mandatory, were:
 - Dangerous driving:
4,500 proceedings with approximately half committed for trial at the Crown Court. Approximately 3,500 (75%) defendants were found guilty of this offence.
 - Causing death by dangerous driving:
-191 outcomes for defendants, of which approximately two-thirds had a guilty verdict.
 - Causing death by careless driving under the influence of drink or drugs:
37 outcomes for defendants, of which 33 defendants were found to be guilty.
- The mandatory EDT offences make up approximately 3% of cases at the Crown Court and 0.2% of cases at magistrates' courts.

5 Offences and offenders

This section provides an overview of the number of offences or offenders in each of the data sets.

5.1 Number of offences, offenders and trends

5.1.1 MoJ data

The MoJ provided detailed data for offenders found guilty of various offences. The figures relate to persons for whom these offences were the principal offences for which they were dealt with. Figure 10 shows the number of offenders for four offences with a mandatory EDT (there were no data available for motor manslaughter). These are the primary offences, that is, the offence which had the greatest penalty for each defendant, see Section 4.

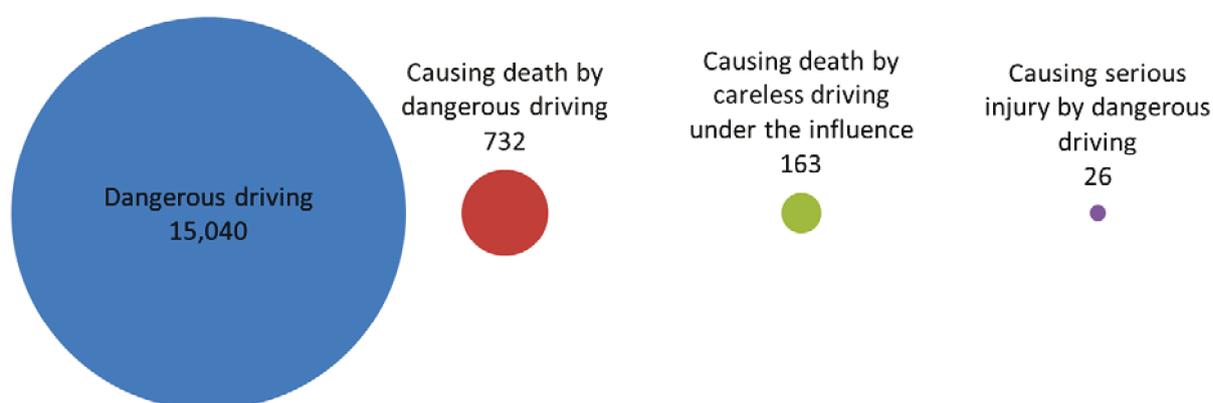


Figure 10: Number of serious offenders sentenced, on a principal offence basis (England and Wales, 2009-2013) (based on Ministry of Justice, (2014))*

* 'Causing serious injury by dangerous driving' came into effect in 2012.

The trend in the number of principal offences by year is shown in Figure 11 and Figure 12. Detailed data are shown in Table 52 in Appendix F.

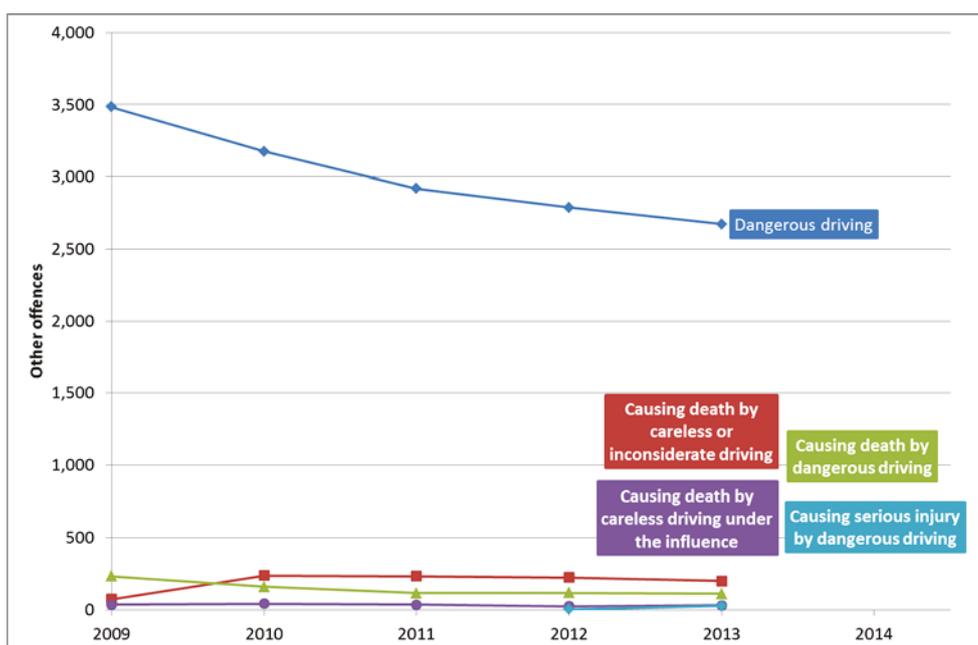


Figure 11: Trend in serious offenders on a principal offence basis, England and Wales (based on Ministry of Justice, (2014))*

* Note 'Causing serious injury by dangerous driving' came into effect in 2012 and 'causing death by careless or inconsiderate driving' came into effect in 2008.

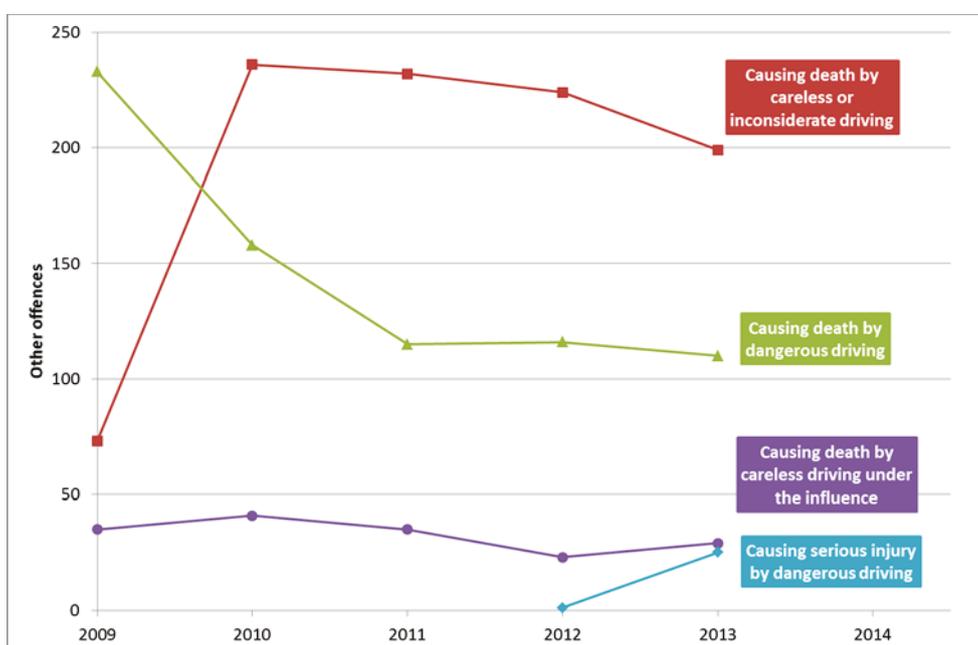


Figure 12: Trend in serious offenders (dangerous driving not shown) on a principal offence basis, England and Wales (based on Ministry of Justice, (2014))*

* Note 'Causing serious injury by dangerous driving' came into effect in 2012 and 'causing death by careless or inconsiderate driving' came into effect in 2008.

These data show that there has been a reduction in the number of offenders sentenced for 'dangerous driving' throughout the period from approximately 3,500 in 2009 to 2,700 in 2013

Out of the other offences shown, the most common were:

- 'Causing death by careless or inconsiderate driving' (introduced in 2008)
 - Mandatory disqualification of 12 months minimum, discretionary retest
 - This offence showed a large increase from 2009 in 2010 and has had between 200 and 250 offenders sentenced per year since.
- 'Causing death by dangerous driving'
 - Mandatory minimum disqualification of two years with compulsory extended retest
 - The number of offenders sentenced approximately halved from 233 in 2009 to 115 in 2011 and has been stable since

There were between 20 and 50 offenders sentenced for 'causing death by careless driving under the influence' annually.

The offence 'causing serious injury by dangerous driving' came into effect in 2012. The number of offences increased from one in 2012 to 25 in 2013.

5.1.2 DVLA summary data

DVLA provided summary data giving the number of drivers currently in their database with disqualifications until standard or extended test pass, by year of offence. Figure 13 shows the numbers of drivers with 'disqualified until test pass' or 'disqualified until extended test pass' on their licence record as of August 2014. Note that the number of drivers disqualified until extended test pass is approximately ten times greater than the number disqualified until standard test pass and is plotted on the right hand axis. Data are detailed in Table 53.

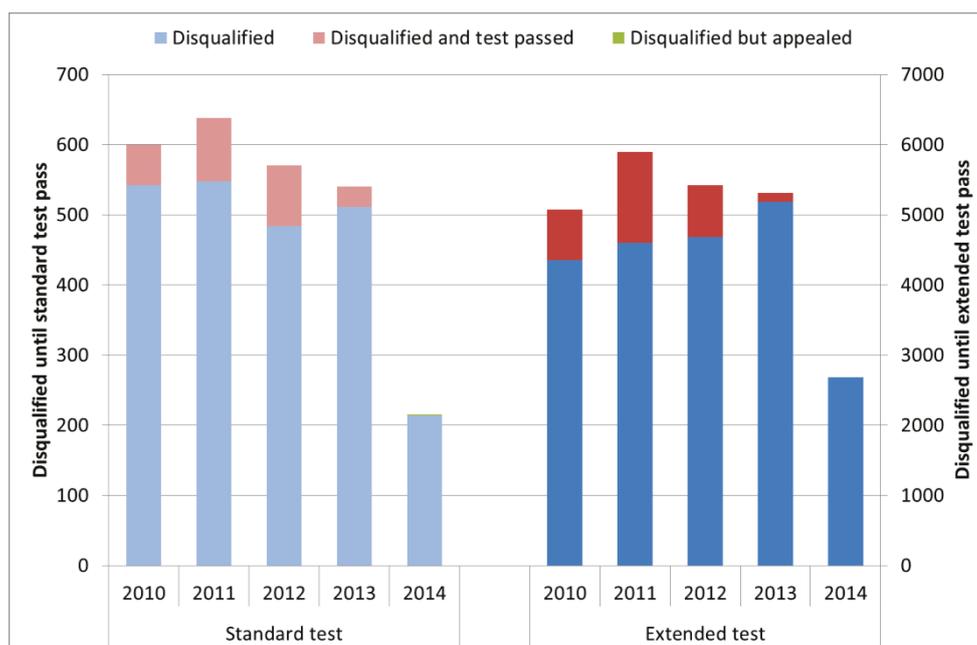


Figure 13: Trend in disqualification until test pass (August 2014 data: 2010 – August 2014)*

*Disqualifications until extended test are shown on right hand axis. The removal of offences from offence data once it has expired means that the data older than four years are unreliable.

Between 2011 and 2013 there were approximately 5,500 drivers who were disqualified until extended test pass per year, approximately ten times the number disqualified until standard test pass.

For offences committed in 2013, relatively few drivers (2%) have passed their extended test – this is likely to be due to the majority of those offenders not having completed their disqualification period.

In 2012 the disqualification period would have ended for more drivers and there was a higher proportion of drivers who had passed (14%) and higher still in 2011 (22%).

In 2010 the number of drivers still disqualified until extended test pass and those who have passed was lower than in 2011 and 2012. This is likely to be due to the removal of some offences, where the test has been passed after four years.

Further analysis of the progression of drivers in regaining their licence is shown in Section 8.3.

5.1.3 DVLA and DVSA data

Figure 14 shows the percentage of mandatory EDT offences that were ‘dangerous driving’ offences (including ‘causing death or serious injury by dangerous driving’) (DD10-DD80) that are still on record by the year of the offence and disqualification code (whether disqualified until standard or extended pass and whether this test has been passed). These offences stay on record for four years from the date of conviction or until the offender has regained their licence (whichever comes latest). The purple bars indicate those offences for which an EDT was ordered in the given year, and sometime since then the EDT has been passed.

The vast majority of drivers who had a ‘dangerous driving’ conviction in 2014, had an EDT requirement, with only a few having passed this test (as most will still be disqualified).

For each earlier year back to 2011 the proportion of drivers who have passed their test increases as more drivers complete their disqualification period and take their theory test and practical test to regain their licence.

Offences have been removed from licences for those drivers who were convicted before 2011 (four years ago) and have passed their test; therefore no data are available as to the total number of drivers convicted of an offence in these earlier years. There does appear to be a few offences which should have been removed but remain in the data; the reason for this is unknown.

The green bars before 2010 are those offenders whose offence has not been removed since the EDT has not been passed.

Figure 15 shows the percentage of mandatory offences that were ‘causing death through careless driving under the influence’ that are still on drivers’ records. The offences are held on record for 11 years from the date of conviction. Again the data have been split by the year of offence and disqualification code.

Figure 15 shows a similar pattern to the previous charts: for offences that occurred in recent years the majority of the drivers have yet to pass their test, as they are likely to still be

disqualified. In earlier years generally an increasing number of drivers pass their test. Once the offence was 11 years previously, the offence should be removed from a driver's record. However, this does not appear to be the case for some of these drivers; the reason for this is unknown⁸.

⁸ DVLA were unable to provide any further explanation of this discrepancies

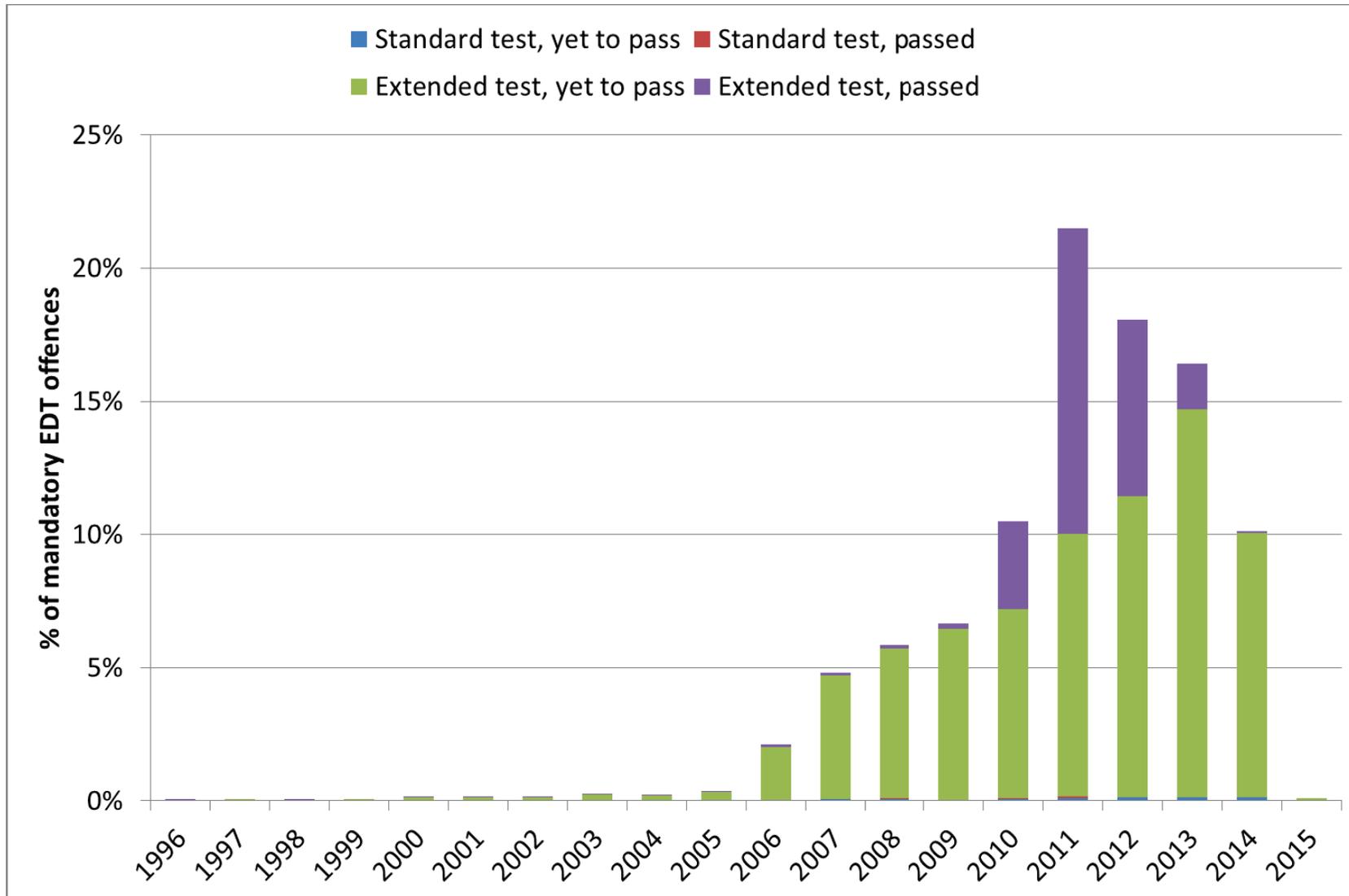


Figure 14: ‘Dangerous driving’ offences (including causing death and serious injury) by year of offence and penalty test type

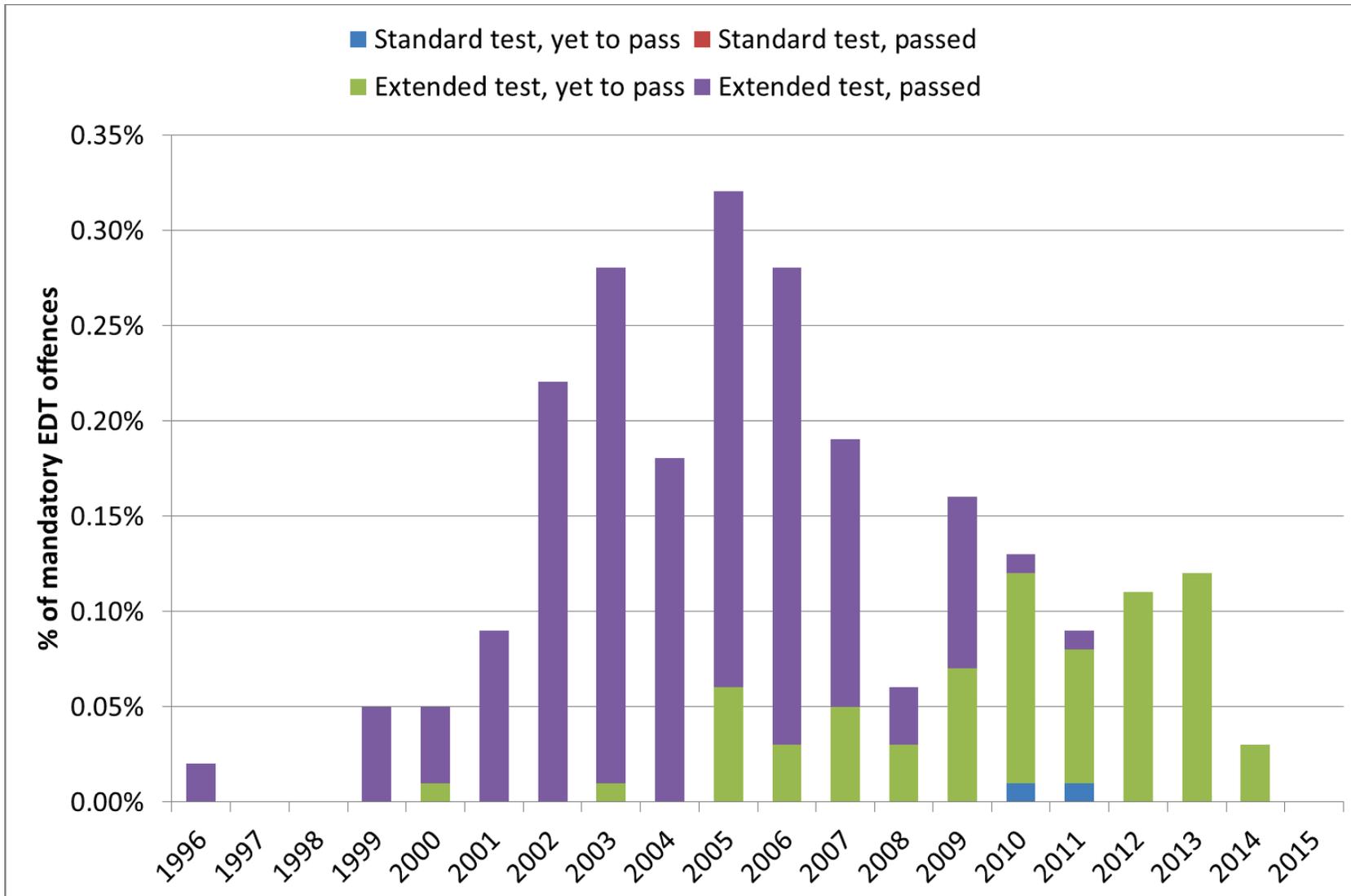


Figure 15: 'Causing death by careless driving under the influence' offences by test type over time

Due to the removal of offences after 4 or 11 years, the majority of analysis in this section is based on 2011 to 2015 data. Although 'under the influence' offences remain on a licence for 11 years, including these would mean they would be over-represented in the data.

Table 5 shows the total number of offences for the most prominent offence categories by whether the offenders were disqualified until a standard or extended test pass and if they have passed from 2011-2015.

Table 5: The number of offences by offence category and penalty type (DVLA summary data, 2011-2015(part))

EDT mandatory	Offence	Standard test	Extended test	Total retest offences	% given EDT	% of all EDTs given
Yes	Dangerous driving	56	7,753	7,809	99%	72%
	Causing death by dangerous driving	1	255	256	100%	2%
	Causing serious injury by dangerous driving	1	186	187	99%	2%
	Causing death by careless driving under the influence	1	53	54	98%	0%
	Manslaughter or culpable homicide while driving a vehicle		4	4	100%	0%
No	Aggravated vehicle taking	96	887	983	90%	8%
	Drink-driving	149	823	972	85%	8%
	Driving while disqualified by order of court	207	293	500	59%	3%
	Causing death by careless, or inconsiderate, driving	16	191	207	92%	2%
	Other	515	355	870	41%	3%
Total		1,042	10,800	11,842	91%	100%

It can be seen that for each offence category apart from 'other' more offenders are disqualified until extended test pass than are disqualified until standard test pass. 72% of all EDTs were given following a 'dangerous driving conviction', although there were 56 'dangerous driving' offences which were given a standard test requirement; as noted in Wilkinson's Road Traffic Offence (McCormac & Wallis, 2013), an EDT is "unfortunately sometimes overlooked" for this offence.

Although the EDT is not mandatory for the ‘aggravated vehicle taking’ offence, 90% of offenders in this category who were required to take a retest were required to take the EDT. Approximately two-thirds of all discretionary uses of the EDT were of the result of ‘aggravated vehicle taking’ or ‘drink driving’.

5.1.4 DVLA archive

In 2013, there were 673,258 drivers⁹ in TRL’s archive of DVLA data, of which 71% had continuing records for the entire period. Table 6 shows the number of offences from 2009-13 for these drivers that led to points being given and the number of offences leading to the driver being disqualified or having their licence revoked. The disqualifications are split into those who require a length of time to pass before the licence can be regained and those who are ‘disqualified til test pass’ (DTTP) or ‘disqualified til extended test pass’ (DTETP). All numbers presented are counts of offences; each driver may have committed more than one offence during the five-year period and each offence may result in more than one category (e.g. disqualified for two years and a retest required).

‘Careless driving EDT’ includes the ‘causing death by careless driving offences’ for which an EDT is mandatory, namely:

- ‘Causing death through careless driving when unfit through drink’
- ‘Causing death by careless driving when unfit through drugs’
- ‘Causing death by careless driving with alcohol level above the limit’
- ‘Causing death by careless driving then failing to supply a specimen for alcohol analysis’

Between 2009 and 2013 there were no instances in the sample of ‘Causing serious injury by dangerous driving’ (only available since December 2012) or ‘Manslaughter or culpable homicide while driving a vehicle’.

‘Aggravated vehicle taking’ is also shown; although this is not a mandatory EDT offence, Table 5 shows that EDT was ordered for the majority of offenders so it also separated in Table 6.

⁹ ‘Drivers in 2013’ consists of those people within the database who have a licence expiry date later than 2013, and either a first provisional licence date earlier than 2013 or an unknown first provisional date, a known date of birth and an age of 17 or older in 2013.

Table 6: Result of offences (DVLA historic sample, 2009-13)

Offence	Points	Disqualified for length of time	DTTP	DTETP	Revoked	Total offences
Careless driving EDT	0	2	0	1	0	2
Dangerous driving	3	151	2	149	0	184
Causing death by dangerous driving	0	9	0	9	0	9
Aggravated vehicle taking	1	156	4	31	0	176
Other and unknown ¹⁰	71,047	5,618	17	38	733	82,771
Total offences	71,051	5,936	23	228	733	83,142

Table 6 shows that in the sample of drivers in the archive there were 184 cases of ‘dangerous driving’ between 2009 and 2013 and that in 149 of these cases the offender was disqualified until an extended test pass. There were 29 ‘dangerous driving’ cases which are recorded as resulting in no disqualification or retest required and had no points given. This may be because these offences occurred at the same time as other offences which resulted in a disqualification or points being given.

Over the five year period, there were 211 offenders disqualified until extended test pass (committing 228 offences between them over the period). The majority were disqualified for offences carrying a mandatory EDT, but EDT was also used for other offences discretionarily.

Figure 16 shows that the number of offenders being disqualified until a standard test pass rose considerably for a number of years following the introduction of the EDT¹¹. However, this seemed to fall back to a level much closer to the pre-introduction levels around 2000 and has reduced considerably over the last five years.

The number of offenders being disqualified until they passed an EDT generally rose between 1992 and 2003 but has shown an overall decrease since.

¹⁰ Includes other careless driving and dangerous driving offences.

¹¹ Extended tests were implemented in 1992. Previous research (Pearce, 1996) found that a significant number of offenders who committed offences for which the EDT is obligatory were instead given a disqualification with standard retest.

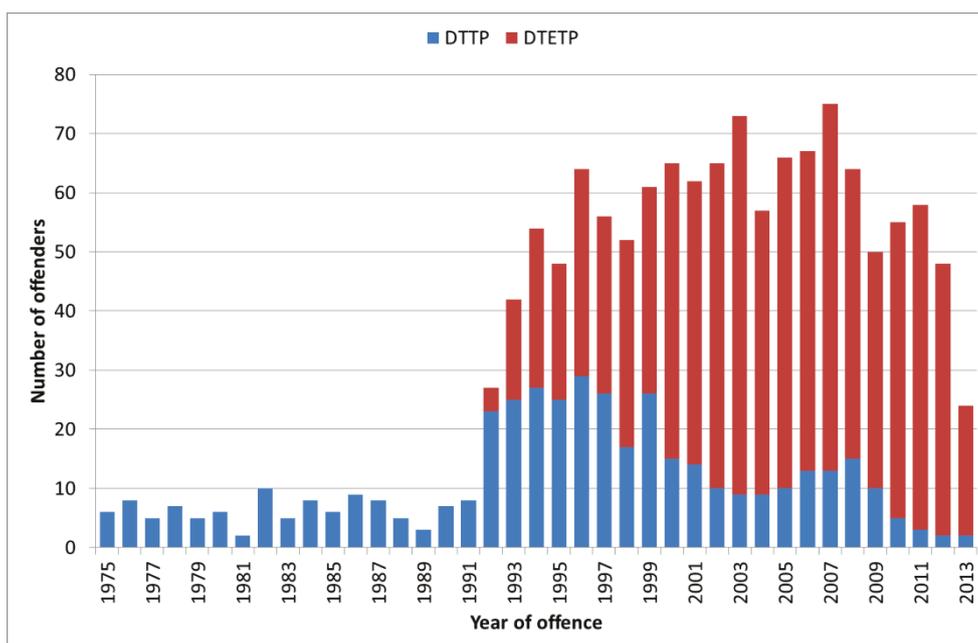


Figure 16: Number of offenders in the 1% DVLA data archive, being disqualified until a retest is passed, each year since 1975

5.2 Characteristics of offences

5.2.1 DVLA data

Table 7 shows the percentage of motoring offences that were heard in court on the same occasion as the offences that required a retest (the offences may have occurred on the same date or over a short period). There may have been additional non-motoring offences which are not reported here.

Table 7: Use of disqualification until extended or standard test pass by combination of offences at the same court date (DVLA data 2011 onwards)

Other motoring offences?	Single retest offence	Multiple retest offence	Total
No other offences	88%	6%	94%
Other offences	4%	2%	6%
Total	92%	8%	100%

This shows that the vast majority of offenders (88%) who were disqualified with a test requirement were disqualified for a single motoring offence at that time.

The most common other offences that were heard at court at the same time were:

- DD40 – Dangerous driving
- IN10 – Using a vehicle uninsured against third party risks
- BA10 – Driving while disqualified by order of court

- LC20 – Driving otherwise than in accordance with a licence

Figure 17 shows the use of EDT for offences where the EDT is mandatory or discretionary based on the combinations of offences heard at court on the same date.

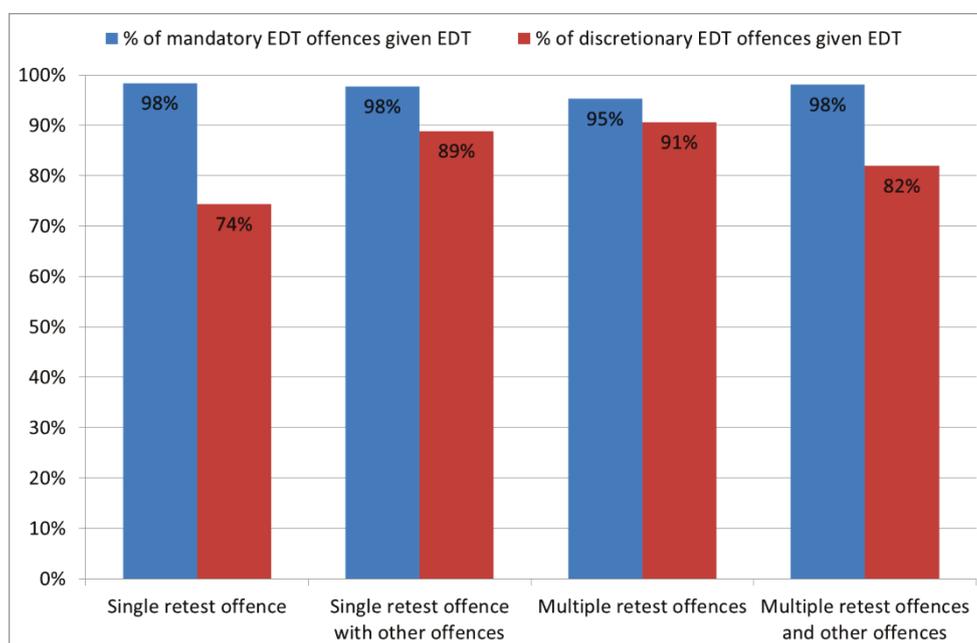


Figure 17: Percentage of offences with test requirements that resulted in an EDT requirement for mandatory and discretionary EDT offences by offence combinations (DVLA data, 2011 onwards)

This shows that an EDT is more commonly given as a penalty for discretionary offences where there were other offences (either retest offences or other offences) that were heard at court on the same date.

5.2.2 DVLA archive

The DVLA archive shows that since 1992, there have been 956 offences which resulted in an EDT conviction. These offences were committed by 834 offenders and on 927 occasions (some people have received more than one EDT conviction). Table 8 shows the number of EDT convictions by the combination of offences.

Table 8: Use of DTETP by combination of offences (DVLA historic 1% sample, 1992-2014)

Offence combination	Number of offender occasions
Single DTETP	398
Multiple DTETP	15
Single DTETP and single revoked or no retest	164
Single DTETP, single DTTP, single revoked or no retest	1
Single DTETP, multiple revoked or no retest	337
Multiple DTETP, multiple revoked or no retest	12
All EDT conviction dates	927

These data show that 43% of convictions requiring an EDT were the result of a single offence. 36% of cases had a single EDT offence and multiple other offences at the same time. The most common other offences were insurance offences (37%), driving other than in accordance with a licence (16%) and driving while disqualified by order of court (15%)

On average, 2.1 offences were committed each time an EDT offence was committed.

The figures based on the DVLA/DVSA data set obtained for this project and the DVLA archive data appear to give somewhat different results in terms of the number of offences heard at court on the same date. The reasons for this discrepancy are unclear and require further investigation.

5.3 Geographical variation

5.3.1 DVLA data

Figure 18 shows the percentage of offences with test requirements by the country of the offenders' home postcode (a postcode was not recorded for all offenders) as well as the type of test the offender is required to pass to regain their licence and whether the offence has a mandatory or discretionary EDT.

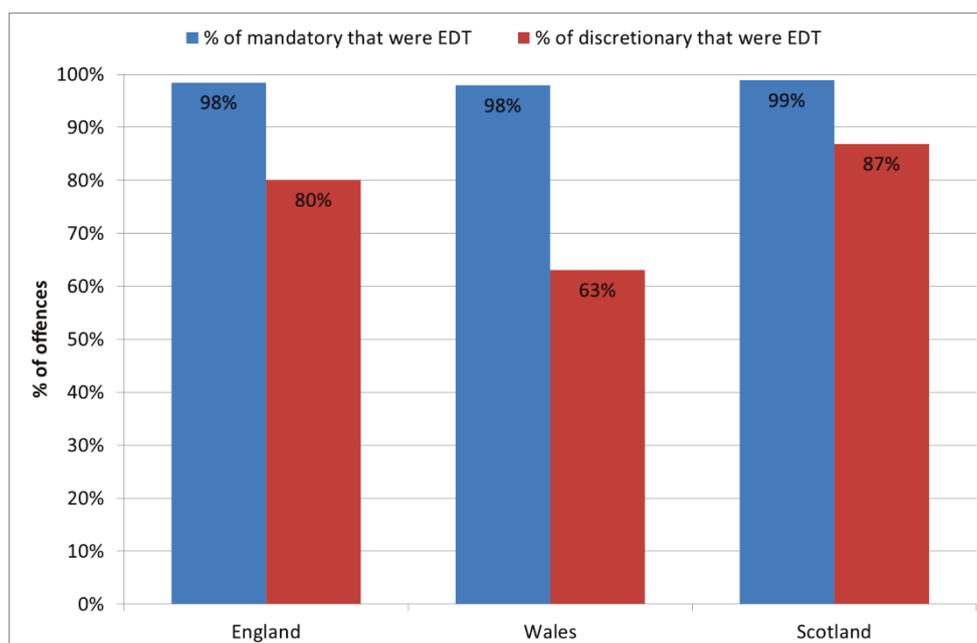


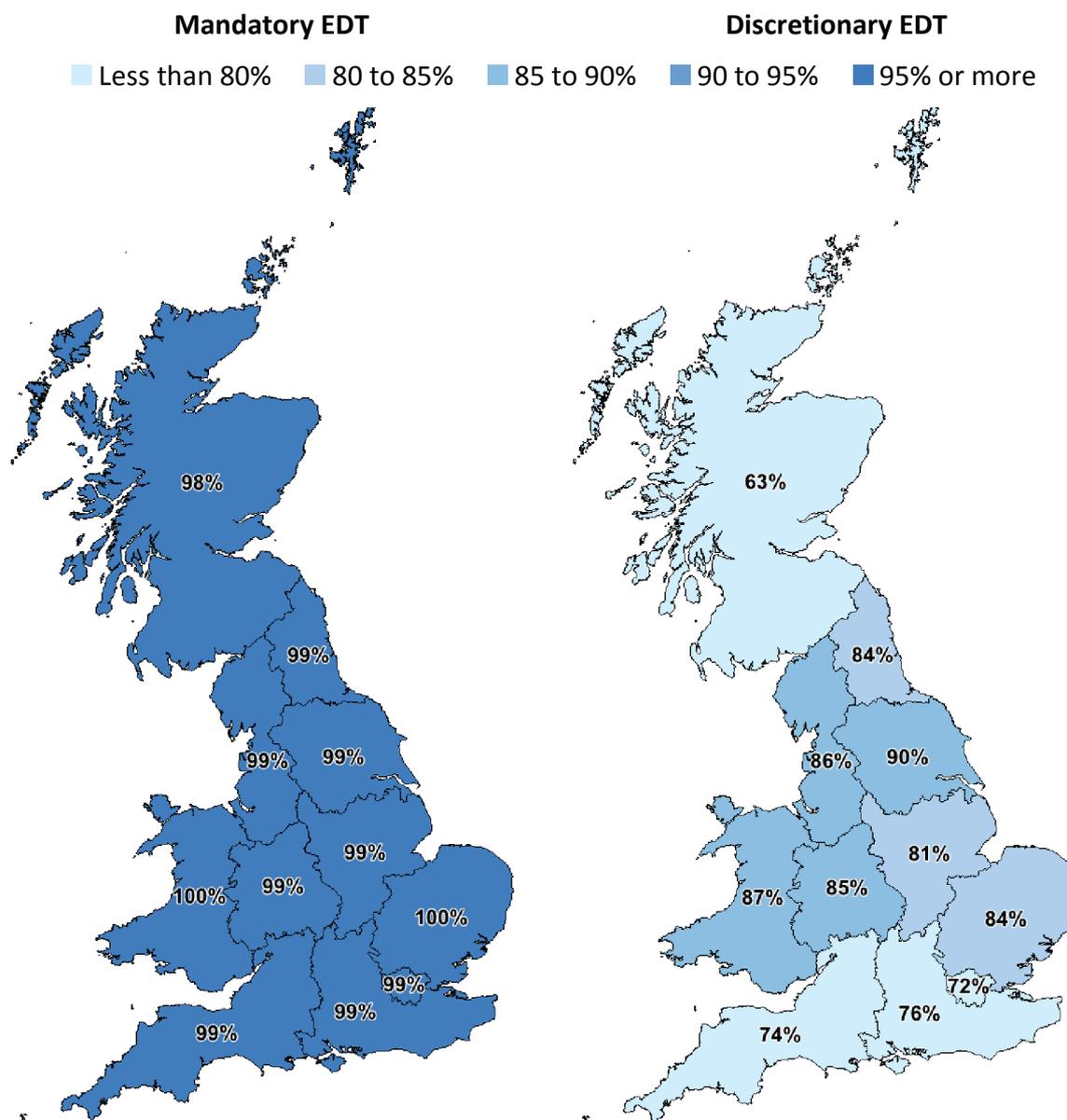
Figure 18: Percentage of offences with test requirements that resulted in an EDT requirement for mandatory and discretionary EDT offences and country

For the mandatory EDT offences, England, Wales and Scotland showed similar percentages of offenders being ordered to take an EDT to regain their licence (98% or 99%).

For the offences where the EDT is discretionary there was a greater difference, with Scotland having the highest proportion of discretionary EDT offences where the offender was ordered to take the EDT (87%) and Wales having the lowest proportion (63%).

Figure 19 shows similar information for the English regions and Wales and Scotland.

Again, the use of EDTs for mandatory offences is similarly high for all regions, but the discretionary use of EDTs is more variable. The highest use of discretionary EDTs was in Yorkshire and the Humber (89%). These differences may be due to different types of offence or offender in the regions, or to differences in decision making by courts.



Contains OS data © Crown copyright (2015)

Figure 19: Percentage of offences that were an EDT was ordered for mandatory and discretionary EDT offences and country/region

5.4 Variation between courts

The most serious offences are heard in the Crown Court, whilst less serious offences are heard at a magistrates’ court. Table 9 shows the number of cases heard by court type and offence.

Table 9: Number of retest offences by court type and offence type (DVLA data 2011-2015(part))

Location	Court Type	Mandatory EDT			Discretionary EDT			Total
		Dangerous driving	Other mandatory EDT offences	Driving whilst disqualified	Drink driving	Aggravated vehicle taking	Other discretionary EDT offences	
England & Wales	Crown Court	33.6%	3.4%	0.7%	0.6%	2.1%	2.5%	42.9%
	Magistrates' Court	29.6%	0.2%	1.5%	3.6%	2.2%	2.3%	39.4%
	Criminal/county	0.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.2%
	Youth Court	1.7%	0.0%	0.0%	0.1%	0.3%	0.2%	2.3%
Scotland	High	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%	0.1%
	Justice of the peace (JP) Court	0.8%	0.0%	0.0%	0.0%	0.0%	0.1%	0.9%
	Sheriff	11.4%	0.1%	0.3%	1.0%	0.0%	0.5%	13.3%
Other/unknown		0.3%	0.0%	0.0%	0.0%	0.0%	0.3%	0.7%
Total		77.7%	3.8%	2.6%	5.5%	4.6%	5.9%	100.0%

As observed with the data from the MoJ (Figure 8), in 2013 approximately half of 'dangerous driving' convictions were heard in the Crown Court. The other 14 mandatory EDT offences that were heard at a magistrates' court. Some offences of 'causing serious injury by dangerous driving', which is also triable either way were also heard at a magistrates' court (although the majority were heard at the Crown Court). Most of the other offences with a mandatory EDT were heard at the Crown Court.

The offences given a retest requirement where EDT is discretionary were heard at both magistrates' courts and the Crown Court; 'drink-driving' and 'driving whilst disqualified' were more commonly heard at a magistrates' court whilst 'aggravated vehicle taking' and 'other' were more evenly split.

A small number of cases in England and Wales were heard at youth courts and criminal or county courts. In Scotland the majority of cases for all offences given a retest penalty were heard at a Sheriff court. Figure 20 shows the percentage of retest offences that were EDTs for mandatory and discretionary EDT offences and by court type, where there were a sufficient number of offences.

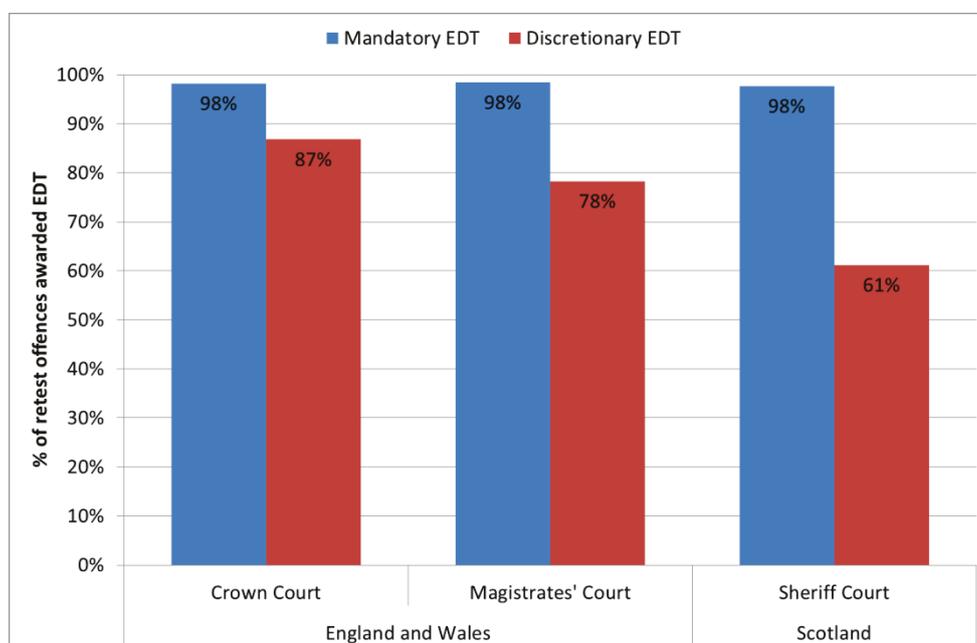


Figure 20: Percentage of offences where EDT was ordered by court type (DVLA 2011-2015 (part))

In the three types of court, 98% of mandatory EDT offences were given an EDT requirement. For discretionary EDT offences there was more variation, with the Crown Court ordering a greater proportion of retests than EDT, likely to be due to the Crown Court hearing the more serious offences.

In Scotland the majority of the hearings where a retest was ordered were heard in the Sheriff Court, which showed a lower use of EDTs (higher use of standard retests) for discretionary offences.

For the discretionary offences, the use of EDTs was similar for 'drink driving' and 'aggravated vehicle taking' offences in both magistrates' courts and the Crown Court, with approximately 9 in 10 retest offenders required to take an EDT. However, there was more variation with

'driving whilst disqualified'; this had an EDT requirement for 69% of offences in the magistrates' court compared with 85% in the Crown Court.

The data sample from DVLA show that since 2013 there was, on average, less than one offence per week per Crown Court or magistrates' court.

Summary

- Between 2011 and 2013 there were approximately:
 - 5,500 drivers disqualified until extended test pass per year
 - 600 drivers disqualified until standard test pass per year
- 80% of all offences required to pass an EDT were for 'dangerous driving'.
- The majority of offenders of mandatory EDT offences were disqualified with a test requirement; some 'dangerous driving' offences were disqualified without a test requirement or not disqualified.
- 0.9% of mandatory EDT retest offences were given a standard test (mostly for 'dangerous driving').
- 78% of discretionary EDT retest offences required an EDT. Three offences accounted for two-thirds of discretionary use of EDT:
 - Drink-driving
 - Aggravated vehicle taking
 - Driving whilst disqualified
- Discretionary EDT requirements were more common compared with standard tests for:
 - Males
 - Offenders with multiple offences heard in court at same time
 - Younger drivers
- In England, Wales and Scotland, EDTs were required for at least 98% of mandatory EDT offences.
- Use of EDTs for discretionary offences when a retest was ordered were:
 - England: 80%
 - Wales: 63%
 - Scotland: 87%
- Higher use of EDT for retest offences at the Crown Court than at magistrates' courts.
- The number of offenders that were given EDT or standard tests at individual Crown Court and magistrates' courts was small.

6 Characteristics of offenders

6.1 Age and gender

6.1.1 MoJ data

The MoJ principal offence data shows that the majority (95%) of offenders for the mandatory EDT offences were male. Figure 21 shows the age distribution of male and female offenders.

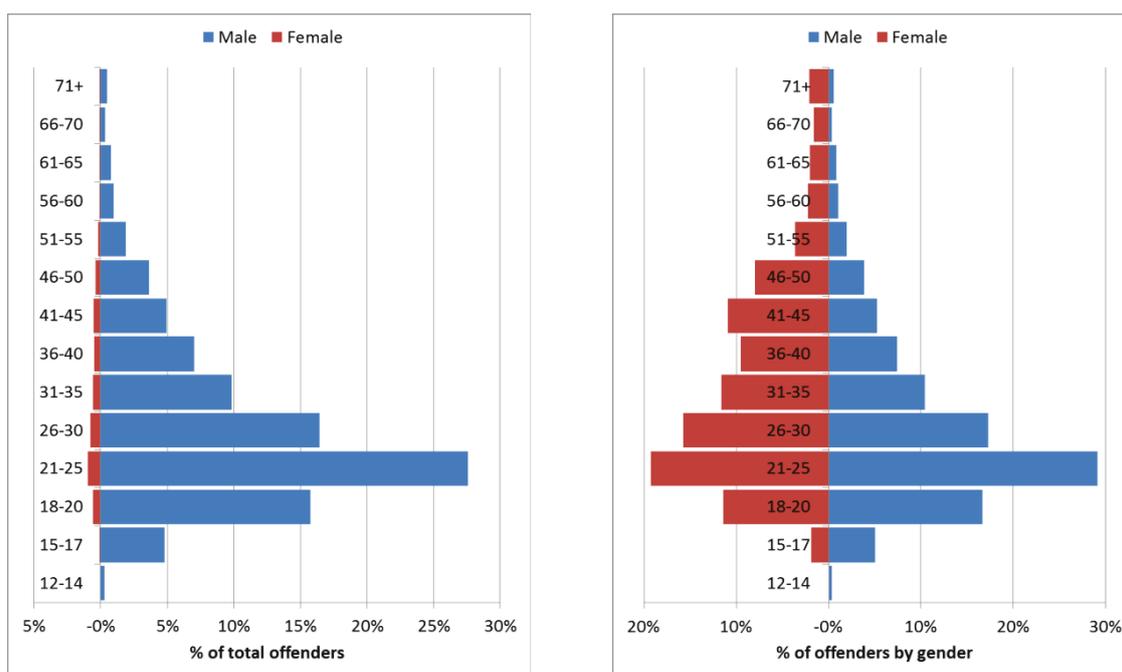


Figure 21: Age and gender of offenders on a principal offence basis (EDT mandatory offences) (2009-2013, MoJ data)

Male offenders were most commonly aged between 21 and 25, with 29% of all male offenders in this age group, and with each older age band the percentage of male offenders decreased.

The 21 to 25 age group was also most common for females (19%), although the decline with age was less pronounced. In particular, 11% of female offenders were aged between 41 and 45 compared with 5% of males.

Table 10 shows the number of offenders by offence and gender. Although the number of female offenders is relatively small, there was a higher proportion of female offenders sentenced for 'causing death by dangerous driving' (8%) compared with males (4%).

Table 10: Offenders by main offence and gender, principal offence basis (MoJ data, 2009-2013)

Offence	Male	Female	Not stated	Total
Causing death by careless driving under influence of drink or drugs	147	16	0	163
Causing death by dangerous driving	672	60	0	732
Causing serious injury by dangerous driving	24	2	0	26
Dangerous driving	14,290	721	29	15,040
Total	15,133	799	29	15,961

Figure 22 shows the age distribution of offenders, based on the MoJ data. ‘Causing serious injury by dangerous driving’ is not shown as the number of offenders was too small for meaningful analysis.

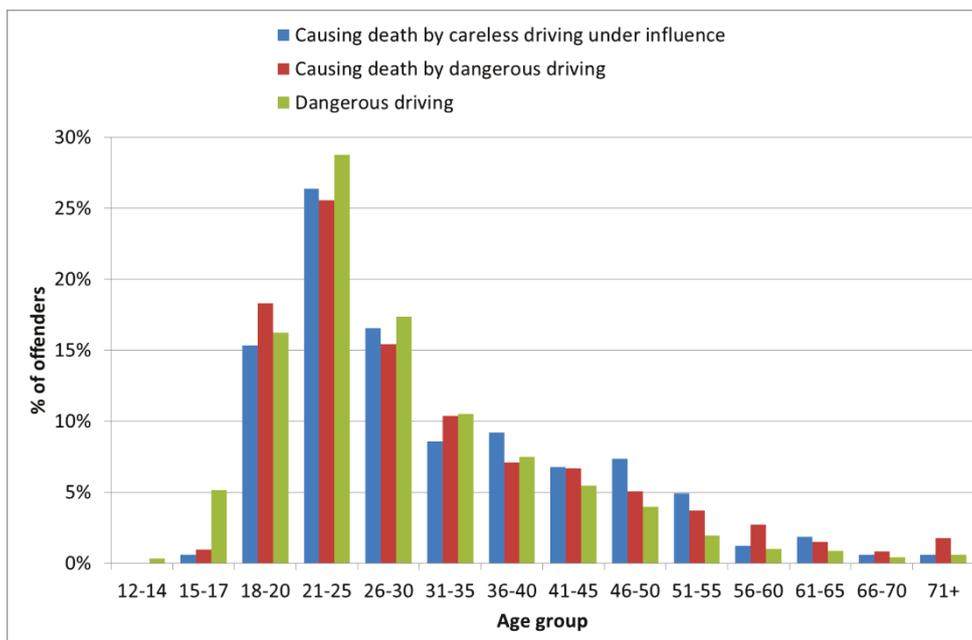


Figure 22: Age distribution of offenders, principal offence basis (2009-2013, MoJ data)

For the three offences shown, the peak age group is 21-25, accounting for 29% of ‘dangerous driving’ offenders and 26% of ‘causing death by dangerous driving’ or ‘causing death by careless driving under the influence’ offences. ‘Dangerous driving’ offences decreased rapidly with increasing age, whereas ‘causing death by careless driving under the influence’ reduced at a slower rate, with a higher proportion of these offenders aged 46 to 50 compared with ‘dangerous driving’ offenders.

6.1.2 DVLA data

The vast majority of retest offenders within the DVLA data are male (94.5%). Figure 23 shows the number of offences by the estimated age of the offender at the time of the offence.

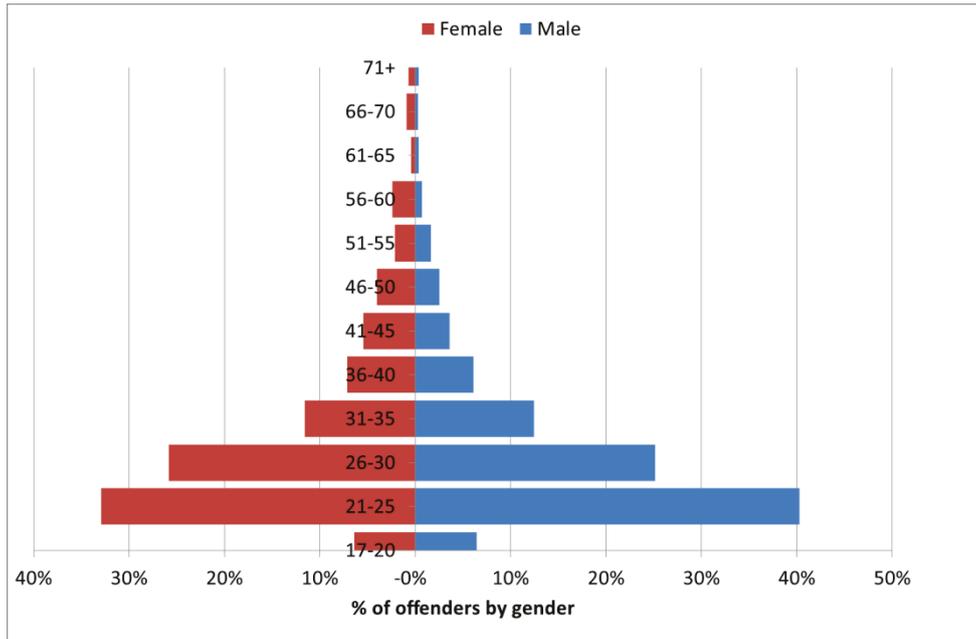


Figure 23: Number of offences by offender age and gender

The highest number of retest offences was committed by 21-25 year olds, with 40% of offences being committed by this age group.

Figure 24 shows the percentage of offences by the age group of the offender for the mandatory EDT offences and the most common discretionary EDT offences

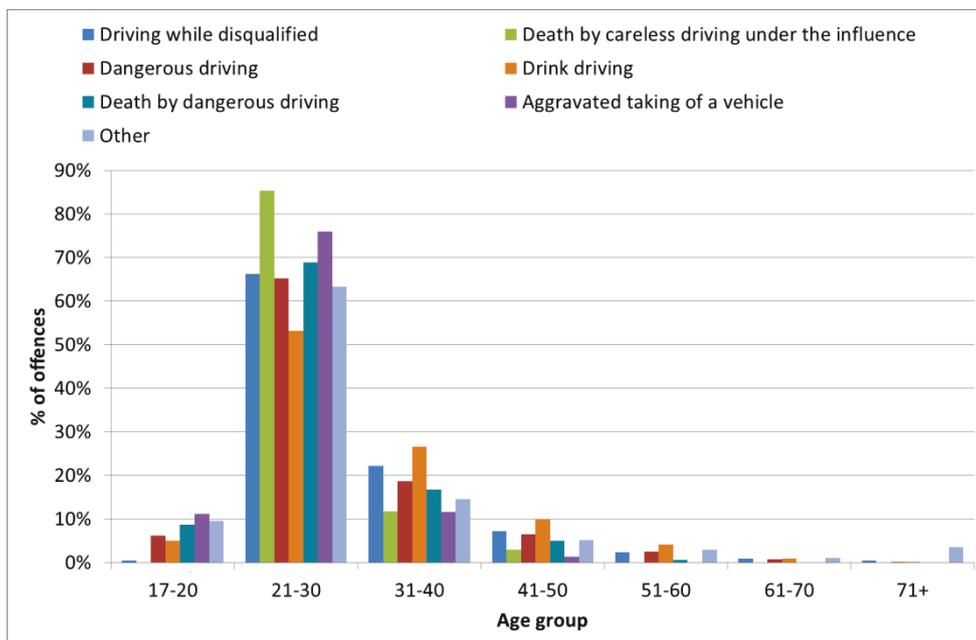


Figure 24: Proportion of offences for offence type by offender age group

The greatest proportion of offences was ‘dangerous driving’ for all age groups, except for offenders over 70 years of age.

‘Causing death by careless driving under the influence’ had the highest proportion of offenders that were aged 21-30, whilst ‘drink driving’ had the lowest.

Figure 25 shows the percentage of offenders in each age group that were required to take an EDT for mandatory and discretionary EDT offences.

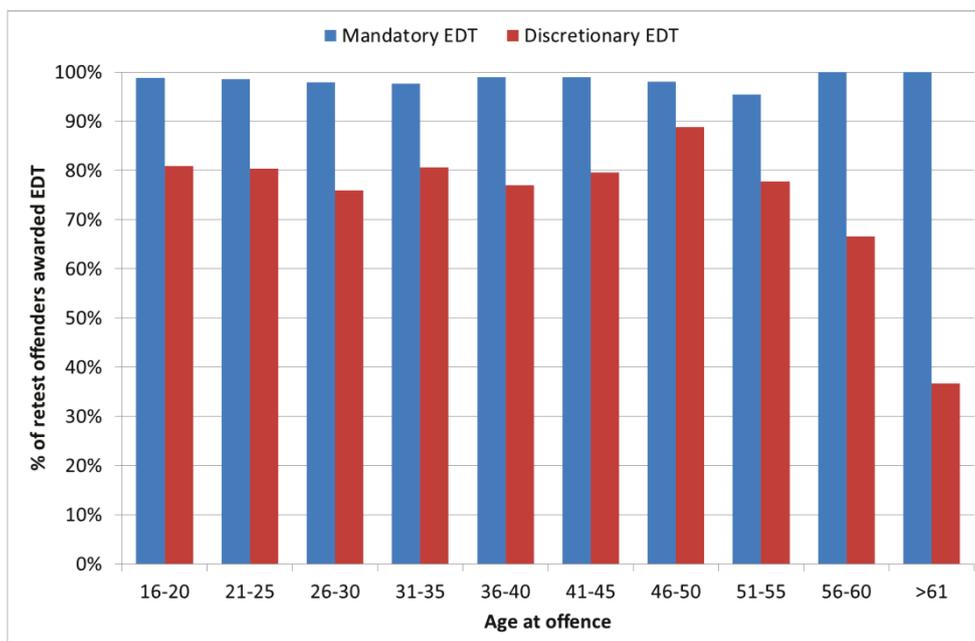


Figure 25: Percentage of offences given EDT by age group (DVLA, 2011-2015(part))

For all age groups, the percentage of mandatory EDT offences where an EDT was ordered was high (at least 95%).

There was more variation for discretionary use of EDT; this was most common for the 46 to 50 age group (89%). Drivers aged over 60 who were given a retest penalty were least likely to be given a discretionary extended test requirement (37%).

There also appears to be some difference in offending patterns between genders. Table 11 shows the percentage of offences committed by males and females and whether the offender was disqualified until a standard or an extended test pass.

Table 11: Percentage of offences committed by gender and test type

	Female	Male	Unknown	Total
Standard retest	7.0%	4.3%	6.7%	4.5%
Extended test	92.7%	94.9%	36.7%	94.6%
Unknown	0.2%	0.8%	56.7%	1.0%
Total	100%	100%	100%	100%

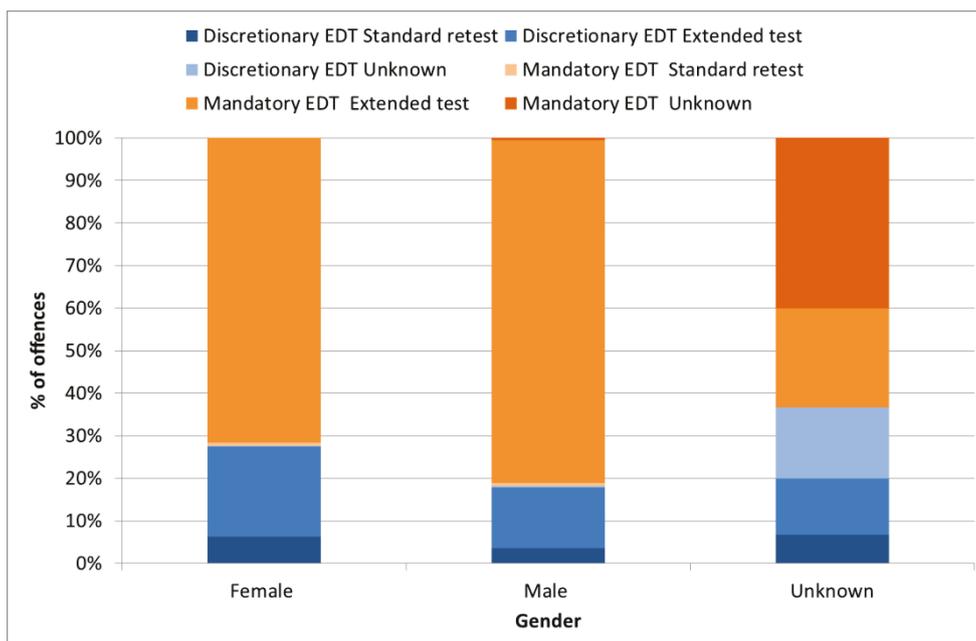


Figure 26: Proportion of offences by gender, offence type, and test type

Figure 26 shows that a higher proportion of retest offences committed by females are given a penalty of disqualification until a standard retest (7.0%) than is the case for males (4.3%). It can also be seen that females commit proportionally more discretionary EDT offences than males.

The difference between genders observed in Table 11 may be due to different offences being committed by each gender. This can be seen in Table 12 which shows the most common offences requiring a retest committed by each gender separately.

Table 12: Most common and all mandatory EDT offence by gender

Offence	Female	Male
Dangerous driving*	67.9%	78.2%
Aggravated taking of a vehicle	2.1%	4.7%
Driving with alcohol level above limit	8.7%	4.3%
Driving while disqualified	1.4%	2.6%
Causing death by dangerous driving*	2.6%	2.0%
Causing death by careless inconsiderate driving	5.4%	1.4%
Causing serious injury by dangerous driving*	1.4%	1.3%
Causing death by careless driving under the influence*	0.5%	0.4%
Driving without due care and attention	0.7%	0.3%
Manslaughter or culpable homicide while driving	0.0%	<0.5%
All other offences	9.4%	4.8%
Total (100%)	100%	100%

'Dangerous driving' is the most common offence for both genders although this offence accounts for a higher proportion of offences committed by males (78.2%) than by females (67.9%).

'Aggravated taking of a vehicle' is the second most common retest offence committed by males (4.7%) but is ranked sixth for females (2.1%).

Driving with an alcohol level above the legal limit is the second most common retest offence committed by females but the third most common for offences by males; it accounts for 8.7% of the offences committed by females compared with only 4.3% of offences committed by males.

6.2 Ethnicity

Table 13 shows the officer-identified ethnicity of the offenders, based on the MoJ principal offence data. This was reported for 84% of offenders.

Table 13: Offenders by main offence and officer-identified ethnicity on a principal offence basis (MoJ data, 2009-2013)

Offence						Total	% of known that were white	% unknown
	Asian	Black	White	Other	Unknown			
Causing death by careless driving under influence	5	4	136	2	16	163	93%	10%
Causing death by dangerous driving	69	31	493	20	119	732	80%	16%
Causing serious injury by dangerous driving	4	1	18	0	3	26	78%	12%
Dangerous driving	1,541	1,048	9,752	361	2,338	15,040	77%	16%
Total	1,619	1,084	10,399	383	2,476	15,961	77%	16%

For these four offences, where the ethnicity was known, 77% of offenders were reported to be white. This was slightly higher for the offences causing death (80% for 'death by dangerous driving' and 93% for 'causing death by careless driving under the influence') compared with 'dangerous driving' (77%). The largest non-white group was Asian, accounting for 12% of offenders with known ethnicity.

However, these results should be treated with caution because of the large proportion of the offenders whose ethnicity was unknown, and the fact that data about the ethnicity of the driving population were not available; therefore this analysis cannot determine the offending rate of drivers from different ethnic backgrounds.

Ethnicity data were not available in the DVLA/DVSA data sets.

6.3 Socio-economic background and social grade

The DVLA and DVSA data included the postcode district for each driver. This is based on the information that drivers supply to DVLA and assumes that drivers notify DVLA of any changes of address.

The most common socio-economic classification and approximate social grade was extracted for each postcode district as described in Appendix A.2.

There was not enough variation of the socio-economic classifications between the postcode districts to be meaningful for analysis, and therefore only the approximate social grade is considered here.

The approximate social grade was estimated for each driver, based on the most common social grade for household reference person for each postcode district and age group.

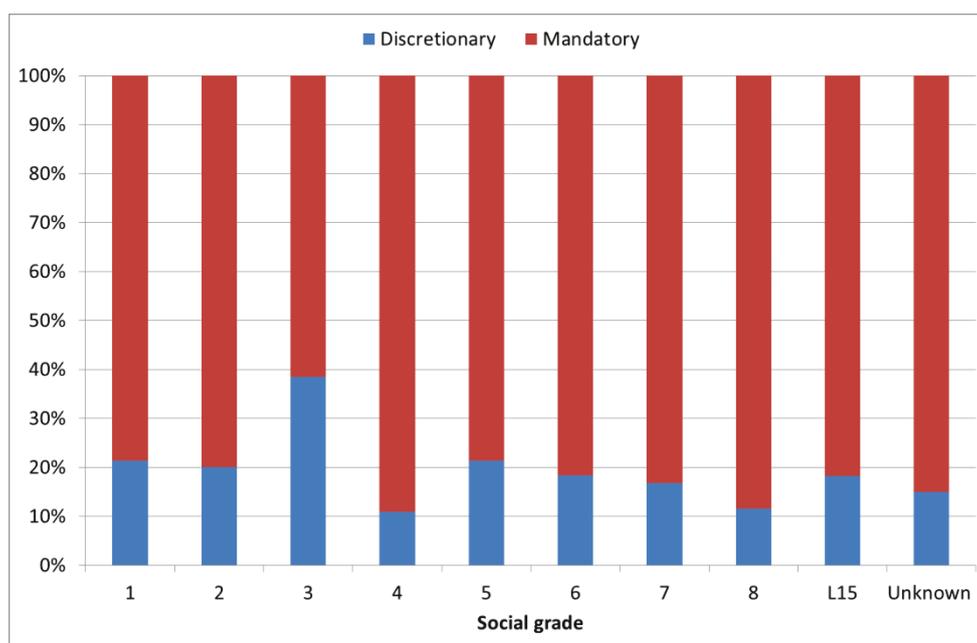
Table 14 shows the estimated percentage of offenders in each social grade.

Table 14: Estimated percentage of offenders per social grade category

Approximate social grade	%
1. Higher managerial, administrative and professional occupations	1.6%
2. Lower managerial, administrative and professional occupations	57.4%
3. Intermediate occupations	0.2%
4. Small employers and own account workers	1.4%
5. Lower supervisory and technical occupations	0.6%
6. Semi-routine occupations	13.2%
7. Routine occupations	6.4%
8. Never worked and long-term unemployed	0.9%
L15. Full-time students	3.1%
Unknown	15.2%
Total	100.0%

The majority of offenders were in social grade 2 (lower managerial, administrative and professional occupations). There were very few offenders given a social grade of 3 or 5. As with the ethnicity data above, the social grade of the driving population is not known, and therefore these data do not provide the relative risks of drivers being offenders.

Figure 27 shows the proportion of offences from the DVLA data split into those where the driver committed a mandatory EDT offence and those who committed a discretionary EDT offence.

**Figure 27: Proportion of offences by estimated social grade and offence type**

It can be seen that offenders from social grade 4 and 8 committed the highest proportion of mandatory EDT offences and those from social group 3 have a substantially smaller proportion of mandatory EDT offences.

Figure 28 shows the split of offence types for each of the estimated social grades.

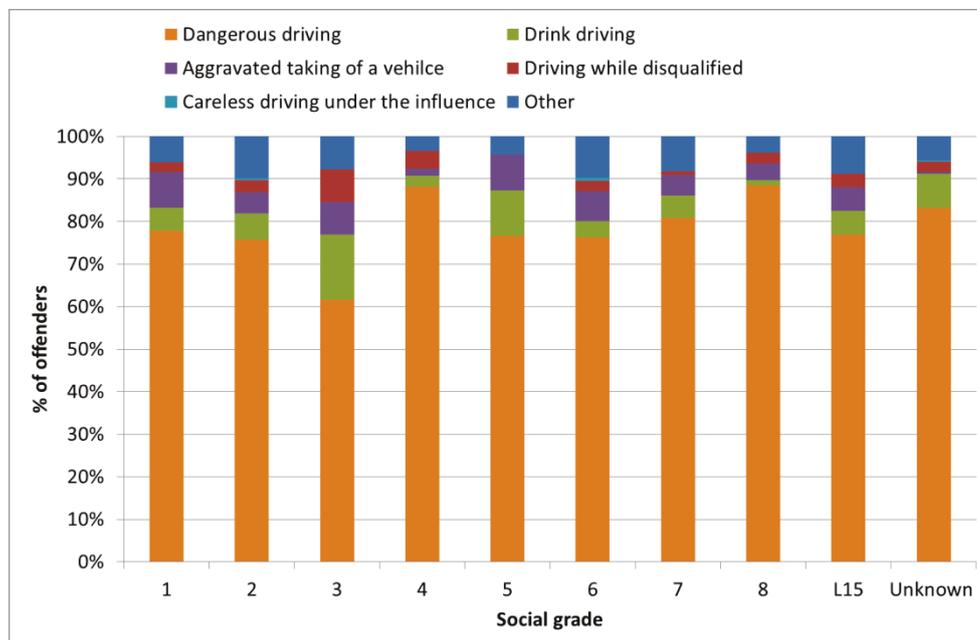


Figure 28: Proportion of offences by estimated social grade and offence

Social group 3 has the highest proportion of ‘drink driving’ and ‘driving while disqualified’ offences and the lowest proportion of ‘dangerous driving’ offences. Social group 5 had the highest proportion of ‘aggravated vehicle taking’ offences.

6.4 Previous driving offences of offenders

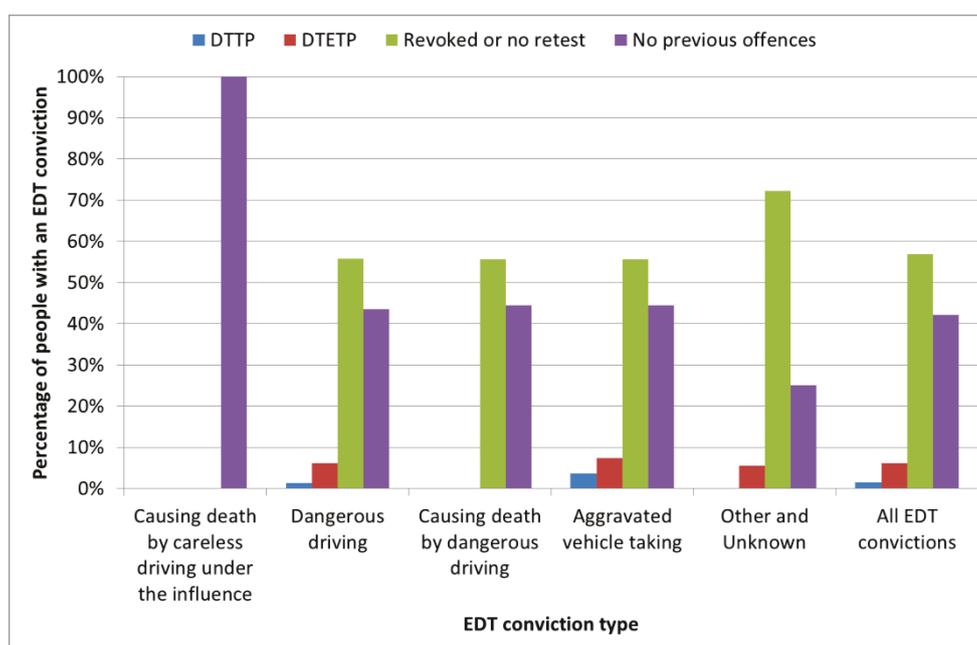
The DVLA 1% sample was interrogated to establish whether people who were disqualified from driving until they passed an extended test between 2009 and 2013 had previously committed driving offences.

There were 211 people in the 1% sample who were disqualified with an EDT requirement between 2009 and 2013. This section shows these 211 people by the most recent offence which resulted in an EDT conviction and whether they have been previously disqualified. 147 of the 211 people receiving an EDT conviction received it following a dangerous driving (DD40) offence (note that these people may have also been convicted of other offences at the same time (see Section 5.2)).

Table 15 and Figure 29 show the 211 offenders together with details of any additional offences they committed up to five years prior to the EDT conviction.

**Table 15: Penalties received 0-5 years prior to EDT
(1% DVLA data archive, EDT 2009-13)**

Category	Previous offence			No previous offences	Total offenders ¹²
	DTPP	DTETP	Revoked or no retest		
Causing death by careless driving under the influence	0	0	0	1	1
Dangerous driving	2	9	82	64	147
Causing death by dangerous driving	0	0	5	4	9
Aggravated vehicle taking	1	2	15	12	27
Other and Unknown	0	2	26	9	36
Total offenders	3	13	120	89	211



**Figure 29: Penalties received 0-5 years prior to EDT
(1% DVLA data archive, EDT 2009-13)**

More than half of the people receiving an EDT conviction for any of the offence categories (other than 'causing death by careless driving under the influence') had either had an offence without disqualification, had their licence revoked, or had been disqualified without the need for a retest within five years prior to receiving the EDT conviction.

Previous EDT convictions had been committed within five years of their most recent EDT conviction by 7% of people receiving an EDT conviction following aggravated taking of a

¹² Column sums to more than 211 since each offender may have committed more than one offence.

vehicle (UT50), 6% of those following dangerous driving and 6% of those requiring the EDT following other offences.

Table 54 and Table 55 in Appendix F show the 211 offenders together with their previous offences in 5-10 years before and more than 10 years before their EDT conviction. Note that not all EDT offenders between 2009 and 2013 would have held a full licence for the period 5-10 years or 10+ years previously.

42% of offenders with an EDT had no previous offences between 5 and 10 years previously, and 73% had no previous offence more than 10 years before their conviction.

15% of people required to complete an EDT following a conviction of 'aggravated taking of a vehicle', 6% of those following other and unknown offences and 5% of those requiring the EDT following 'dangerous driving' had committed an offence resulting in an EDT requirement 5-10 years before their most recent EDT conviction.

Nearly three-quarters (73%) of the people who were required to complete an EDT following a conviction for an offence between 2009 and 2013 had not committed other offences more than 10 years before their EDT conviction. Note that EDT offenders between 2009 and 2013 may not have held a full licence during this period.

Table 16 shows the 211 offenders together with details of any additional offences they committed at any point prior to the EDT conviction, shown as percentages in Figure 30.

**Table 16: Penalties received prior to EDT – any time period
(1% DVLA data archive, EDT 2009-13)**

Category	Previous offence			No previous offences	Total offenders
	DTP	DTETP	Revoked or no retest		
Causing death by careless driving under the influence	0	0	0	1	1
Dangerous driving	6	14	97	49	147
Causing death by dangerous driving	0	0	5	4	9
Aggravated vehicle taking	2	6	18	9	27
Other and Unknown	2	5	32	4	36
Total	10	24	144	66	211

Note that rows and columns may not sum to total since a driver may have committed more than one previous offence with different penalties

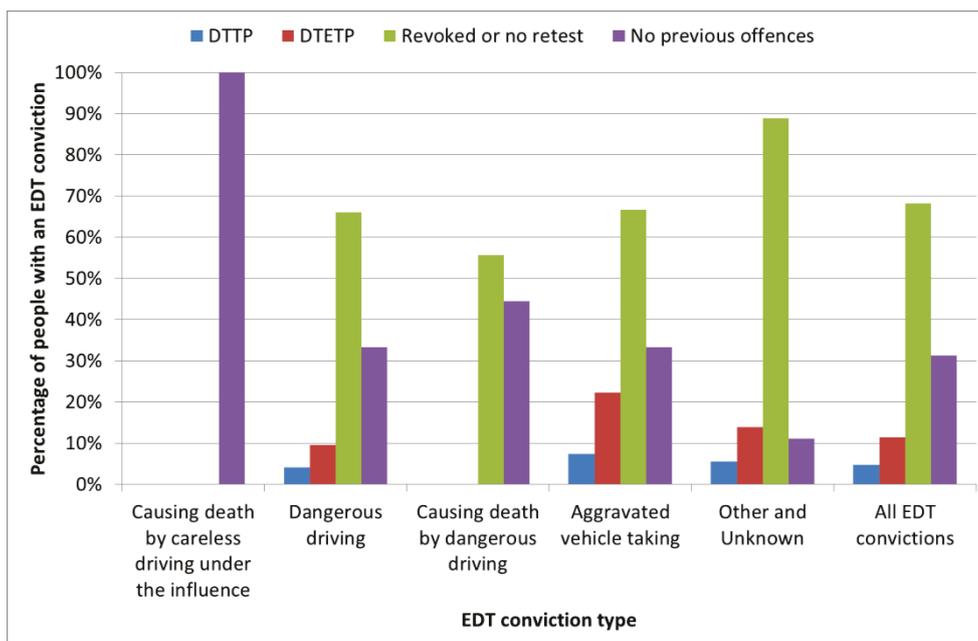


Figure 30: Penalties received at any point prior to EDT (1% DVLA data archive, 2009-13)

Only 31% of the people with an EDT conviction had no other offences prior to their EDT conviction.

The group with the most previous offences was those convicted of other and unknown offences. Eighty-nine percent of people receiving an EDT conviction for other and unknown offences had committed at least one prior offence that resulted in a licence revocation or disqualification without a need for a retest. This may suggest that a discretionary EDT has been made based on the previous convictions.

People given the EDT conviction for aggravated vehicle taking had most commonly been previously given another EDT conviction or a DTTP conviction; 22% of people given the EDT for UT50 had had a previous EDT conviction. Seven percent had been disqualified with the requirement for a normal retest.

Summary

- 95% of retest offenders were male and 40% of retest offenders were aged 21-25.
- The number of offences reduced rapidly with each increasing age group after 21-25, whereas for females the decline was steadier. 11% of female retest offenders were aged 41 to 45 compared with 5% of males.
- For both males and females the most common retest offence was 'dangerous driving'. However, 8% of female retest offenders committed 'causing death by careless driving under the influence' compared with 4% of males.
- Mandatory use of EDT was high for all age groups, whereas discretionary use of EDTs was highest for ages 46-50.
- Members of the judiciary concurred that gender was not important in ordering an EDT, but age might be a factor, for both the young, high risk drivers and older drivers whose driving standards may have lapsed since they undertook their driving test.
- More than half of offenders who were ordered an EDT had committed another motoring offence in the previous 5 years.

7 Penalties

This section gives details of penalties ordered for offences where the EDT is mandatory or discretionary. This includes:

- disqualifications, test requirements, imprisonment and fines
- analysis of MoJ and DVLA data
- consultation with members of the judiciary
- responses to the hypothetical case studies.

7.1 Data analysis findings

7.1.1 Disqualifications and driving test requirements

7.1.1.1 MoJ data

Initial consultation with members of the judiciary suggested that where EDT was mandatory it would always be given. As already seen in Section 5.1.3, there were cases (mainly of dangerous driving) where a standard test was ordered.

Table 17 shows the number of offenders by main offence and disqualification type.

Table 17: Offenders from MoJ data, principal offence basis (England and Wales, 2009-2013)

Disqualification	Causing death by careless driving under influence of drink or drugs	Causing death by dangerous driving	Causing serious injury by dangerous driving	Dangerous Driving
Disqualification - No driving test required	1	11	1	146
Disqualification - Driving test required	161	713	4	14,177
Endorsed only	1	8	0	490
Unknown	0	0	21	227
Total	163	732	26	15,040

This shows that the vast majority (94%) of offenders of these four offences were disqualified with a driving test requirement. The MoJ data do not indicate whether this was a standard test or an EDT.

‘Dangerous driving’, being the most common of the offences, had a reasonable number of offenders disqualified without a test requirement or endorsed only, making analysis of these offenders possible. The age, gender and ethnicity of those disqualified with a test requirement and those with other penalties were similar.

Table 18 shows the percentage of 'dangerous driving' offenders who were disqualified with a driving test requirement, by primary disposal and court type.

Table 18: % of dangerous driving offenders disqualified with disqualification with test requirements (MoJ data, principal offence basis, England and Wales, 2009-2013)

Primary disposal	Crown Court	Magistrates' court	Total
Immediate custody	99%	90%	98%
Other	91%	93%	92%
Total	95%	93%	94%

This shows that 98% of offenders sentenced for dangerous driving with immediate custody were disqualified with a retest, compared with 92% who had other disposals.

In the Crown Court, 'dangerous driving' offenders given immediate custody were more likely to be disqualified with a test requirement than other offenders. However, in magistrates' courts this pattern is reversed; those given immediate custody were less likely to be disqualified with test requirements.

The 9% of defendants at the Crown Court sentenced for dangerous driving who did not receive immediate custody made up approximately three-quarters of all dangerous driving offenders who were endorsed only.

Most police force areas had at least 90% of 'dangerous driving' offenders disqualified until a driving test. However, in Lincolnshire only three-quarters of 'dangerous driving' offenders were disqualified until a driving test, with more offenders 'endorsed only' than in the other areas.

45% of offenders that were disqualified were given a disqualification period; the remainder were disqualified until a test pass, but with no specific period. Figure 31 shows the distribution of disqualification lengths, where given, by offence.

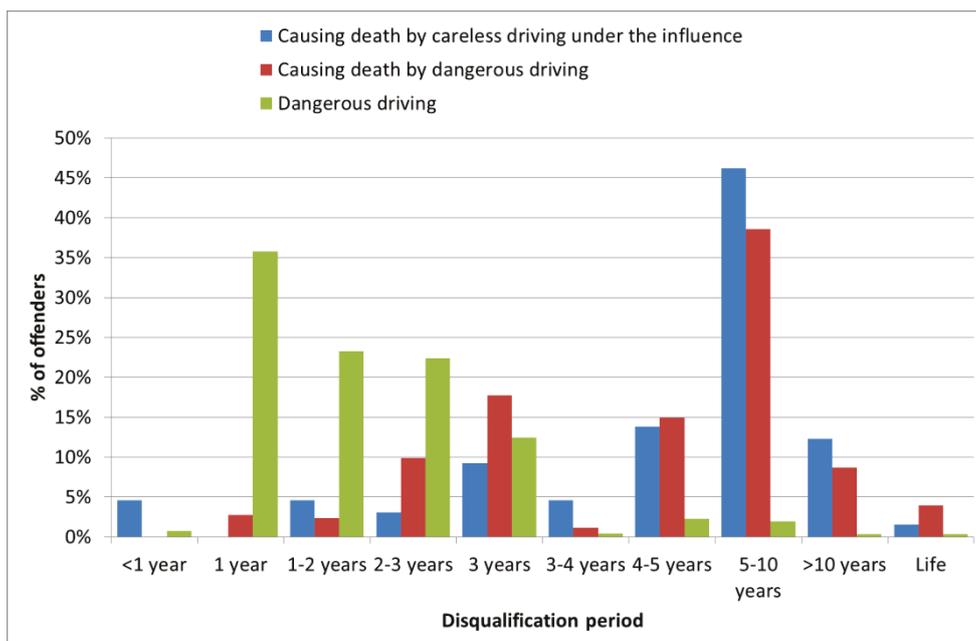


Figure 31: Disqualification length (where given) by offence, principal offence basis (MoJ data 2009-2013)*

*Note that where the disqualification periods of whole numbers of years are not separated, each band of disqualification period includes the lower limit but not the upper limit, for example, exactly 4 years is shown in the 4-5 years category, whilst the 2-3 years category includes periods from 1 year and 1 day up to 1 year and 364 days

For ‘dangerous driving’ the median disqualification period was ‘over one year and less than 2 years’, and the most common (36%) was one year (the minimum given in guidelines), and there were very few (1%) disqualification periods shorter than this.

For the causing death offences the most common and the median disqualification length was ‘5 years and under 10 years’, which was given for approximately 40% of offenders. There were a few ‘causing death by careless driving under the influence’ offenders (3 out of 65 offenders with a stated disqualification length) who were disqualified for less than one year.

7.1.1.2 DVLA data

Figure 32 shows the number of offences from the DVLA data by the disqualification period given to the offender.

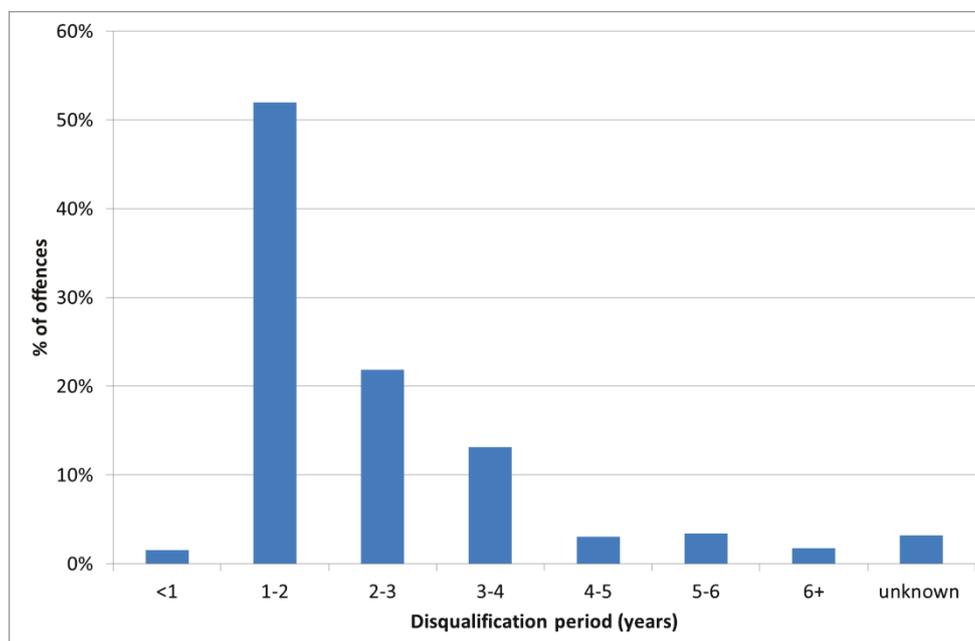


Figure 32: Number of offences by disqualification period (DVLA data)*

*Note that each band of disqualification period includes the lower limit but not the upper limit, for example, exactly 2 years is shown in the 2-3 years category

It can be seen that the majority (52%) of offences with a retest requirement are given a disqualification period of 'one year and less than two years'. The mandatory disqualification periods for the mandatory EDT offences are 1 year for 'dangerous driving' and 2 years for offences involving death or serious injury.

Figure 33 shows the proportion of offences by disqualification period and whether the offence was a mandatory or discretionary EDT offence.

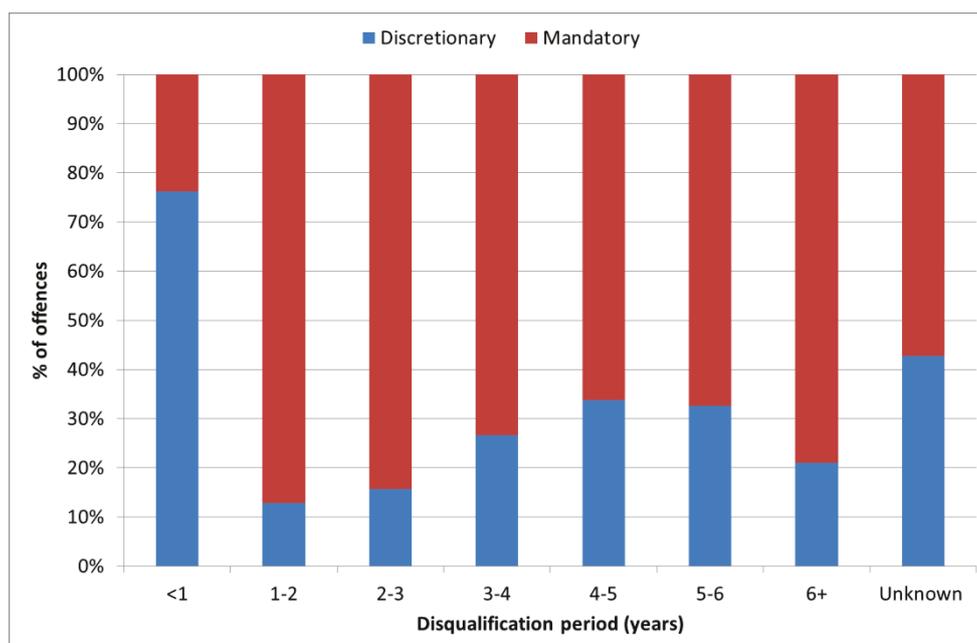


Figure 33: Proportion of offences by disqualification period and offence type (DVLA data)

*Note that each band of disqualification period includes the lower limit but not the upper limit, for example, exactly 2 years is shown in the 2-3 years category

For the offenders given disqualification periods of less than a year, the majority of offences were discretionary EDT offences; this means that there are some mandatory EDT offences which have been given a shorter disqualification period than is mandatory.

For all other disqualification periods over one year in length, the majority of disqualifications were for mandatory EDT offences. The disqualification period with the lowest percentage of discretionary offences was 1-2 years.

Table 19 shows the mean and median disqualification periods by offence.

Table 19: The mean and median disqualification period by offence* (DVLA data)

Offence	Mean	Median
Dangerous driving	1 year 9 months	1 year 6 months
Death by dangerous driving	5 years 4 months	5 years
Causing death by careless driving under the influence	4 years 10 months	5 years
Aggravated vehicle taking	1 year 10 months	2 years
Driving while disqualified	2 years 1 month	1 year 6 months
Drink driving	2 years 10 months	3 years

* Note that disqualification periods of unknown length or life driving bans have been excluded.

Figure 34 shows the distribution of disqualification periods by the offence committed.

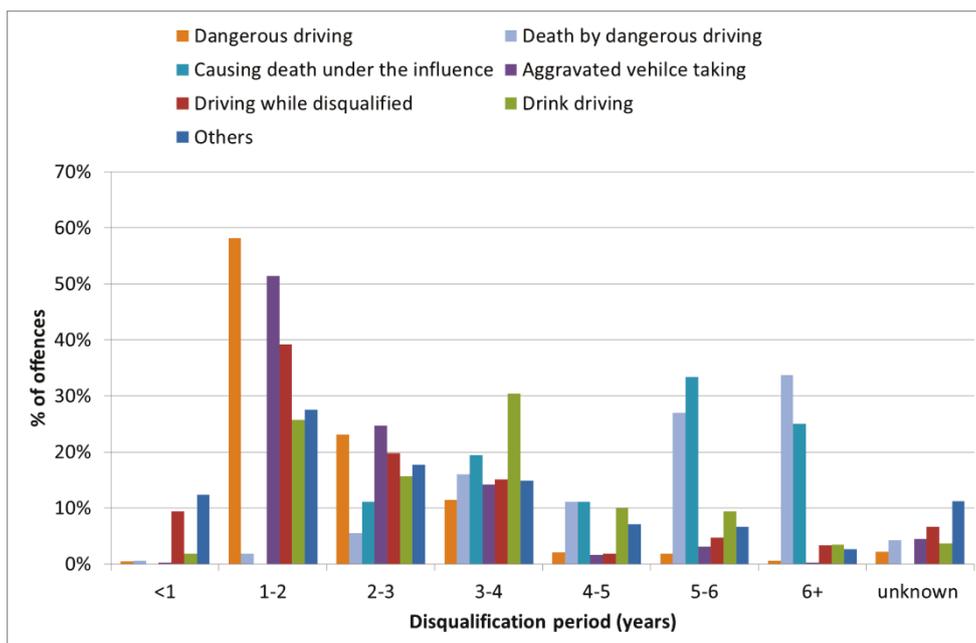


Figure 34: Distribution of disqualification periods by offence (DVLA data)

*Note that each band of disqualification period includes the lower limit but not the upper limit, for example, exactly 2 years is shown in the 2-3 years category

For most offences, particularly ‘dangerous driving’ and ‘aggravated vehicle taking’ (mandatory minimum disqualification period of 1 year), the largest proportion of offences were given a disqualification period of 1-2 years and very few were given less than one year.

However, for ‘causing death by careless driving under the influence’, the largest proportion of offences had a disqualification period of 5-6 years, which is greater than the two year minimum disqualification given in the guidelines (or 3 if previous offences).

7.1.2 Other penalties

Table 20 shows the number of offenders by their primary disposal for each of the offences.

Table 20: Primary disposals for offenders, principal offence basis, (MoJ data, 2009-2013)

Primary disposal	Causing death by careless driving under influence of drink or drugs	Causing death by dangerous driving	Causing serious injury by dangerous driving	Dangerous driving
Immediate custody	156	683	17	5,734
Suspended sentence	4	36	5	4,319
Community sentence	2	7	3	4,074
Fine	1	2	0	640
Otherwise dealt with	0	1	1	160
Conditional discharge	0	1	0	107
Absolute discharge	0	2	0	6
Total	163	732	26	15,040
% immediate custody	96%	93%	65%	38%

Both the offences involving death resulted in the vast majority (over 90%) of offenders being given immediate custody.

For 'dangerous driving', whilst immediate custody was the most common disposal, only 38% of offenders were given this; suspended sentences (29%) and community sentences (27%) were also common.

The primary disposal for 4% of 'dangerous driving' offenders was a fine. The average fine was approximately £600.

Table 21 shows the average sentence lengths for those offenders given a custodial sentence. It should be borne in mind that offenders are likely to be released before the end of their sentence.

Table 21: Sentence lengths for immediate custody, principal offence basis, (MoJ data 2009-2013)

Offence	Total offenders with immediate custody (excluding IPP)	Mean sentence length
Causing death by careless driving under influence of drink or drugs	154	4 Years
Causing death by dangerous driving	680	4 Years
Causing serious injury by dangerous driving	17	Over 18 months and up to and including 3 years
Dangerous driving	5,734	Over 6 months to less than 12

Figure 35 shows the distribution of sentence lengths for those offenders given immediate custody (data are shown in Table 57).

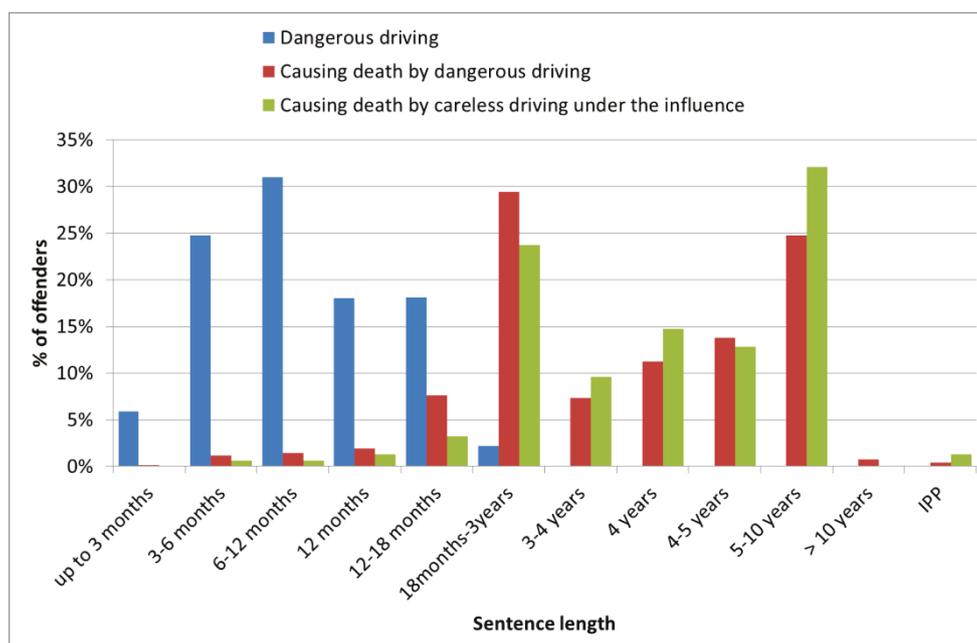


Figure 35: Distribution of sentence lengths, principal offence basis (2009-2013, MoJ data)*

*IPP = Imprisonment for Public Protection. Where the sentence length is not given exactly, each band includes the lower limit but not the upper limit.

The mean sentence length for both of the offences involving death was approximately four years, although the data show that there are two peaks in the sentence length: approximately one-quarter of offenders had a sentence length of 'over 18 months and up to and including three years', while another quarter had a sentence length of 'over 5 years and up to and including 10 years'.

The majority of sentences for 'dangerous driving' were lower than for the offences involving death, with a mean between 6 and 12 months.

7.2 Consultation and hypothetical case study findings

7.2.1 Penalties and points

The case studies were constructed with the aim of being as conducive as possible to the giving of an EDT penalty in a magistrates' court (see Section 3.4.2.1). The penalties and ancillary orders applicable to each case are presented in Table 22.

Table 22: Mandatory orders and penalties applicable to the five case studies

	Case	Mandatory orders/penalties*
1	Causing death by driving: unlicensed, disqualified or uninsured drivers (CD90)	Disqualification, discretionary retest, 3-11 penalty points
2	Dangerous driving (DD40)	Disqualification and EDT
3	Aggravated taking of a vehicle (UT50)	Disqualification, 3-11 penalty points
4	Driving or attempting to drive with a blood alcohol level above the permitted limit (DR10); and Driving without due care and attention (CD10)	Disqualification, 3-11 penalty points
5	Using a mobile phone while driving (CU80 and TT99)	3 penalty points, fixed penalty fine
*penalty points should only be applicable if a driver is not disqualified		

7.2.1.1 Penalties and penalty points

Survey respondents were asked to choose which penalties they would give to the defendant in each case. Respondents could choose one or more from the following list (definitions of these terms are given in Appendix A):

- Immediate Custody (1-8 weeks, 9-17 weeks, 18-26 weeks)
- Suspended Custody (1-8 weeks, 9-17 weeks, 18-26 weeks)
- Community Order (Low, Medium, High Level)
- Fine (Band A, B, C, D, E)

Figure 36 shows the penalties given for each case. Splits by the level of each penalty are given in Figure 63.

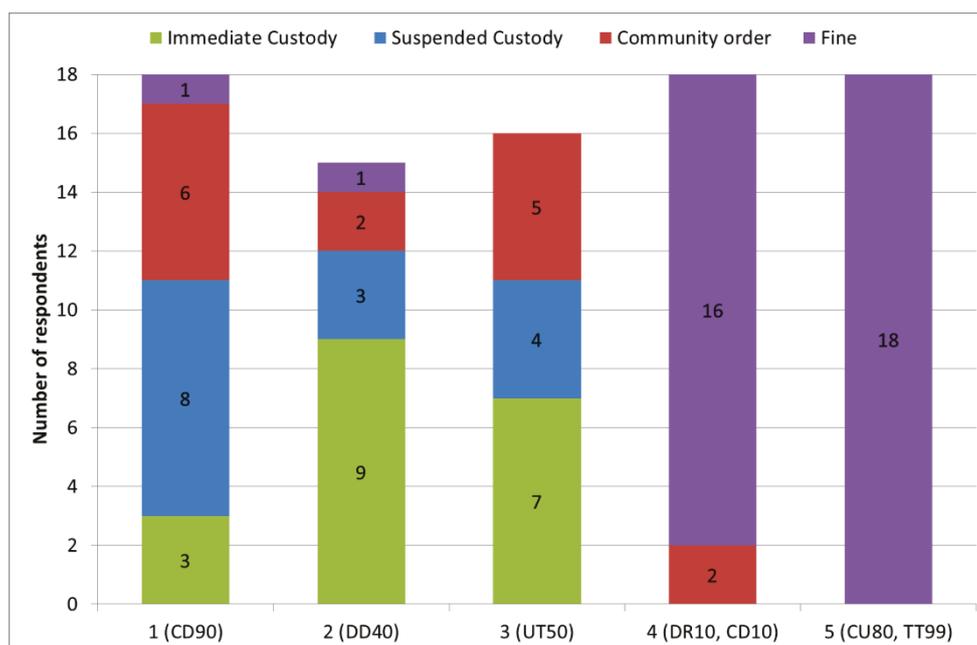


Figure 36: Penalties given for each case

In cases 1 and 2 all four penalty types were given, the most common for case 1 being suspended custody and for case 2 immediate custody, although one respondent in both cases was required to pay a fine only.

In case 3 the most common penalty was immediate custody; suspended sentence and community orders were also given but no fines.

For cases 4 and 5 the majority of respondents required to pay a fine only, apart from two respondents to case 4 who gave a community order.

7.2.2 Ancillary orders

7.2.2.1 Consultation findings

Initial discussions with stakeholders suggested that EDTs are rarely used in magistrates' courts because they are not seen as relevant if there is no evidence of a poor standard of driving. Rather, feedback suggested that disqualification is seen as the punishment – with the implication that EDT might be perceived as a further punishment. In addition, there seemed to be a sense that an EDT might prove one obstacle too many for some drivers who were already loathe to reapply for their licence after a ban where a retest has been ordered.

Table 9: Table 9 shows that EDTs are used discretionally at magistrates' courts, however, the spread of cases against the large number of courts means that for individual magistrates these cases are rare, which may explain the perception that EDTs are rarely used.

There was an acknowledgement that in theory, EDTs might be given in other instances in the magistrates' court but that there seems to be a low level of awareness among legal advisers and court clerks, and so the EDT does not seem to enter their consideration.

Consultation with a Crown Court Judge suggested that there is minimal discretion to order EDTs since most circumstances arise compulsorily. Discretionary award seems most likely to come from another road traffic offence with obligatory disqualification. The Magistrate Court Sentencing Guidelines (Sentencing Guidelines Council, 2008, pp. 184-186) states that an EDT may be given for 'totting' (para 15) or where an obligatory disqualification applies. In offences usually tried in a magistrates' court, this was described as including low-level dangerous driving, drink-driving and totting. The Crown Court judge advised that where disqualification is discretionary, for any endorsable offence, a standard retest applies. A standard retest can also be given for taking a vehicle without consent (p.185, para 10). The report that EDTs are rarely used discretionally in the Crown Court was corroborated by a Crown Court Clerk as part of this consultation.

7.2.2.2 *Hypothetical case studies*

Survey respondents were asked to choose which ancillary orders, if any, they would give to the defendant in each case. Respondents could choose one or more from the following list (definitions of these terms are given in Appendix A):

- Mandatory licence disqualification (6-11 months, 12-18 months, 19-24 months, 25-36 months)
- Discretionary licence disqualification (6-11 months, 12-18 months, 19-24 months, 25-36 months)
- Standard driving test
- Extended driving test
- Forfeiture order
- Compensation order

Table 23 gives the combinations of ancillary awards given in each case.

Table 23: Summary of ancillary orders given (note that offenders may have been given multiple ancillary orders)

Ancillary order	Case 1 (CD90)	Case 2 (DD40)	Case 3 (UT50)	Case 4 (DR10, CD10)	Case 5 (CU80, TT99)
Total respondents	18	18	18	18	18
Disqualified total:	17	16	17	18	15
EDT	2	13	5	3	1
Standard retest	5	0	3	0	1
No test requirement	10	3	9	15	13
Forfeiture order	2	3	1	0	0
Compensation order	0	0	7	2	0
Offer of drink drive rehab course	0	0	0	6	0

Figure 37 shows the number of penalty points given for each case. ‘No response’ may indicate that no points would be given, as should be the case when a driver is disqualified.

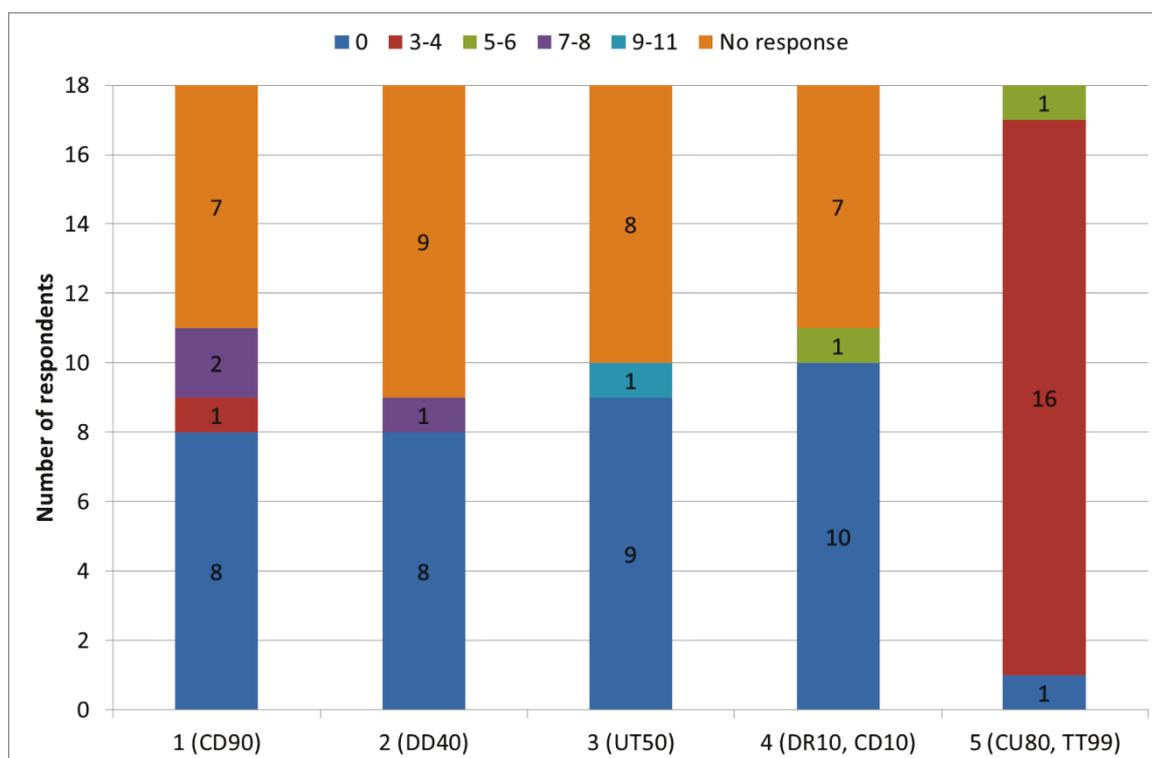


Figure 37: Penalty points given for each case

Case 5 (using a mobile phone while driving) saw almost all respondents giving three to four points, while in all other cases only a maximum of three respondents gave out any points. In each case there were a few respondents who indicated they would give penalty points as well

as a disqualification; the accumulation of points for this driver means that this driver should be disqualified for ‘totting up’ rather than for the offence itself.

7.2.3 Summary of sentencing for the five case studies

The sentencing of the five case studies demonstrates that use of EDT does vary, more for some offences than others.

Case 1 (Causing death by driving: unlicensed, disqualified or uninsured drivers, CD90): Nearly all of the 17 respondents who responded to Case 1 noted that the offence was a serious one, and ordered suspended (eight respondents) or immediate custody (three respondents), with the remaining six respondents opting to give a medium or high level community order, sometimes in conjunction with a fine. In terms of ancillary orders, all but five of the respondents issued a mandatory disqualification (of varying duration), and two combined this with an EDT. A standard retest was ordered by five respondents (either as a standalone order or in conjunction with other orders). Those ordering a retest noted the evidence of a past poor driving record or present poor driving, suggesting that the defendant had not learned from receiving penalty points in the past and lacks carefulness, warranting a retest. Conversely some noted no evidence of poor driving, with one respondent stating that poor driving is not equal to momentary inattention (changing a CD).

The choice of whether to order a retest (EDT or standard retest) appeared to hinge largely on the sentencer’s perception of the whole case as lacking sufficient aggravating factors and having several significant mitigating features (resulting in the decision that no retest is needed), or the opposite (enough aggravating features to require a retest, and little mitigation). Some respondents failed to mention retests at all, potentially indicating lack of awareness or perceived ineffectiveness of retests. Their rationales for sentencing were logical in all cases, but perceptions of aggravating and mitigating factors contradicted each other, for example:

“Momentary lapse (CD player) but aggravated by previous convictions.” (Suspended custody (9-17 weeks), standard retest)

“The defendant admits (but need not have done so) that he/she was momentarily distracted. There appear to be no aggravating factors.” (High level community order, mandatory disqualification (6-11 months))

There were also varying views regarding whether a poor standard of driving (i.e. distracted by changing a CD) contributed to the accident. A couple of respondents who opted for no retest noted that evidence of poor driving (a rationale for a retest) was not the same as ‘momentary inattention in changing a CD’:

“Deliberately used car without insurance, however his standard of driving did not cause the accident.” (Band D fine, high level community order, mandatory disqualification (12-18 months))

“Admits he was distracted therefore driving fell below what was expected of any driver.” (Medium level community order, no ancillary orders)

“Quality of the driving was such that no requirement for a retest or extended driving test.” (High level community order, mandatory disqualification (12-18 months))

Where an EDT was given, the previous convictions appeared to be the key factor:

“Deliberately driving and had been doing so for some time knowing he was not insured. Poor driving record...extended test due to record and momentary lapse of concentration.” (Suspended custody (1-8 weeks), mandatory disqualification (12-18 months) and EDT)

“Previous driving convictions and failure to learn from them is an aggravating feature...extended driving test required because of the range of previous convictions.” (Immediate custody (9-17 weeks), mandatory disqualification (19-24 months) and EDT)

Those respondents who chose to order a standard retest tended to focus more on a need to improve the offender’s quality of driving, although it was also seen as a means of ‘refocusing’ the offender on adhering to the law when driving:

“The requirement to undertake a retest would focus their mind and attention to adhering to the law in the future.” (Suspended custody (18-26 weeks), discretionary disqualification (12-18 months), forfeiture order and standard retest)

“Has previously used mobile phone and driven carelessly. He is not a safety conscious road user: on the contrary, he seems rather blasé about road safety. He should re-take a test before he can safely drive on the road.” (Immediate custody (18-26 weeks), mandatory disqualification (19-24 months) and standard retest)

Most respondents failed to mention retests, perhaps indicating a lack of awareness or lack of court custom in similar cases.

Case 2: Dangerous driving (DD40)

Case 2 acted as the ‘control case’ wherein an EDT should be ordered if heard at a magistrates’ court. Thirteen of the sixteen who responded to this case gave an EDT (two standalone, the remainder in conjunction with a mandatory disqualification). Three respondents stated that they would send the case to the Crown Court (despite the survey instructing respondents that all cases were to be sentenced in the magistrates’ court).

Amongst those judiciary who gave an EDT, the reason given was that it was mandatory. One respondent stated that *“in light of the requirement for an extended test, the period of disqualification (at 24m) can be shorter than might otherwise be necessary as a road safety measure”*, suggesting that without the EDT, the disqualification duration would be longer. Ancillary orders should be considered separately to penalties, but this response suggests that this may not always be the case.

Amongst those who did not order an EDT and provided a rationale for their choice of ancillary orders, reasons given were:

“This was total reckless driving and untold harm could have happened. No thought for anyone’s safety.” (Immediate custody (1-8 weeks), high level community order)

“Dangerous driving, taking him over the simple totting criteria.” (Band D fine, low level community order, mandatory disqualification (12-18 months))

Case 3: Aggravated taking of a vehicle (UT50)

Aggravated taking of a vehicle, under the Theft Act 1968, carries discretionary ancillary orders. UT50 is somewhat of a legal anomaly: whilst this offence includes elements of dangerous

driving (otherwise it would not be 'aggravated' taking of a vehicle), it differs from dangerous driving (DD40) which carries a mandatory EDT order.

An EDT was imposed by five respondents, and a standard retest by three respondents. A number of respondents stated that this case would be sent to the Crown Court.

Where an EDT was ordered, some sentencers were under the impression that this was mandatory (possibly due to the legal anomaly described above), while others expressed awareness that ordering an EDT was at their discretion and was related to the dangerous driving element of the case. The legal anomaly noted above was raised by a couple of respondents and used as the rationale for giving an EDT. Thus given a case very conducive to an EDT, around half would have selected this option:

"Extended driving test is proscribed by statute." (High level community order, mandatory disqualification (12-18 months), compensation order and EDT)

"Extended test for dangerous driving." (Commit to Crown Court, mandatory disqualification (12-18 months), EDT)

"Disqualify 24 months and order extended test. This individual must learn to respect road safety." (Immediate custody (18-26 weeks), mandatory disqualification (19-24 months), forfeiture order, EDT)

"Assuming here that the aggravating factor in the charge is dangerous driving - retest would have been obligatory if charged with dangerous driving, discretionary here I think, however clearly appropriate to order it." (Suspended custody (18-26 weeks), mandatory disqualification (19-24 months), compensation order, EDT)

"Due to the nature of the driving, I would also advise a retest is undertaken." (Immediate custody (18-26 weeks), mandatory disqualification (19-24 months), EDT)

Those who imposed a standard retest tended to refer to the offender's general driving record rather than the nature of the driving in the case under consideration.

"Fifth motoring offence in seven years warrants a retest." (Medium level community order, mandatory disqualification (12-18 months), compensation order, standard retest)

"Driving retest due to record." (High level community order, mandatory disqualification (12-18 months), compensation order, standard retest)

"Clear that he needs to re-sit the test as total disregard for driving." (Immediate custody (1-8 weeks), mandatory disqualification (19-24 months), standard retest)

For Case 3, respondents were also asked to indicate whether their response would differ if the defendant had been convicted following a 'not guilty' plea. All but one stated that the penalty would have differed, and that it would have been harsher or lengthier since there would be no 30% mitigation for the guilty plea. As expected, no standard retest or EDT would have been ordered if a 'not guilty' plea was entered (as doing so could be considered punitive, and ancillaries must not be punitive).

Case 4: Driving or attempting to drive with a blood alcohol level above the permitted limit (DR10); and Driving without due care and attention (CD10)

Respondents chose an appropriate disqualification period based on the BAC level for this case. The majority of sentencers commented on the careless driving aspect of the offence, which required points leading to totting and warranting another disqualification (often running concurrently). Two respondents chose an EDT, while six chose a drink-drive rehabilitation course as the ancillary order (only one respondent chose both of these options). No respondents ordered a standard retest. For those requiring an EDT, one respondent stated that a retest was required and because the disqualification was obligatory, an EDT rather than a standard retest would be required. One respondent appeared to consider the case as one of dangerous rather than careless driving. The driver's standard of driving was at the root of the decisions to require an EDT:

"Concerned about defendant's understanding of the Highway code hence retest - and this would have to be the extended one due to obligatory disqualification. Can see no reason not to offer the DDRS [Drink Drive Rehabilitation Scheme]." (Band A and C fine, mandatory disqualification (12-18 months), offer of drink-drive rehabilitation course, EDT)

"Dangerous driving carries mandatory extended retest, both offences carry disqualification." (Band C fine, mandatory disqualification (12-18 months), EDT)

"Mandatory disqualification and retest as driving seems to be in doubt." (Band C fine, mandatory disqualification (12-18 months), EDT)

It appears, therefore, that respondents were principally focussed on selecting a legally correct sentence for drink-driving and concurrency for driving without due care, with rehab courses added by a third of respondents.

Case 5: Using a mobile phone while driving (CU80 and TT99)

Case 5 involved 'totting' (accumulating 12 or more penalty points), caused by a repeated mobile phone conviction. All respondents chose only one ancillary order: whilst most correctly gave a mandatory disqualification, two selected a discretionary disqualification, one chose an EDT and one a standard retest. The reasons for the choice of ancillary order amongst the respondents choosing a driving test were:

"Because the defendant has reached 12 points on his licence he will be disqualified as a "totter" and so we must order an extended driving retest." (Band A fine, EDT)

"Clear that he does not understand the dangers of using a mobile phone." (Band A fine, standard retest)

Thus it appears that there was a lack of awareness about the possibility of opting for an EDT in a repeated case of poor driving (presuming mobile phone use when driving is considered 'poor driving').

Respondents were also asked whether their response would differ if a guilty plea and a valid exceptional hardship claim had been made that the defendant needed to drive as part of their employment, and that there was a partner and two children to support. See Section 7.3.2.2 for responses.

7.3 Understanding the decision-making process when ordering an EDT

7.3.1 Effect of offender characteristics on sentencing decision

In order to understand whether offender characteristics might impact the decision of whether to order an EDT, respondents were asked what influence, if any, a number of characteristics (gender, disposable income, domestic responsibilities, age, previous record) might have on their decisions.

As shown in Figure 38, responses varied for the five characteristics, with gender being the least important and previous convictions the most important.

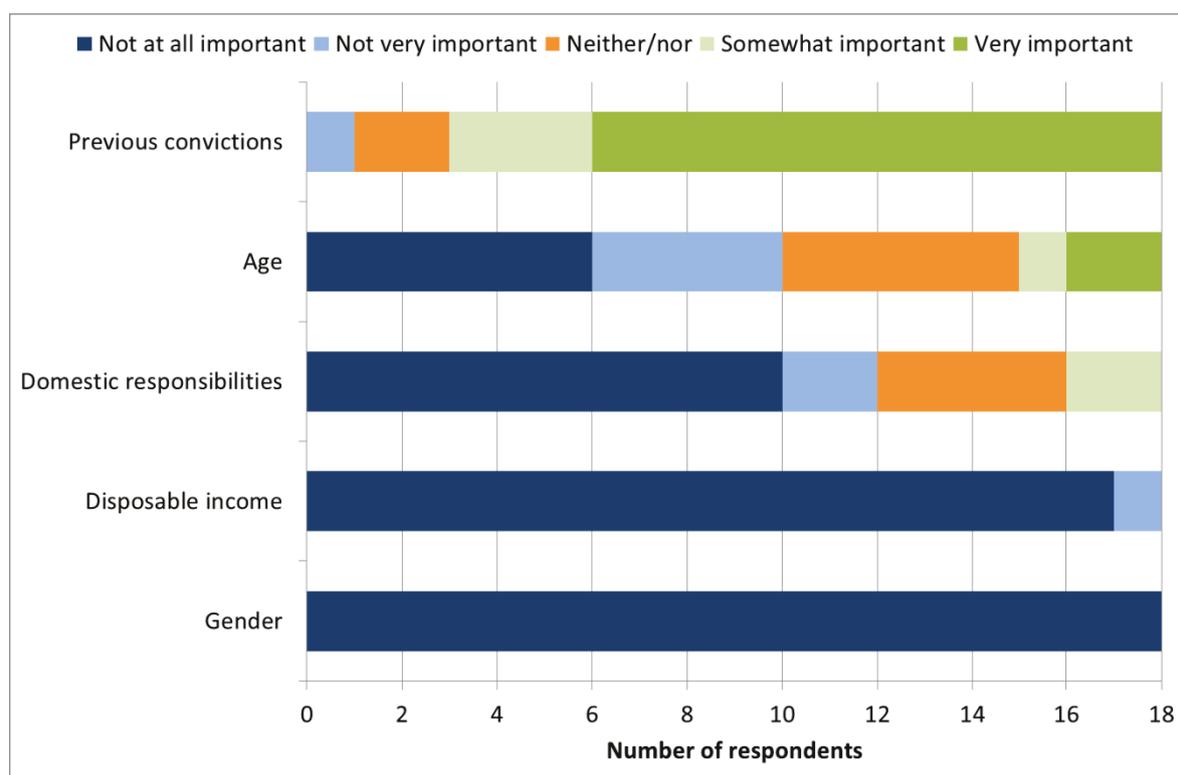


Figure 38: Importance of factors in determining EDT orders

Respondents were asked to explain their responses, should they wish, and to describe any other factors that might influence their decision to require a discretionary extended driving retest in eligible cases.

All said that EDT decisions based on gender and disposable income would be discriminatory.

Domestic responsibilities were generally not a factor in decisions either, although three respondents stated that domestic issues may be considered.

“Domestic arrangements could influence my decision, if the person has to use a vehicle for work purposes etc.”

“I would consider domestic responsibilities but only if they were to be affected by a retest in some way.”

“Domestic responsibilities covers a wide range of possibilities, each would need to be taken on merit.”

Age was somewhat or very important to three respondents. Of these, two provided rationale as to their responses:

“If lessons not learnt from previous offences or very long time since original test.”

“If an elderly defendant is charged with an offence involving poor driving and there is evidence of a future risk to other road users would consider extended test.”

Among those who did not consider age to be important in determining whether to order an EDT, many mentioned age when asked to describe factors which may influence their decision. Some alluded to advancing age, stating that elderly drivers could be asked to retake a test if their competence to continue was in question.

“An elderly driver may need an extended test to ensure his/her fitness to drive.”

“The necessity for a retest might arise as a result of the fact that someone may be coming towards the end of their driving life due to diminishing abilities.”

Some also referred to youth and inexperience:

“Age would pay a part in my decision, particularly very young or very old defendants.”

“I would take into account the driver’s maturity (youths) and ability to continue driving (elderly).”

“If the case involved a young new driver, then that would potentially influence my decision, as new drivers need to be made aware of the dangers of owning a vehicle and misusing it.”

However in some cases, the standard of driving was deemed to be more important than age:

“The fact that someone is either a new driver or with many years’ experience is not usually relevant. It is the evidence of their standard driving which is important.”

“A history of, or a variety of, motoring offences, especially within a restricted time period should indicate a need to be retested. This might have arisen from increased age, but the age itself is not the critical feature.”

A number of respondents declared that the sole factor that they would take into account was previous convictions:

“The other factors above [all bar previous convictions] would be impermissibly discriminatory.”

“The retest is of driving skill regardless of age, occupation, gender or income.”

Previous convictions would seem to have most impact on respondents’ decisions or advice regarding EDTs with a poor driving record, a particularly bad example of its type showing poor driving behaviour, or considerable disregard for driving laws being seen to warrant an EDT.

7.3.2 Awareness of EDT and its discretionary use

7.3.2.1 Consultation

All informants interviewed by phone reported low levels of awareness of the EDT and reported that they rarely (if ever) gave them as this was not part of their court culture. There

was a perception that legal advisers are not aware of the EDT so sentencers were also unaware. However, where awareness of the EDT did exist it seems that very few realised its wide applicability in theory, e.g. for any endorsable offence where points were given. In addition, few seemed aware of their availability for ‘totting’. As previously noted however, this may be explained (see Table 9) by the fact that EDTs are rarely seen by individual magistrates.

Several noted that evidence of infirm, incompetent or inexperienced driving was required before ordering an EDT, so that there was something to rectify. That is, they require evidence that the defendant was unaware of how to drive correctly (and not that they chose not to drive correctly). If this requirement was not met, then unless an EDT was mandatory it would be an unlikely ancillary choice.

7.3.2.2 Survey

The use of EDT in the five case studies is described in Section 7.2.3. In summary, there was limited usage of the EDT (or even the standard retest) by this sample of court personnel in these hypothetical cases which were designed to be conducive to the order of an EDT. Even in a dangerous driving case attracting mandatory disqualification and mandatory EDT (Case 2), not all respondents reported that they would choose these ancillary options.

In some cases, little distinction between standard retests and EDTs was apparent.

Lack of awareness or perhaps the lack of a court culture where retests are offered (where discretionary) may have accounted for their low incidence.

Respondents were asked under what circumstances (if any) they or their bench ever order a standard retest or an EDT for convicted drivers where there is discretion to do so, or whether there are any offence/offender characteristics that would dissuade them from ordering an EDT where there is discretion to do so. Some respondents indicated that retests would only be ordered when mandated by the sentencing guidelines:

“Don't believe we have a discretion.” (EDT)

“I have never done so unless it was mandated.” (Both EDT and standard retest)

“Extended testing is stipulated by law.” (EDT)

The standard retest and EDT were often seen to be an exceptional, rarely used order:

“Rarely, a period of disqualification is by far the most popular sentence.” (Standard retest)

“Hardly ever.” (Both EDT and standard retest)

“I cannot remember making such an order.” (standard retest) / *“I cannot remember making an order under s.36(4).”* (EDT)

With the exception of Case 2, the case studies presented scenarios where the discretionary order of an EDT would have been legally possible. However only very limited use of this option was made.

Respondents were asked how likely it is that a standard retest or EDT would improve an offender’s compliance on the road (on a five-point scale from very unlikely to very likely). On average, respondents felt that an EDT was more likely than a standard retest to improve

compliance. In 14 of the 17 responses, the EDT was perceived to have a greater likelihood of improving compliance than the standard retest (in all of the remaining three cases, the respondents felt that both tests were neither likely nor unlikely to improve compliance), as shown in Table 24.

Table 24: Likelihood of retesting in improving compliance

		EDT				
		Very unlikely	Unlikely	Neither likely nor unlikely	Likely	Very likely
Standard retest	Very unlikely					
	Unlikely			1		
	Neither likely nor unlikely			3	1	
	Likely				4	8
	Very likely					

While our survey showed that court respondents thought their respective benches had considerable faith in the effectiveness of EDTs (and to a lesser extent standard retests) in improving drivers’ compliance on the roads, it was remarked by several telephone interviewees that they had no evidence of their effectiveness. This perceived lack of evidence as to the benefits of EDTs may discourage their usage.

7.3.3 Perceived barriers to ordering an EDT

It is clear that the EDT is not always given in cases where it would be possible to do so. The responses from the surveys and consultation provided a number of potential reasons for the low level of use of the EDT, in addition to lack of awareness (as described in Section 7.3.2). These are outlined below.

7.3.3.1 Exceptional hardship

Fourteen of the 17 respondents that provided a response stated that the penalty would be different if a valid exceptional hardship claim had been made alongside a guilty plea. The changes to the penalty under an exceptional hardship claim varied. Most stated that they may reduce the period of disqualification, or would not disqualify at all, e.g.:

“Might consider period of disqualification shorter than the totting one.”

“I would exercise discretion not to disqualify but might consider a short disqualification.”

“No disqualification would be imposed although the 3 points imposed would be endorsed.”

“I would impose the 3 penalty points but not disqualify him.”

Some did not consider the claim described in the case study to be sufficient evidence of exceptional hardship.

“This information as it stands does not, in my opinion, constitute exceptional hardship. I would need to explore further the possibility of his being able to work elsewhere within the company.”

“The defendant would clearly suffer hardship but there is no evidence of exceptional hardship. If there was evidence that he/she would lose their job and in consequence could lose their home, it could be different.”

Exceptional hardship was mentioned by one survey respondent as a perceived barrier to ordering an EDT. This respondent suggested that an exceptional hardship claim may dissuade them from ordering an EDT even where it is mandatory:

“If the test is required it would take something along the lines of the level of exceptional hardship to avoid it in my opinion.”

See Section 7.3.1 for more on the effect of exceptional hardship on sentencing.

7.3.3.2 *Atypical behaviour*

Where an offence is carried out that appears to be very much out of character for the defendant, use of an EDT may be decided against, as indicated by a couple of survey respondents:

“[Would be dissuaded from awarding an EDT] where the offence appears to be totally of character and where there appears to be very strong mitigation advanced.”

“Where the incident appears to be a one off incident given the defendant's record of offences and totally out of character for the defendant.”

7.3.3.3 *Culpability*

Where a defendant is guilty of an offence but is perceived to have a low level of culpability, one respondent stated that they may be dissuaded from ordering an EDT:

“Offences where the defendant might be said to be “blameless”, or v low culpability but nevertheless is guilty of the offence itself.”

7.3.3.4 *Perceived low likelihood of EDT requirement being observed*

It became clear during the consultation that sentencers are aware that disqualified drivers sometimes leave court and drive away, and that a proportion of drivers do not observe the disqualification at all. In light of this, there is a perception that to require a retest at the end of a disqualification may be one step too many for some offenders, who may be less likely to reapply for their licence as a result (Pearce, Knowles, Davies, & Buttress, 2002). An EDT may be more likely to dissuade drivers from reapplying for their licence, and so sentencers may avoid giving it in order to reduce the risk of offenders driving unlicensed. Offenders' progression towards obtaining their licence following the completing of their disqualification and unlicensed driving is discussed in Section 8.3.

7.3.3.5 *Uncertainty over punitive nature of EDT*

In 'totting' and drink-driving disqualifications, it was reported that disqualification is seen as the punishment, so an additional ancillary order of an EDT or standard retest could be seen as punitive. It is possible therefore that sentencers only infrequently consider the applicability of a discretionary retest. However if evidence of a poor standard of driving is shown in one or more of the endorsed offences then it may be considered that there are grounds for a retest. Examples of uncertainty in the use of EDT as an ancillary order discussed during the telephone consultations include:

- Where an offence of poor driving attracts 4/5 points, an EDT (and even a standard retest) could be seen as disproportionate, punitive and/or appealable.
- Most offences in the magistrates' courts fall into Band 1 and 2 in the Sentencing Guidelines. Band 3 offences – mostly where ancillaries and retests can be ordered – are seen less often, and legal advisors may be unaware of their applicability. Thus the rarity of suitably serious cases in which exceptionally poor driving (by reason of inexperience, infirmity or incompetence) is evidenced may be a reason for low usage of EDTs in magistrates' courts.
- Exceptional hardship (EH) claims are fairly common in 'totting' cases and where validated they will normally supersede any perceived value of a disqualification with a retest. Sentencers in our exercise indeed tended to focus on the validity of the EH claim. None mentioned the alternative, as EH claims normally take priority.

Summary

- The majority of offenders convicted of offences where the EDT is mandatory are disqualified and required to take an EDT.
- The vast majority of offenders were given a disqualification period of at least the minimum given in the guidelines.
 - Dangerous driving:
 - 38% of offenders were ordered into immediate custody, with an average sentence length of 9 months
 - Average disqualification length of 18 months
 - Death by dangerous driving and causing death by careless driving under the influence:
 - 90% of offenders were ordered into immediate custody, with an average sentence length of 4 years
 - Average disqualification length of 5 years
- In the hypothetical case studies the EDT was not considered in some cases, even where it is mandatory.
- Survey respondents stated that gender and disposable income were not important factors in determining an EDT order; previous convictions were considered important and age was also considered.
- Some survey respondents indicated that there was little evidence on the effectiveness of EDT, though they thought they were likely to be more effective than standard tests. Some respondents indicated that there was a low likelihood of the EDT requirement being observed.

8 Retesting

8.1 EDT and standard test

DVSA provided data on the number of EDTs taken each year between 2005 and 2014, shown in Table 25. These figures are the number of tests including individuals that have taken the extended test more than once and those with a result of 'N' which may indicate that the test was booked but not actually completed.

Table 25: Number of EDTs taken, 2005-2014

Year	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
EDTs taken	5,161	5,666	5,516	5,763	5,211	5,160	5,726	5,216	5,121	5,407

This shows that there were between 5,000 and 6,000 EDTs taken annually between 2005 and 2014.

8.1.1 Practical test pass rates and number of attempts

Overall pass rates

Pass rates are defined as the proportion of all the EDT attempts that were passed. The overall pass rate from 2005-2014 was 62% with 32,461 of the 52,153 recorded as passes.

Table 26 shows the number of successful EDT attempts along with the associated pass rate, also shown in Figure 39.

Table 26: Number and pass rate of EDTs taken (DVSA data, 2005-2014)

Year	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
EDTs taken	4,959	5,483	5,342	5,569	5,032	4,969	5,528	5,074	4,966	5,231
EDTs passed	2,831	3,121	3,169	3,338	3,226	3,205	3,590	3,351	3,238	3,392
Pass rate	57%	57%	59%	60%	64%	64%	65%	66%	65%	65%

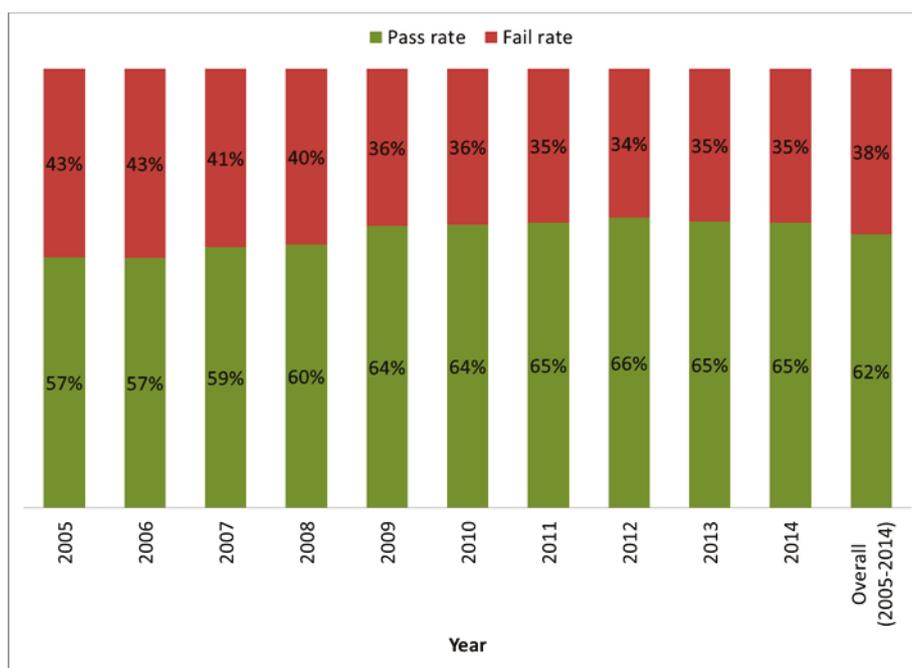


Figure 39: Pass rate of EDT by year (DVSA data 2005-2014)

Number of attempts and number of attempts until pass

It is important to distinguish between the number of EDTs attempted and the number of offenders who attempted the test at least once. The 52,153 EDTs that were attempted from 2005-2014 were carried out by a total of 33,781 drivers. On average an individual took the EDT 1.5 times. The distribution of offenders by their number of attempts can be found in Table 27. While the ‘Number of offenders that pass’ row of the table includes only the offenders who were eventually successful in passing their EDT, the ‘Number of offenders’ row also includes the offenders who have yet to pass. For example, of the 22,054 offenders who attempted the EDT only once, 21,543 passed and 511 (22,054 minus 21,543) failed.

Table 27: Number of attempts at EDT (DVSA data 2005-2014)

	Number of attempts						Total (100%)
	1	2	3	4	5	6+	
Number of offenders	22,054	7,604	2,633	902	351	237	33,781
	65.3%	23.5%	7.8%	2.7%	1.0%	0.7%	100%
Number of offenders that pass	21,543	7,218	2,411	787	314	188	32,461
	66.4%	22.2%	7.4%	2.4%	1.0%	0.6%	100%

65% of drivers attempted the EDT once (the majority of which passed first time) and 23% attempted the EDT twice. The 6+ attempts category is composed of offenders who attempted the EDT anywhere from 6 to 19 times.

Similar statistics can also be calculated using the data for offenders who eventually passed using the second row of Table 27. Of the 33,781 offenders who attempted the EDT at least once, 32,461 (96%) were eventually successful in passing.

Practical test pass rate by gender

Analysis of pass rate broken down by gender (Figure 40) shows that males were more successful in passing their EDT (with a pass rate of 63%) than females (who had a pass rate of 56%). Data can be found in

Table 58.

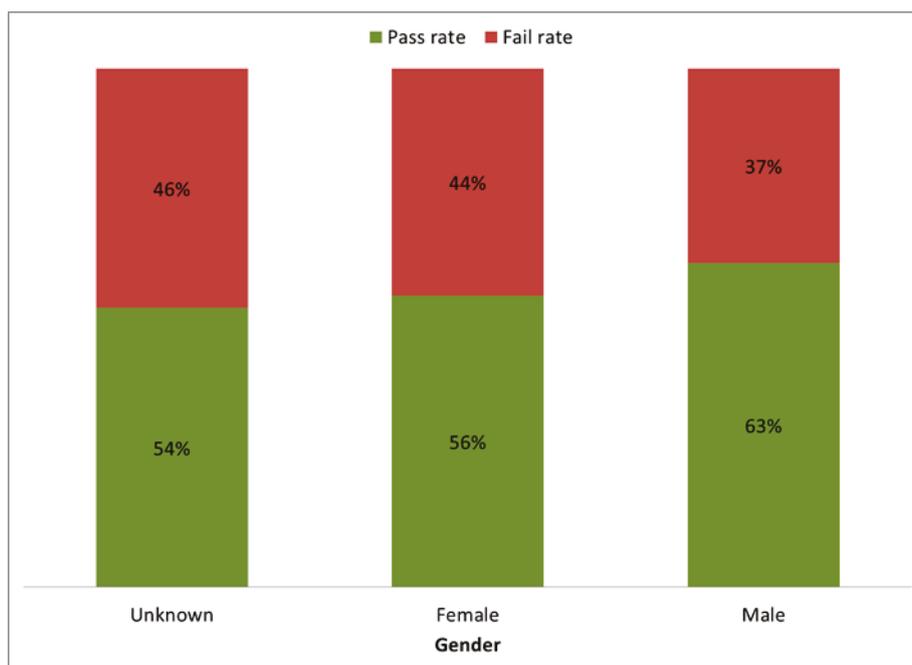


Figure 40: Pass rate of EDT by gender (DVSA data 2005-2014)

The distribution of the number of attempts until pass by gender is shown in Figure 41. Counts of drivers can be found in Table 59.

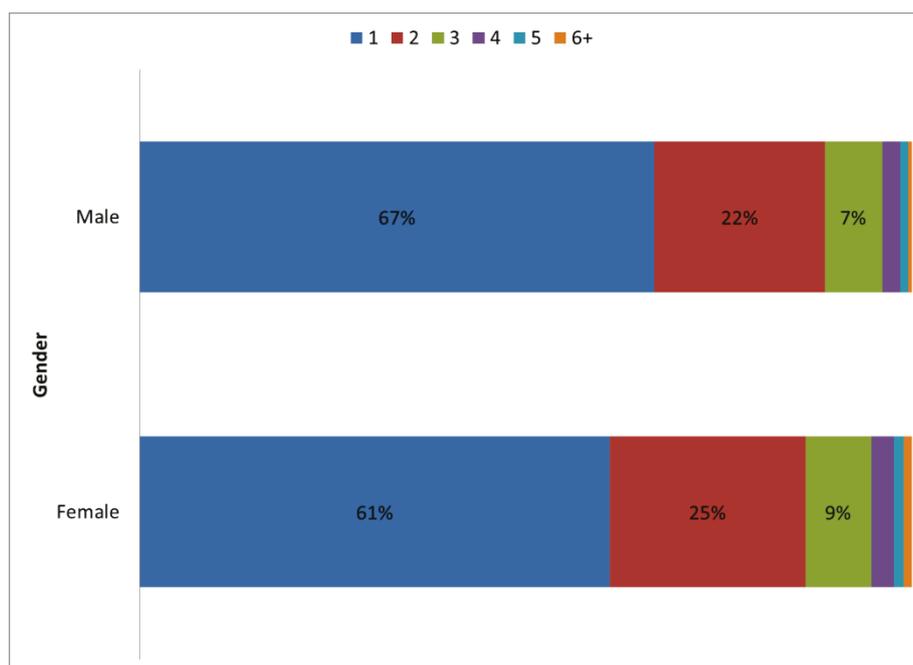


Figure 41: Proportion of drivers by number of attempts until pass and gender (DVSA data, 2005-2014)

There was a slightly higher proportion of males who attempted the EDT only once whereas a higher proportion of females attempted the EDT twice. The distributions of the number of males and females who attempted the EDT three times or more are similar. Data can be found in Table 60.

Comparisons with DVSA historical data on all standard practical test results (Gov.uk, 2015) provided similar differences between males and females. Although pass rates for both groups were higher for the EDT than in the historical data, the pass rate for tests taken by males in April 2007 to March 2015 (50%) was higher than that of females over the same time period (43%).

Practical test pass rate by age group

The distribution of the number of attempts at the EDT is different for both gender and age. Practical test pass rates by age are presented in Table 28 and comparisons between age group can be made visually in Figure 42.

Table 28: Number and pass rate of EDTs taken by age (DVSA data 2005-2014)

Age group	<18	18-30	31-40	41-50	51-60	≥61	Unknown
EDTs taken	262	30,772	11,789	5,382	1,778	677	1,493
EDTs passed	119	18,939	7,760	3,431	1,077	307	828
Pass rate	45%	62%	66%	64%	61%	45%	55%

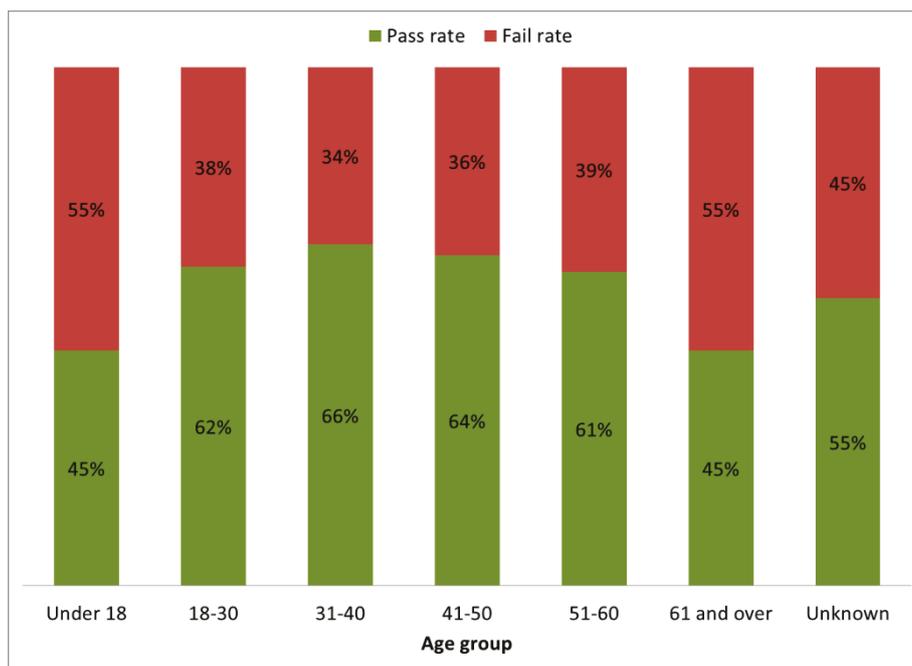


Figure 42: Pass rate of EDT by age (DVSA data, 2005-2014)

Lower pass rates are apparent in both the youngest and oldest age groups once more because of the relationship that exists between Figure 43 and Figure 42. Larger numbers of attempts in any given age group (e.g. 61+) imply that there were more failures which in turn leads to a lower pass rate.

A similar procedure was carried out to compare the distribution of the number of attempts for drivers when divided by age group.

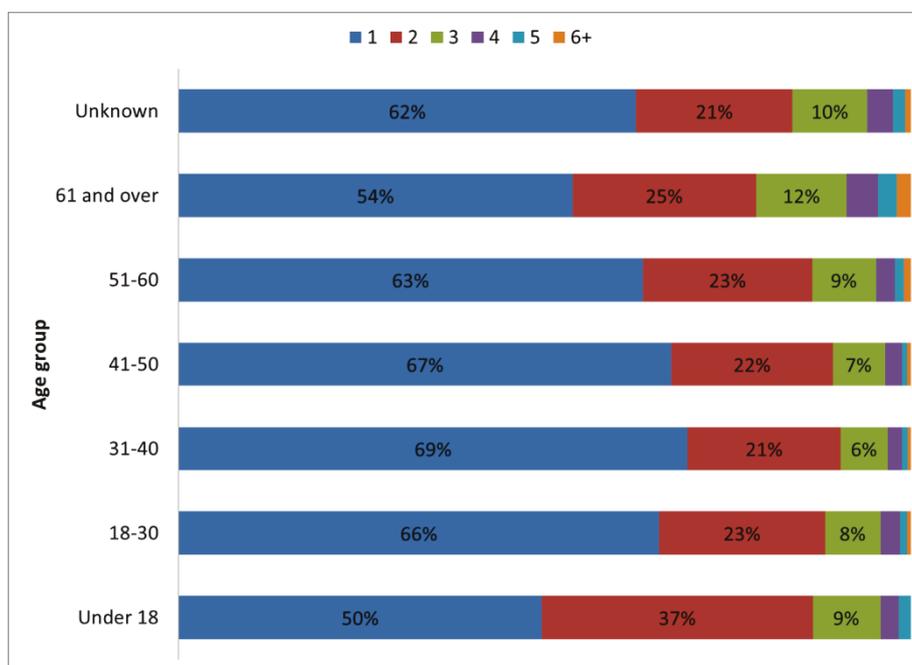


Figure 43: Proportion of drivers by number of attempts until pass and age (DVSA data, 2005-2014)

Larger numbers of attempts are evident for both the youngest and oldest age groups (although the number of offenders in these groups is relatively small). Among drivers under the age of 18, a larger proportion required two attempts to pass their test. In the case of drivers over the age of 60, a larger proportion also required more than one attempt.

Each age group (except for <18) had a higher EDT pass rate than for all tests from DVSA data, shown in Table 29.

Table 29: Pass rate by age group from DVSA historical data, April 2014 to March 2015 (Gov.uk, 2015)

	<18	18-30	31-40	41-50	51-60	≥61	Unknown
DVSA historical data	56.2%	47.1%	38.9%	35.8%	34.9%	35.6%	60.0%

8.1.2 Pass rates and times taken by geography and social grade

Figure 44 shows the EDT pass rate by country and region, based on postcode of the candidates.

■ Less than 65%
 ■ 65 to 70%
 ■ 70 to 75%
 ■ 75 to 80%
 ■ 80% or more

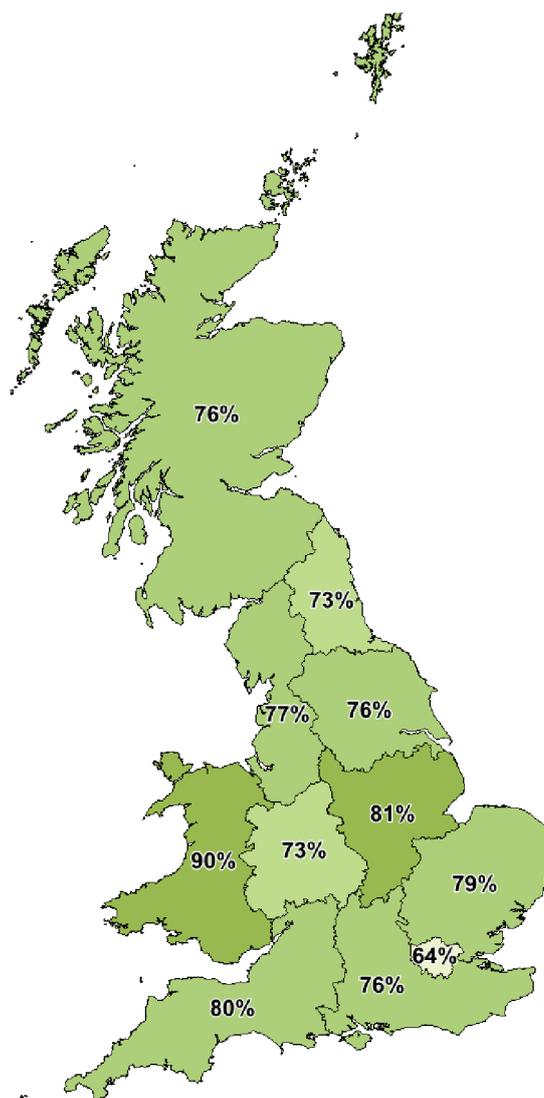


Figure 44: EDT pass rate by GB country and region (DVSA data, 2005-2014)

The map shows that the proportion of EDTs passed is lower in London (64%) than all other regions of England, Scotland and Wales. Wales has the highest proportion of EDTs passed (90%).

Figure 45 shows the proportion of people in each postcode region who have passed an EDT by the number of attempts it took them to pass.

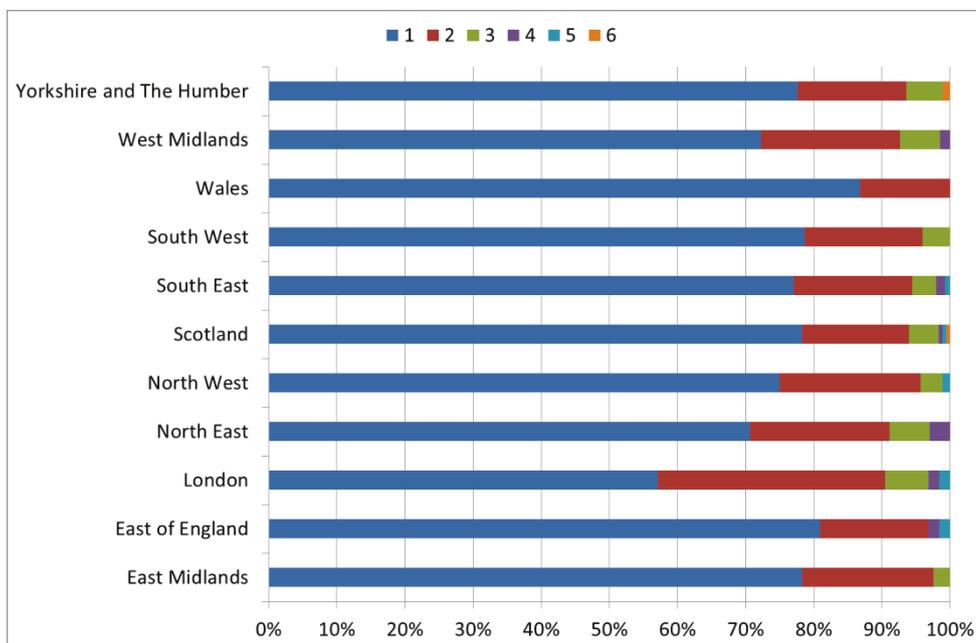


Figure 45: The proportion of EDT passers by the number of EDTs attempted and country or region (DVSA data, 2005-2014)

Figure 45 shows that a larger proportion of people from London took two or more attempts to pass than in Scotland, Wales and all other regions in England. The highest proportion of people who pass on their first attempt was in Wales, where no offenders took more than two attempts to pass, unlike the other regions.

Figure 46 shows the proportion of EDTs passed by the estimated social grade of the household reference person of the offender taking the test (see Appendix C.3 for more information of social grade).

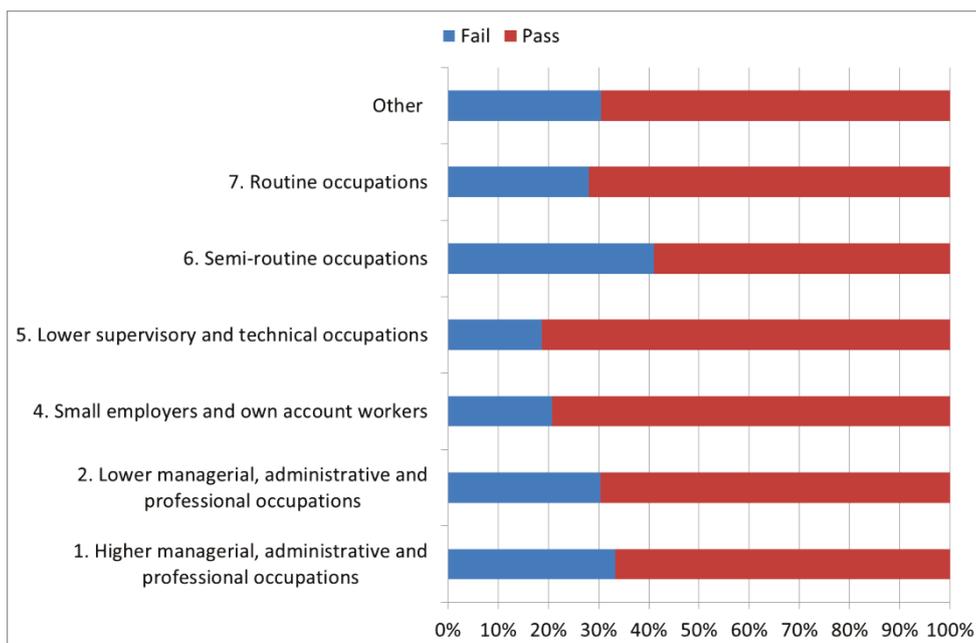


Figure 46: EDT pass rate by estimated social grade (DVSA data, 2005-2014 and National Statistics)

It can be seen that social grade 6 (lower supervisory and technical operations) has the lowest proportion of EDT passes at 59.0% and social grade 5 has the highest proportion at 81.3%.

Figure 47 shows the percentage of offenders from different social grades who have passed an EDT by the number of attempts it took them to pass.

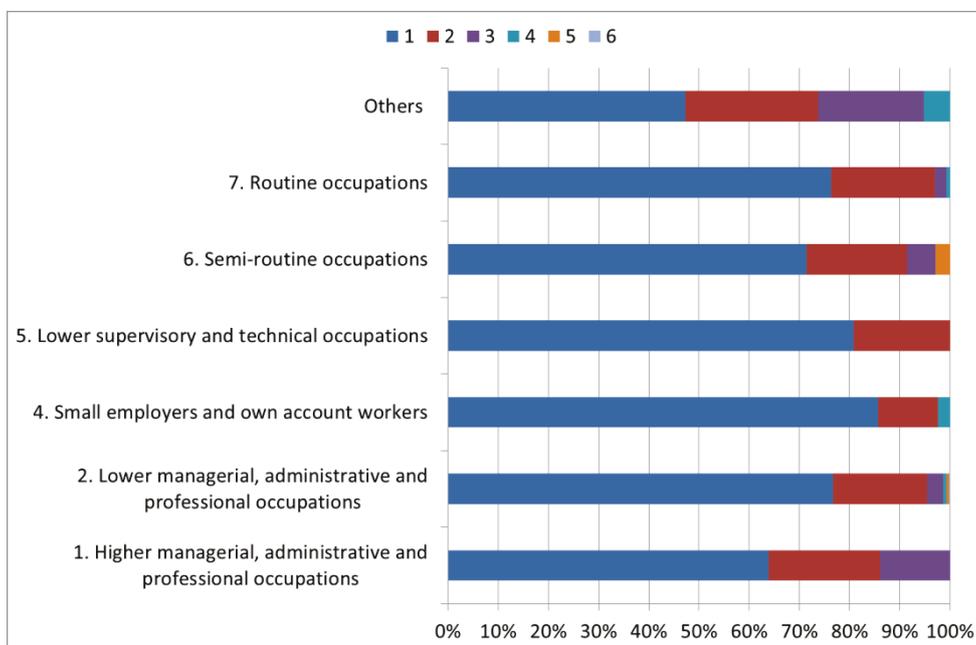


Figure 47: The proportion of EDT passers by the number of attempts and social grade (DVSA data, 2005-2014 and National Statistics)

Figure 47 shows that social grade 1 (higher managerial, administrative and professional occupations) has the lowest proportion (64%) of offenders who pass their EDT with one

attempt. Social grade 4 (small employers and own account workers) has the highest percentage (86%) of offenders who pass the EDT with one attempt.

However the social grade figures are based on a small number of offenders and over 50% of offenders are social grade 2 (lower managerial, administrative and professional occupations) so the differences between social grades may be due to the random variation of small numbers.

8.1.3 EDT category type

Of the 52,153 EDTs that were attempted over the period 2005-2014, 50,777 (97.4%) were for category B licences (cars), 1,373 (2.6%) were for category A licences (motorcycles) and the remaining 3 were for other types of licences.

Pass rates differed between category B and category A EDTs with the motorcycle EDT having a slightly higher pass rate (65%) than the EDT for cars (62%).

8.1.4 Practical test pass rates by Offence

The DVLA and DVSA linked data enabled analysis of the offence that the EDT takers committed. Figure 48 shows the EDT pass rates for the mandatory EDT offences and various discretionary EDT offences.

The 'unknown' category refers to those EDTs which, although they matched with a driver in the DVLA data, had had the details of the EDT offence removed from the licence (because the EDT had been passed and the removal of offences period has passed).

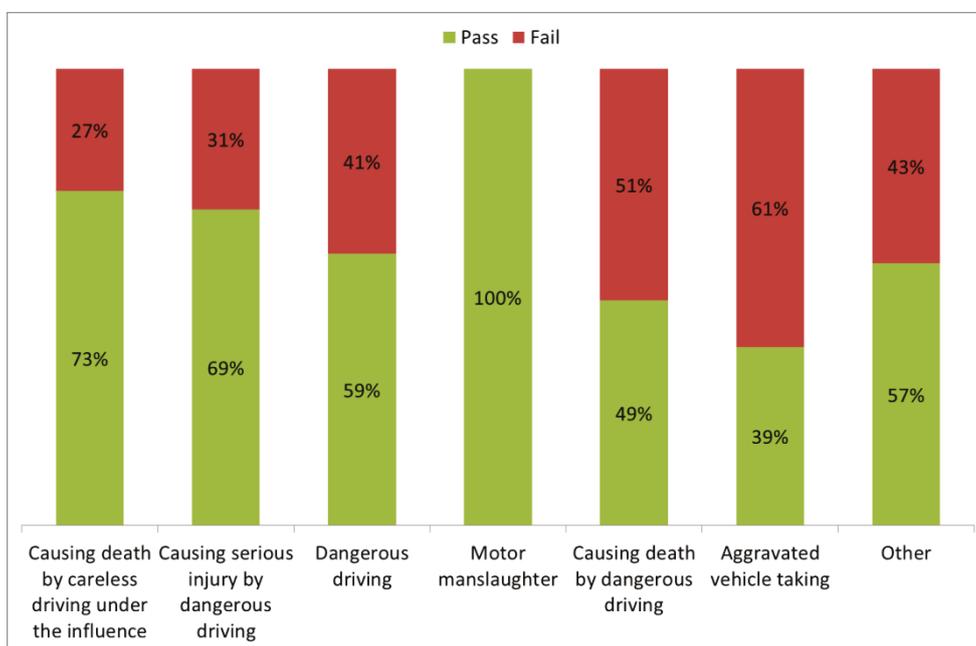


Figure 48: Pass rate of EDT by offence*

* There were only 2 'motor manslaughter' offenders and 13 'causing serious injury by dangerous driving' offenders who had taken an EDT

Considering the mandatory EDT offences, the highest pass rate (excluding 'motor manslaughter', for which the number of offenders was small) was for 'causing death by careless driving under the influence' with a pass rate of 73% (compared with 59% for 'dangerous driving'). These figures are higher than the pass rate for all standard tests, suggesting that many of these drivers have the skills required to pass the driving test.

The offences with discretionary use of EDTs generally had lower pass rates, with 'aggravated vehicle taking' the lowest (39%), suggesting that, on average, these drivers have lower skill levels than those taking the standard test.

8.1.5 What are the reasons for failing?

The DVSA data included the scores from the DL25, the scoring sheet used in the practical driving test. Using these data, reasons for failing the practical driving test were identified by analysing the total number of driving faults and any serious or dangerous faults. Failure was separated out into the following three groups: failure due to a dangerous fault, failure due to a serious fault, and failure due to more than 15 driving faults. These were categorised in this order so that, for example, if a test included 2 serious faults and over 15 driving faults, they would be classed as a "failure due to serious fault", or if it included a dangerous and a serious fault it would be classed as "failure due to dangerous fault". Test candidates can be failed if they commit the same driving fault multiple times; the number of times before this happens is at the discretion of the examiner. In most of these instances it is recorded by the examiner as a serious fault, however, where this has not been done the analysis is unable to distinguish these instances from those who were failed for unrecorded reasons.

Table 30 shows the number of extended tests failed for each of the three reasons above.

The analysis below is limited to car driving practical tests as only this vehicle test type had the test report DL25 breakdown.

Table 30: Extended test failure reasons

Fail reason	Total	Percentage of failed EDTs	Average number of faults
Dangerous fault	1,538	8.0%	1.17
Serious fault	17,603	91.6%	2.09
Driving fault	27	0.1%	17.59
Unknown	47	0.2%	-
Total	19,215	100%	-

Table 30 shows that most (92%) of the EDT fails are due to one or more serious faults, 8.0% are failed due to one or more dangerous faults, and 0.1% are failed due to more than 15 driving faults.

Of the 17,603 tests that were failed due to one or more serious fault, Table 31 shows the most common serious faults.

Table 31: The most common serious failure faults

Fault type	Number of tests where this fault occurred	% of failed tests
Use of speed (driving too fast for conditions)	3,672	19.1%
Maintain progressive speed	3,303	17.2%
Junction observation	2,431	12.7%
Response to traffic signs	2,364	12.3%
Road positioning	2,337	12.2%
Turning right at a junction	2,327	12.1%
Moving off safely	2,033	10.6%
Use of mirrors to change direction	1,903	9.9%
Response to traffic lights	1,870	9.7%
Response to road markings	1,659	8.6%

Of the 1,538 tests that were failed due to one or more dangerous offences, the most common dangerous faults are shown in Table 32.

Table 32: The most common dangerous failure faults

Fault type	Number of tests where this fault occurred	% of failed tests
Junction observations	366	1.9%
Use of mirrors to change direction	229	1.2%
Response to traffic signs	101	0.5%
Response to traffic lights	97	0.5%
Judgement while overtaking, meeting or crossing	81	0.4%

'Use of speed' was marked as a serious fault in 19.1% of all failed tests. This is defined by DVSA as 'driving too fast for road, traffic and weather conditions' (DVSA, 2015) and a serious fault includes 'going too fast for the prevailing road and / or traffic conditions, exceeding speed limits'.

'Maintaining a progressive speed' was marked as a serious fault in 17.2% of all failed EDTs. This fault includes 'driving too slowly for road and traffic conditions' and 'being over cautious by stopping or waiting when it is safe and normal to proceed' (DVSA, 2015).

These two most common reasons, both relating to speed, accounted for approximately one-third of total EDT failures but do not appear in the most common reasons for test failure for standard test as reported by DVSA (DVSA, 2014a).

Junction observation was the reason for failure in 14% of EDT failures. This was the most common reason for failure for standard car tests (DVSA, 2014a).

Use of mirrors (change direction) and control (steering) were common reasons for failing the standard test (DVSA, 2014a), but did not appear in the top list for EDTs.

8.1.6 Standard test

General analysis was conducted for the pass rates of the standard retests that were ordered. Through the DVLA data, there were 10,389 standard test records. These are records of the standard tests for drivers who have a retest marker on their driving record. Unlike the DVSA data, that included all EDTs taken over 10 years, the standard test data comes from linking the DVSA data with the DVLA offence data. There are two consequences of this: primarily, the further into the past you go, pass rates are calculated using increasingly fewer test results. Secondly, pass rates will be expected to be lower as successful records will have been removed whereas unsuccessful drivers will not have been. These shortcomings are presented in Figure 49 as a lower pass rate is observed for earlier years.

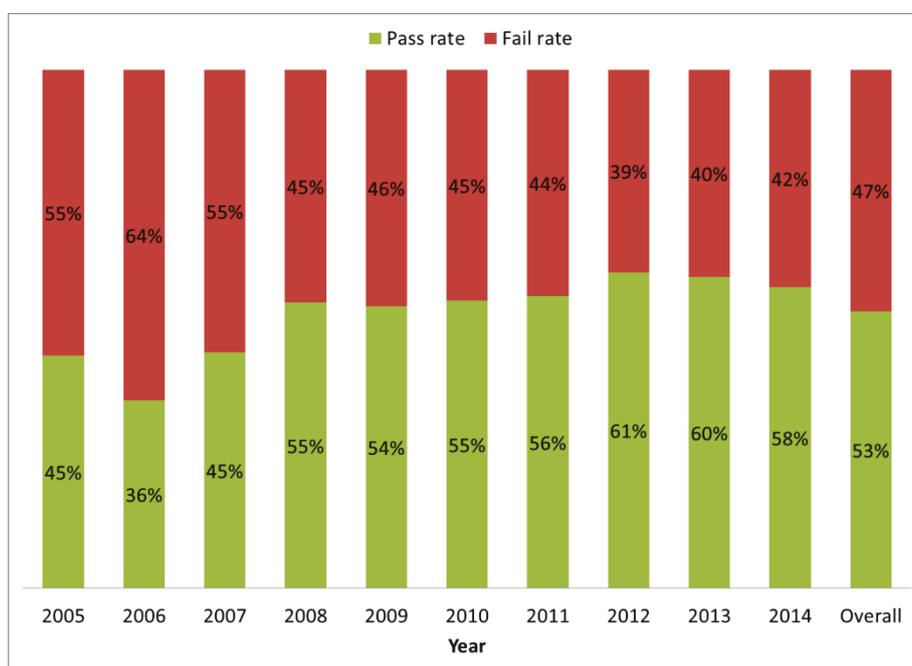


Figure 49: Pass rate of standard test by year

This shows that the pass rate for standard retests is lower than the pass rate for EDTs (58% compared with 65% in 2014).

The standard test pass rates for males and females were 54% and 40% respectively. Both are lower than the 63% and 56% pass rates on the EDT; however, females still have a significantly lower pass rate.

Similar patterns may be seen when breaking down the pass rate by age group which is presented in Figure 50.

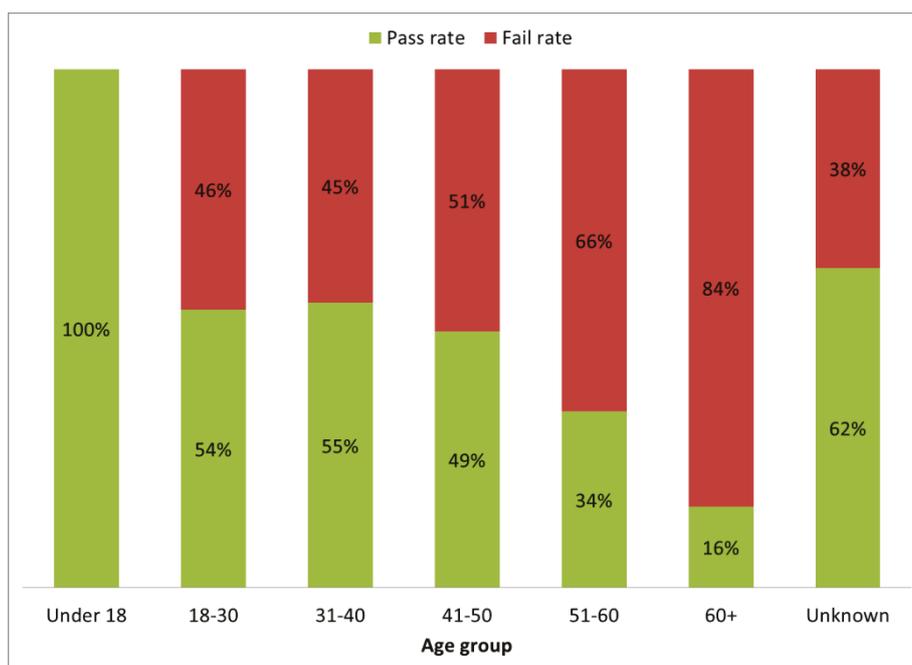


Figure 50: Pass rate of standard test by age group

Analysis of number of attempts at the standard test will focus on offenders who were eventually successful in passing their test. This is not a complete collection of all offenders who passed but only those who have passed and whose offence records have not been removed after the specified time.

There were 5,548 offenders who were eventually successful in passing their standard test and the distribution of number of attempts is presented in Table 33.

Table 33: Number of attempts until pass of standard test

	Number of attempts					
	1	2	3	4	5	6+
Number of offenders that pass	3,048	1,371	625	260	120	124
	54.9%	24.7%	11.3%	4.7%	2.2%	2.2%

8.2 Theory test

DVSA provided data on the number of driving theory tests attempted between the years 2007 and 2015 by drivers who committed an offence (excluding theory tests taken to gain first licence). As was the case with the EDT data, this is a count of test attempts and does not take into consideration the fact that drivers may have attempted the theory test more than once. The counts by year shown in Table 34 are presented by year and by test category (of which all non-car test categories are grouped into ‘other’). Low counts of theory test attempts in 2015 can be explained by the fact that this includes only two months’ worth of data (January and February 2015).

Table 34: Number of theory tests taken by drivers who committed a retest offence, 2007-2015

Year	2007	2008	2009	2010	2011	2012	2013	2014	2015
'Car' theory tests taken	6,968	7,965	7,724	7,360	6,568	6,347	6,254	6,168	819
'Other' theory tests taken	653	935	716	799	933	1,036	938	1,114	137
'Total' theory tests taken	7,621	8,900	8,440	8,159	7,501	7,383	7,192	7,282	956

The vast majority (88%) of theory tests taken were of test category B (cars) where the remaining 12% includes different types of motorcycle theory tests and LGV theory tests, among others. Taking this into consideration along with the complication that some drivers have attempted and passed several types of test, analysis in this section will focus solely on the test category B theory tests.

8.2.1 Theory test pass rates and number of attempts

Overall pass rates

The number of car (category B) theory tests taken and passed for those drivers who had taken an EDT, or have been disqualified with an EDT test requirement, by year and the pass rate is shown in Table 35 and compared in Figure 51.

Unlike the EDT database, in which test results were recorded as 'P', 'F' or 'N', the theory test database contained only 'Pass' and 'Fail' test results therefore all records were considered in the analysis.

Table 35: Number and pass rate of theory tests taken by year

Year	2007	2008	2009	2010	2011	2012	2013	2014	2015
'Car' theory tests taken	6,968	7,965	7,724	7,360	6,568	6,347	6,254	6,168	819
'Car' theory tests passed	4,459	5,332	5,067	4,861	4,329	4,356	3,725	3,513	487
Pass rate	64%	67%	66%	66%	66%	69%	60%	57%	59%

Of the 56,173 car theory test attempts between 2007 and 2015, a total of 26,129 were recorded as passes resulting in an overall theory test pass rate of 64%.

Lower pass rates in 2013 to 2015 compared with earlier years may be due to changes to the theory test. Examples of changes that have been implemented include the banning of interpreters or foreign-language voice-overs (2014), and the exclusion of publications of new questions both online and in practice papers.

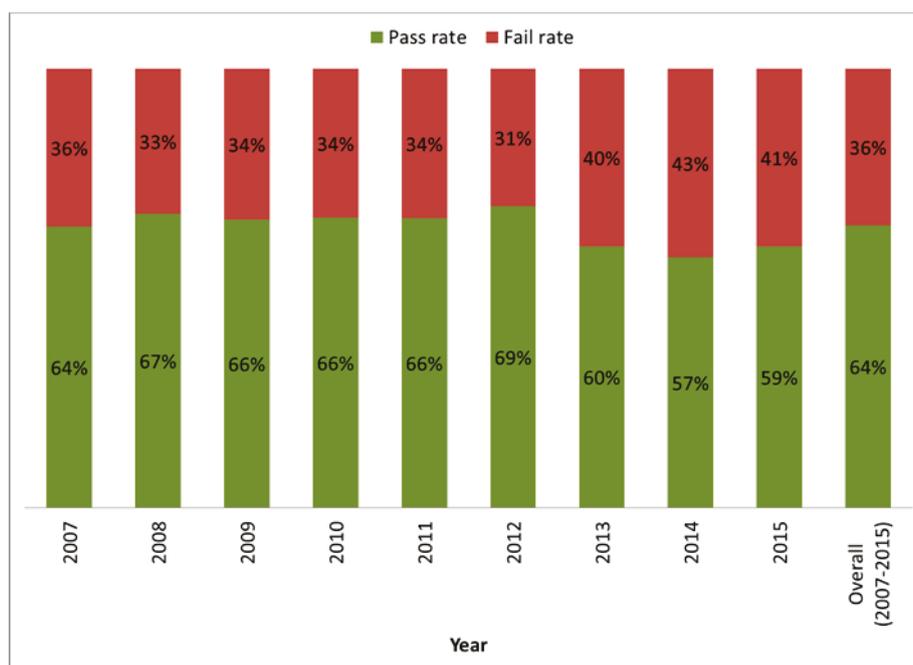


Figure 51: 'Car' theory test pass rate by year

Number of attempts until pass

As was the case with the EDT, the number of attempts until passing the theory test is presented below for the years 2005 to 2015. Table 36 presents the number of attempts until pass of the offenders who attempted the theory test at least once.

Compared with the 66% of people who needed only one attempt at the EDT, there were 72% of offenders who passed the theory test in one try, and fewer (17% compared with 22% for the EDT) that took two attempts in order to pass.

Table 36: Number of attempts until pass for the 'car' theory test

No. of attempts until pass	No. of offenders	Proportion of offenders who passed
1	25,970	71.9%
2	6,024	16.7%
3	2,206	6.1%
4	928	2.6%
5	464	1.3%
6+	537	1.5%
Total	36,129	100%

8.2.2 Theory test pass rates by age, gender and offence

It is useful to analyse pass rates in the same manner as the pass rates of the EDT. This section will cover the analysis of pass rates broken down by age group, gender and offence in a way

which allows for comparison between the theory test and the practical test. The latter comparison has to take into account that although by definition every individual who has attempted the EDT must have completed the theory test, the converse is not true; individuals who have attempted the theory test will not necessarily have attempted the EDT.

Theory test pass rate by gender

The theory test pass rate for males (64%) is similar to their pass rate on the EDT (63%) whereas females are more successful when taking the theory test than when taking the EDT with pass rates of 67% and 56% respectively. Results can be seen in Table 37 and Figure 52.

Table 37: Number and pass rate of 'car' theory tests by gender

Gender	Male	Female	Unknown
'Car' theory tests taken	53,031	2,459	683
'Car' theory tests passed	33,979	1,657	493
Pass rate	64%	67%	72%

There are significantly more theory test attempts which record gender as 'unknown' which may influence the true pass rates for both males and females.

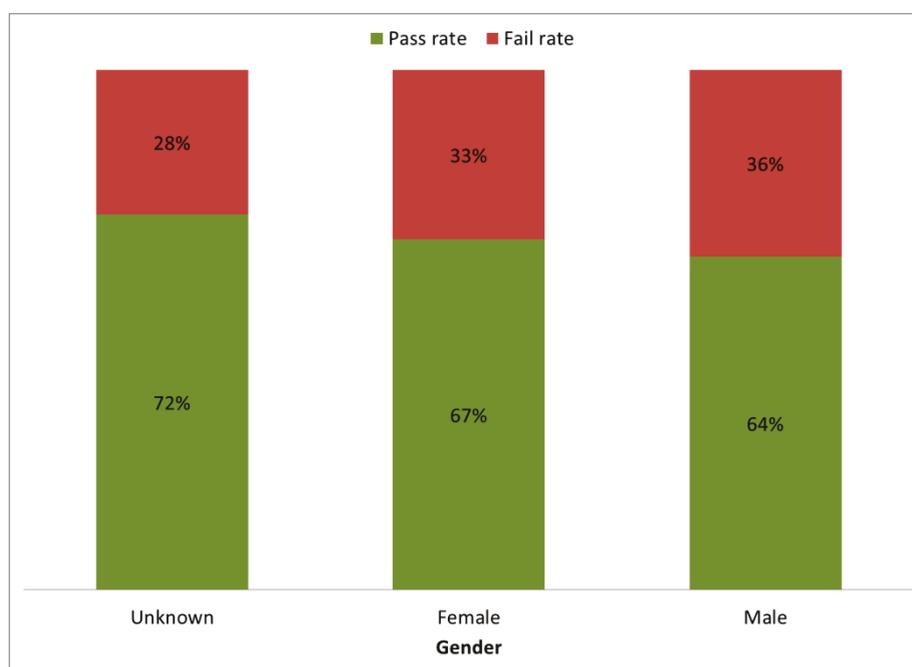


Figure 52: 'Car' theory test pass rate by gender

The distribution of the number of attempts by gender is shown in Figure 53.

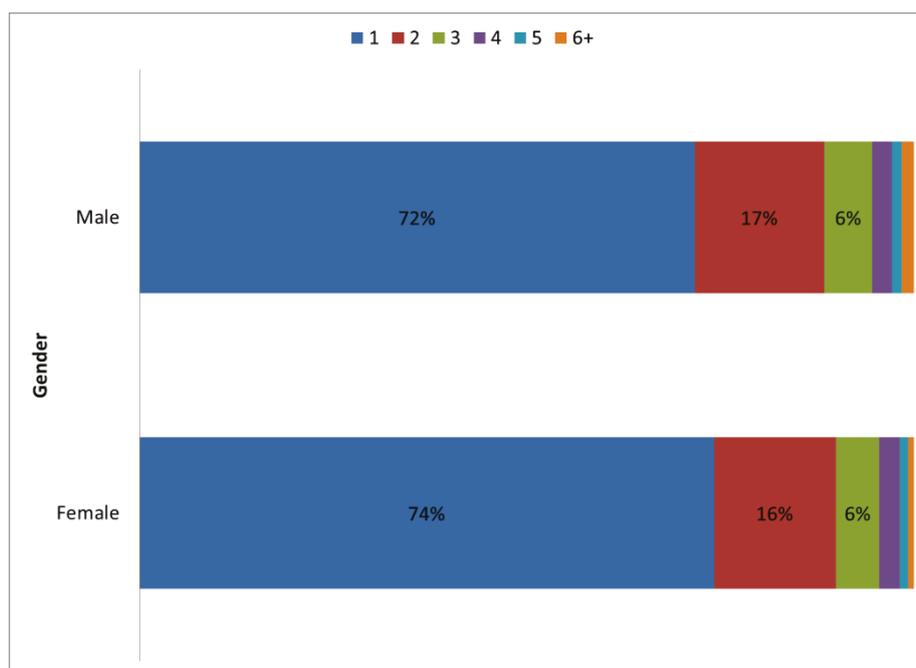


Figure 53: Proportion of drivers by number of attempts until pass and gender

Contrary to what was found with EDT attempts, there is a higher proportion of females who attempt the theory test only once in order to pass.

As was the case with the practical test pass rate comparisons between EDT and DVSA general data from 2008-2014, ‘car’ theory test pass rates from the DVLA historical data (Gov.uk, 2015) were lower than those for drivers taking their theory test as a retest. However, the pass rate for females (63%) was also higher than the pass rate for males (57%).

Theory test pass rate by age

For comparable results in both the theory test and practical test sections, pass rates by age are presented below in Figure 54 and Table 38.

Table 38: Number and pass rate of ‘car’ theory tests by age

Age group	<18	18-30	31-40	41-50	51-60	≥61	Unknown
‘Car’ theory tests taken	6,425	32,707	9,940	4,082	1,313	604	1,102
‘Car’ theory tests passed	3,214	20,983	6,998	2,974	945	302	713
Pass rate	50%	64%	70%	73%	72%	50%	65%

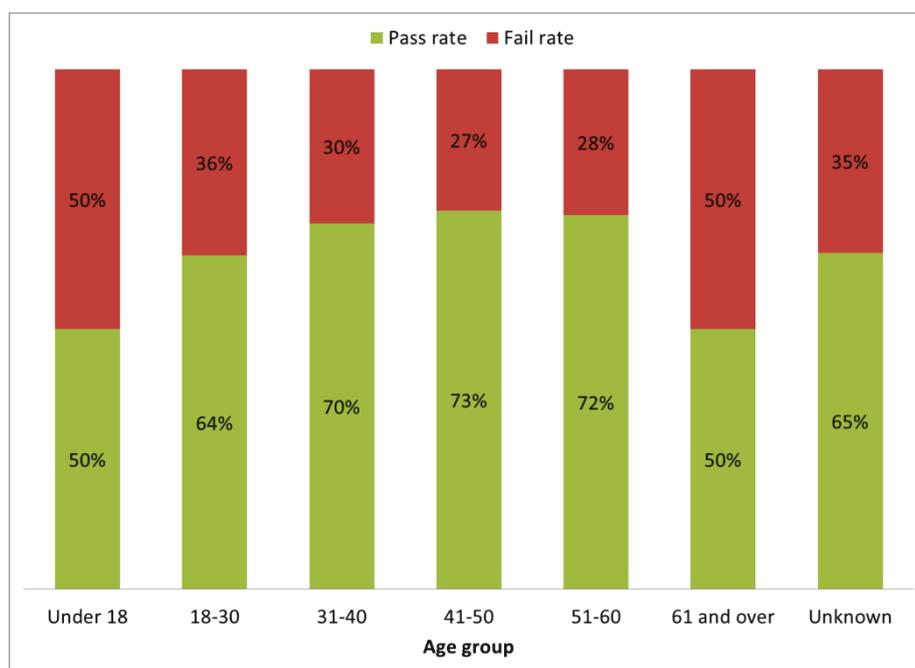


Figure 54: 'Car' theory test pass rate by age

A similar age-related pattern is seen in these data as is seen in the pass rates of EDTs, as noticeably lower pass rates for theory tests are seen for older individuals, and for offenders who take the theory test before the age of 18.

Similar patterns are recognisable in Figure 55 when considering the number of attempts until pass by age group.

Historical DVSA data on 'car' theory test pass rates by age group from 2014-2015 did not show the same pattern as the pass rate from the retest. Historical data showed theory test pass rate around 50% for all age groups apart from 31-40 year-olds who had a pass rate of 54%.

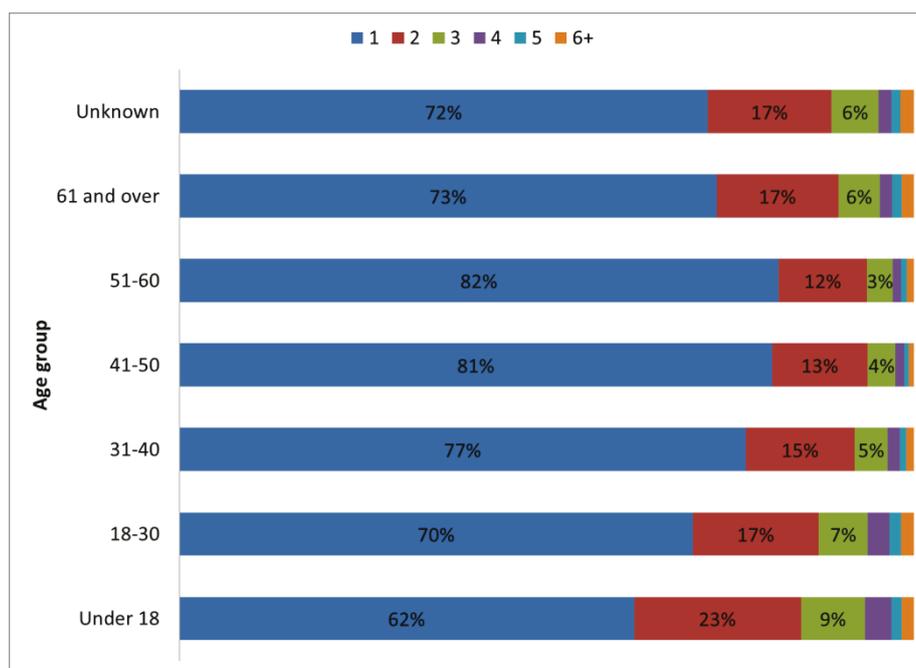


Figure 55: Proportion of drivers by number of attempts until and age

Theory test pass rate by offence

Figure 56 shows the theory test pass rates by the offence. Note that if a retest was recorded for multiple offences at the same time then the theory test data are included in all relevant offences.

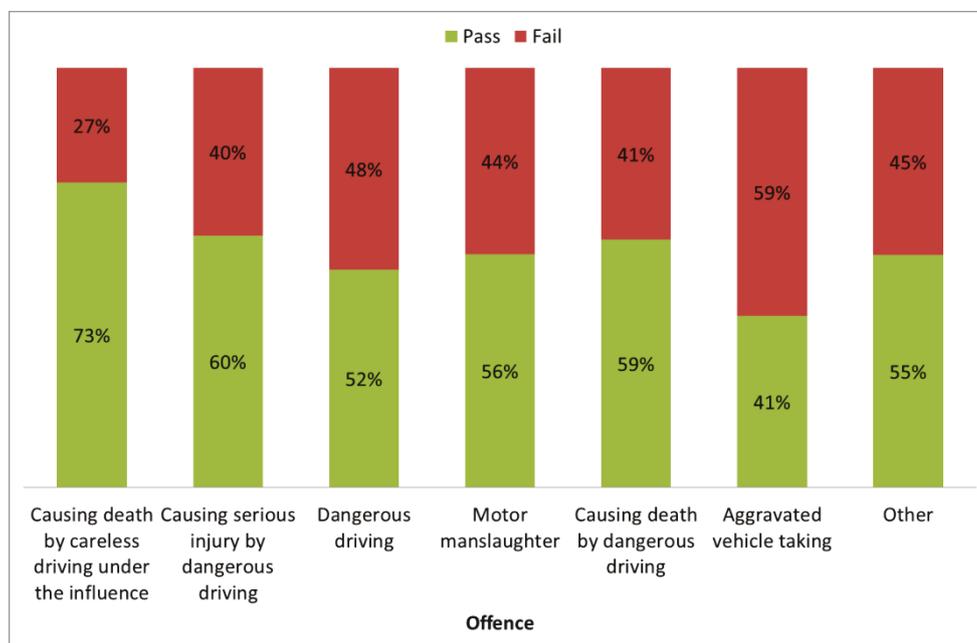


Figure 56: 'Car' theory test pass rates by offence

Notable findings include a lower than average pass rate for 'dangerous driving', a higher than expected pass rate for 'death by careless driving under the influence', and a lower pass rate for 'aggravated vehicle taking'. This is a similar pattern to that observed with the practical test

data, suggesting that the driving test related driving skill and knowledge of those who committed 'death by careless driving under the influence' is high.

8.2.3 Theory test pass rate by historical requirement

The theory test was introduced as part of the process of acquiring a driver's licence in 1996. Previously, applicants could proceed directly to the practical test. An analysis of theory test pass rates while taking this into consideration allows the comparison of success rates of offenders who are potentially doing the theory test for the first time with the success rates of drivers who would have been required to pass the theory test when obtaining their licence for the first time and therefore are doing it for (at least) the second time. The offenders were split into two groups, assuming that drivers took their theory test when they were 17 (those who were 17 or older in 1996 and those who were younger than 17). Figure 57 shows the theory test pass rates for these two groups.

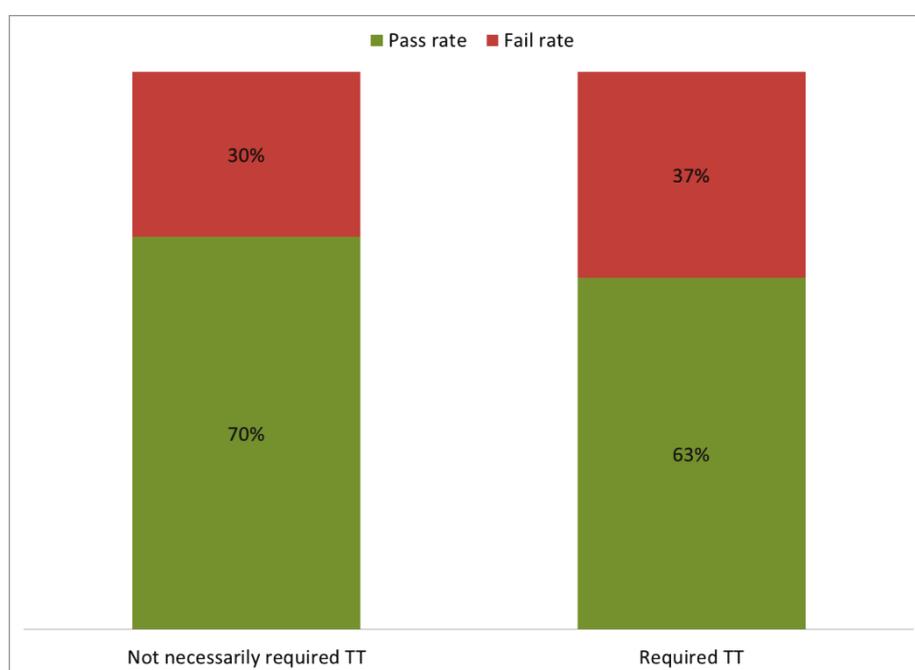


Figure 57: 'Car' theory test (TT) pass rate for offenders who were and were not necessarily required to pass the theory test initially

A key assumption to this analysis is that offenders would have originally taken their theory test (if required to do so) at age 17. This explains the 'not necessarily' in the analysis as there is no way to determine with certainty that they passed or did not pass the theory test originally.

This shows that those drivers who had passed the theory test to gain their original licence had a slightly lower pass rate than those who were not necessarily required to take it when gaining their original licence. However, this difference may be influenced by the changes to the theory test over time and the difference in the ages of these two groups.

8.3 Progression of offenders in regaining licence

The progression of offenders trying to regain their licence was tracked based on DVSA and DVLA records of both theory and practical tests in conjunction with the length of the disqualification period.

Offenders were grouped by the year in which their disqualification period ended and therefore were eligible to recommence the procedure of obtaining their driver's licence.

Removal of offences data means that for the earlier years, offenders who have completed the process to regain their licence are not included; however, the removal of offences is an issue even with the more recent data due to the length of the disqualification periods and the time that offences remain on licence before they are removed.

For example, for 'dangerous driving', the most common retest offence, the median disqualification period was 1 year and six months. This means that those who became eligible to take their retest in 2013 are likely to have been disqualified in 2011, which at the time of writing is four years ago, and therefore the details of the offence would be removed from a driver's licence once a driver has regained their licence.

The data supplied for 2015 included only January and February and although offenders eligible to recommence testing may have booked appointments to do so, there were only two cases of offenders who had attempted and passed their theory test.

Figure 58 shows the progression of drivers whose disqualification periods ended in 2013 or 2014. This was developed using an iterative process in which the group of offenders at any given stage is a subset of the offenders in the previous stage. It is important to note that counts of offenders who attempted/passed the theory test and EDT by year do not necessarily indicate the year in which the offender attempted any given test, but indicate that an offender whose disqualification period ended in any given year has attempted/passed their theory test/EDT sometime between the end of the disqualification date and the present date.

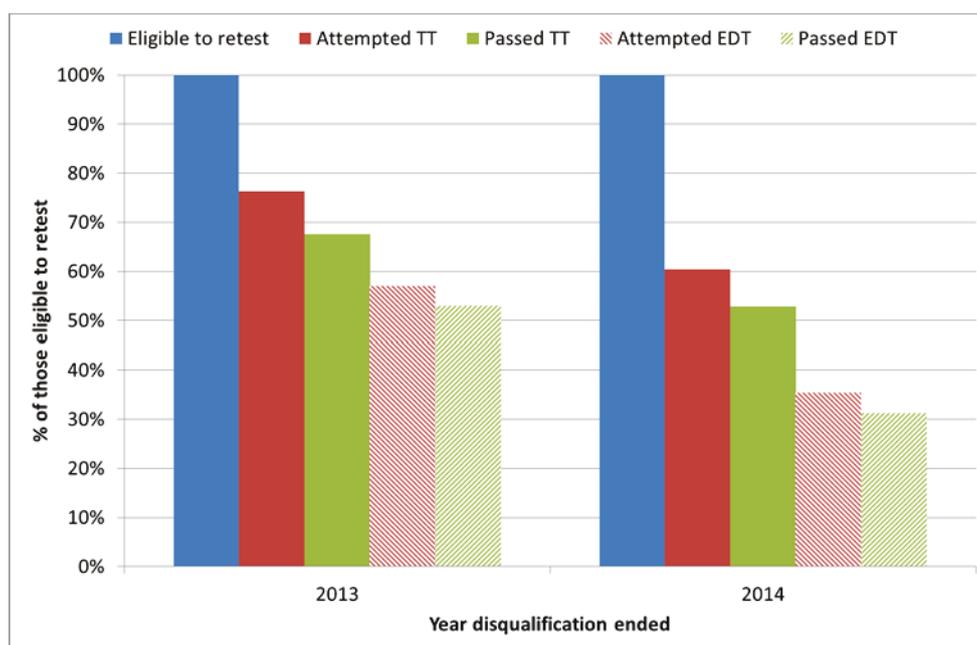


Figure 58: Progression of offenders who were ordered to take an EDT (DTTP code = 4/5) in regaining licence

53% of those offenders whose disqualification ended in 2013 have completed the whole process to regain their licence.

Small gaps between the stages of attempting the theory test and passing the EDT indicate that the majority of offenders who begin the process of regaining their licence eventually follow through and complete it. Gaps may be caused by time intervals between stages. For example, an offender whose disqualification period ended in 2014 may have completed their theory test at some point before February 2015 but may not have had the chance to book and attempt their EDT. This person would be counted in Figure 58 by the solid red and green bars within 2014 but would not have been counted in the striped red and green bars.

The largest gap between stages is between the people who become eligible to begin retesting and those who actually begin the process (i.e. attempt the theory test). Of those offenders who became eligible to resume retesting between 2008 and 2014, 31% have not resumed the process by the present date. 30% of females and 33% of males, whose disqualification periods ended in 2008-2014, have not resumed the testing process. The majority of these offenders belong to the 18-30 and 31-40 age groups representing 73% and 17% of the offenders respectively. Of the 5,140 offenders in the 18-30 age group whose disqualification period ended between 2008 and 2014, 36% have not resumed the process.

The average disqualification period for offenders who have not resumed the process of acquiring their licence is 1.9 years. Although the disqualification periods of these offenders range from 0.25 years to 10 years, 76% of offenders who did not resume the process had disqualification periods from 1 to 2 years inclusive.

This analysis was not possible for those drivers required to take a standard retest since the number of offenders whose disqualification period ended in each year was small. Nor was it possible to analyse the progression by offence, since the number of offenders in each offence is small, with the exception of 'dangerous driving'. These figures suggest that what some of

the members of the judiciary perceived, as to whether an EDT requirement would be observed (see Section 7.2), are somewhat true.

Summary

- Approximately 5,200 EDTs are taken per year, with an average pass rate of 65%, higher than for standard retest (58%) and for all standard tests (47%). The theory test also showed higher pass rates for offenders compared with all drivers.
- The EDT pass rate was higher for males than females and highest for younger drivers.
- The EDT pass rate was higher for offenders convicted of 'death by careless driving under the influence' (73%) than for offenders convicted of dangerous driving (59%), 'causing death by dangerous driving' (49%) and 'aggravated vehicle taking' (39%).
- A similar pattern by offence was observed in the theory test results.
- The most common reasons for failing the EDT, which are not common reasons for failing standard tests, are:
 - Use of speed (19%)
 - Maintain progressive speed (17%)
- There is a substantial gap between the numbers of drivers disqualified until extended test pass each year and the number of drivers that pass the EDT.
 - Out of those offenders whose disqualification period ended in 2013, 76% attempted their theory test and 53% have regained their licence.

9 Reoffending

9.1 Driving unlicensed

The combined DVLA and DVSA sample showed that at the time of the data extraction, there were 8,926 offenders who have not successfully completed the retesting procedure and therefore remain on record with DTTP codes of 1 (standard test, yet to pass) or 4 (extended test, yet to pass). Approximately two-thirds of these offenders have completed their disqualification period. Therefore, any offences committed after the date at which they were disqualified can be labelled as cases where the offender was driving unlicensed. Although these statistics may be used to gain an understanding of the type of offenders who drive unlicensed, it is important to note that this is not to be taken as a true measure of how many offenders drive unlicensed as the DVSA/DVLA records account only for offenders who have been caught driving unlicensed. This may be the case if they are caught committing some other offence or if they are involved in a collision and the police officer checks the validity of their driving licence. Additionally, only those offences which are still on a driver's licence can be considered; any offences that occurred more than four years ago may have since been removed. The analysis here is therefore limited to those subsequent offences which occurred since 2011.

Figure 59 shows the percentage of offenders that are still disqualified that committed a subsequent offence between 2011 and 2015, by the year that their disqualification period ended.

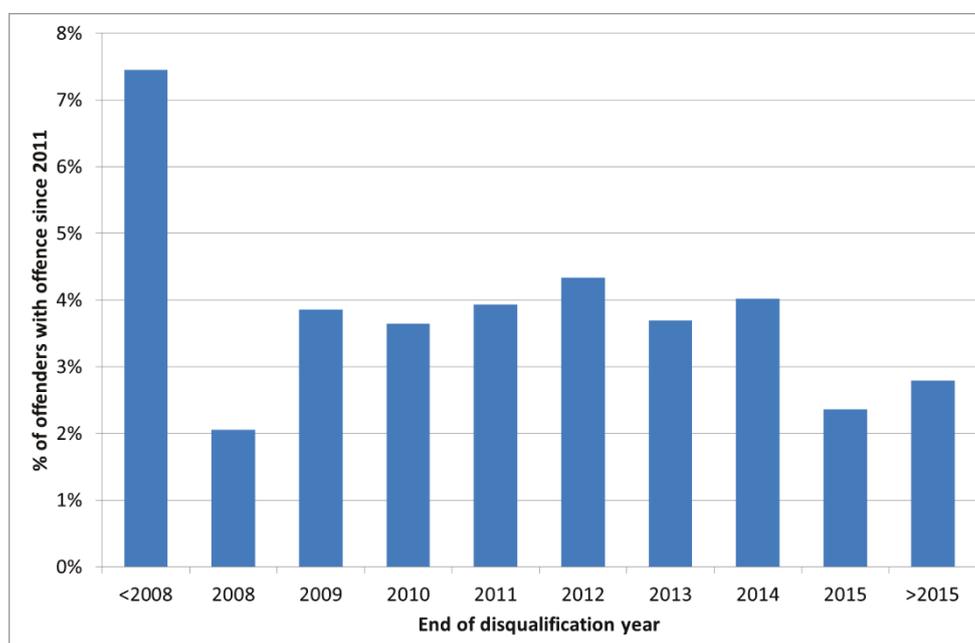


Figure 59: Percentage of offenders who are still disqualified who committed an offence between 2011 and 2015 (DVLA data)

Overall, 3.4% of disqualified offenders committed an offence between 2011 and 2015. Those whose disqualification ended prior to 2008 were more likely to have offended in this period (7.4%), although these offenders only accounted for 3% of those offenders still disqualified. Those whose disqualification period ends in 2015 or later have a lower rate of offending;

however, this is likely to be due to these offenders having their offence with EDT after 2011 and therefore have a reduced time for subsequent offences.

Table 39 shows the percentage of offenders of each offence that remain disqualified who had a subsequent offence between 2011 and 2015 by whether their disqualification period has ended. Note that in some cases the numbers are small and therefore the figures should be used with caution.

Table 39: Subsequent offences (2011-2015) of drivers who have not regained licence by original offence type and whether disqualification period has ended

Offence	Drivers still within disqualification period		Drivers whose disqualification period has ended	
	Total	% with subsequent offences	Total	% with subsequent offences
Causing death by careless driving under the influence	46	0%	26	0%
Causing serious injury by dangerous driving	104	2%	3	0%
Dangerous driving	2,481	7%	4,374	7%
Causing death by dangerous driving	211	1%	105	0%
Motor manslaughter	5	20%	0	-
Driving whilst disqualified	100	35%	249	17%
Aggravated vehicle taking	135	10%	508	8%
Drink driving	259	8%	539	6%
Other	213	5%	519	5%
Total offenders*	3,220	2.5%	5,706	3.9%

*Note that the total offenders is less than the sum of the rows for each offence due to some offenders having multiple offences.

This suggests that those offenders that caused death (either 'causing death by dangerous driving' or 'causing death by careless driving under the influence') committed few subsequent offences, either within the disqualification period or after it has ended (but licence not regained).

'Dangerous driving' had a higher rate of subsequent offences (7%).

'Driving whilst disqualified' had a high rate of subsequent offending (35% within disqualification period and 17% after). The EDT is discretionary for this offence, and these results suggest that drivers who were disqualified for 'driving whilst disqualified' commonly commit a subsequent offence (and hence have been driving whilst disqualified again).

'Aggravated vehicle taking' also had a relatively high rate of subsequent offending (10% within disqualification period and 8% after).

There were 355 subsequent offences in total. The most common were:

- Dangerous driving (65%)
- Driving whilst disqualified (16%)
- Drink-driving (7%)
- Aggravated vehicle taking (7%)

9.2 Reoffending

The DVLA sample was interrogated to establish whether people who were disqualified from driving until they passed an extended test at any point had committed further driving offences after this conviction.

There were 834 people in the 1% sample who were disqualified with an EDT requirement.

This section shows these 834 people by the offence which resulted in the EDT conviction and whether they have been disqualified since.

593 of the 834 people receiving an EDT conviction received it following a 'dangerous driving' (DD40) offence (note that these people may have also been convicted of other offences at the same time).

Table 40 shows the 834 offenders together with details of any additional offences they committed up to five years after the earliest EDT conviction. Note that the earliest EDT conviction may have been after 2009, in which case a full five years of 'after' data are not available. The percentages are shown in Figure 60.

**Table 40: Penalties received 0-5 years after earliest EDT
(1% DVLA data archive)**

Category	DTTP	DTETP	Revoked or no retest	No later offences	Total offenders
Careless driving EDT	0	0	1	5	6
Dangerous driving	6	35	267	321	593
Causing death by dangerous driving	0	0	1	24	25
Aggravated vehicle taking	1	13	42	37	82
Other and Unknown	3	7	55	95	150
Total	10	54	362	464	834

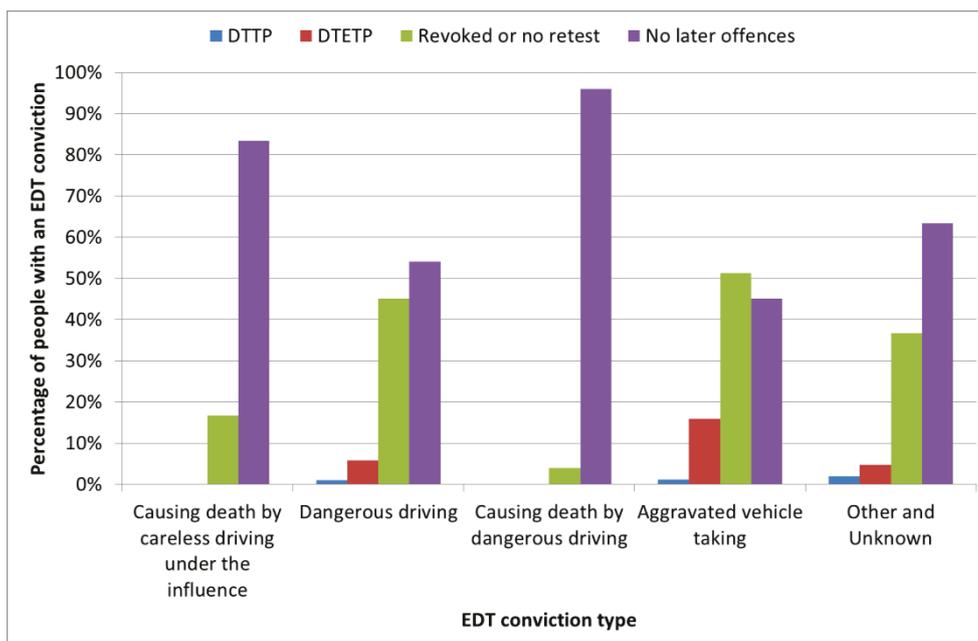


Figure 60: Penalties received 0-5 years after earliest EDT

Just over half of the people receiving an EDT conviction were not convicted of a further offence within five years of the EDT conviction.

51% of people receiving an EDT conviction following ‘aggravated taking of a vehicle’ and 45% of those receiving an EDT conviction following ‘dangerous driving’ committed an offence resulting in them being disqualified (without requiring a retest) or having their licence revoked (for drivers that accumulate 6 penalty points within the first two years of driving) within five years of their EDT conviction. 16% of people receiving their EDT conviction for ‘aggravated vehicle taking’ received another EDT conviction within five years.

Table 54 and Table 55 show similar data for reoffending 5-10 years after and more than 10 years after their EDT offence.

Table 41 shows the 834 offenders together with details of any additional offences they committed at any point after their earliest EDT conviction. 43% of people who have received an EDT conviction have not been convicted of a further offence since the EDT conviction. However, some of these people will have received their EDT conviction relatively recently and may go on to commit further offences in the future. The percentages are shown in Figure 61.

Table 41: Penalties received later than EDT – any time period (1% DVLA data archive)

Category	DTPP	DTETP	Revoked or no retest	No later offences	Total offenders
Careless driving EDT	0	0	2	4	6
Dangerous driving	7	42	339	251	593
Death by dangerous driving	0	1	12	13	25
Other and Unknown	4	12	74	75	150
Aggravated vehicle taking	2	15	51	30	82
Total	13	69	471	358	834

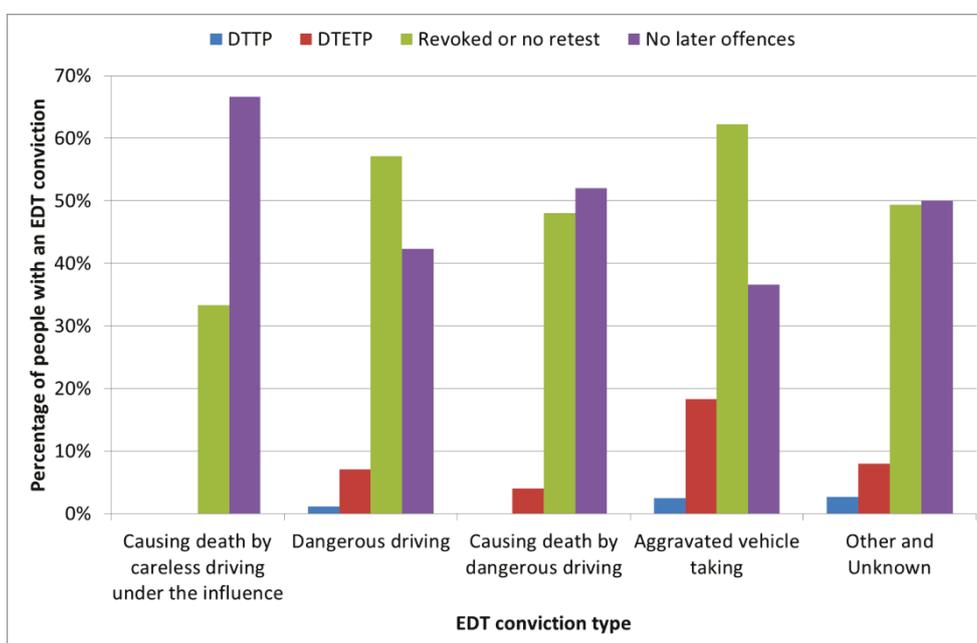


Figure 61: Penalties received any time after earliest EDT

The reoffending behaviour for drivers who were required to take the standard test has not been analysed since the number of drivers in the sample who were required to take this test was small (23 between 2009 and 2013, see Table 6) and mainly given discretionally, whereas the analysis above was based on the extended tests which were mainly ordered for mandatory offences, with the majority for ‘dangerous driving’. This means that any comparison between the groups would be comparing different types of offence as well as different penalties.

It was not possible to analyse the reoffending based on any information about the testing process (for example, theory test and practical test pass rates) since the reoffending data are only available in the DVLA archive, which was not matched to DVSA test data.

Summary

- Overall, 3.4% of disqualified offenders committed a subsequent offence between 2011 and 2015, meaning that they were driving whilst disqualified
- 355 driving offences have occurred since 2011 where the offender already had a retest requirement on their licence
- 65% of these were 'dangerous driving'; 16% were 'driving whilst disqualified'
- For a sample of drivers who were disqualified until an extended test pass:
 - 43% of offenders who were given an EDT requirement have not been convicted of any driving offences since
 - 43% of offenders were convicted of another driving offence with no test requirements within five years
 - 8% were convicted of another driving offence with an EDT or standard retest awarded within five years

10 Summary

This project used analysis of existing data from the MoJ, DVLA and DVSA and collected qualitative data from members of the judiciary to explore the use of the EDT for serious driving offences. This section provides a summary of the results shown in the previous sections.

10.1 Defendants

In 2013 the numbers of defendants (all offence) in England and Wales for the very serious offences, for which the EDT is mandatory, were:

- **Dangerous driving:**
There were 4,500 proceedings with approximately half committed for trial at the Crown Court. In total, approximately 3,500 (80%) defendants were found guilty of this offence.
- **Causing death by dangerous driving:**
There were 191 proceedings for trial at the crown court of which approximately two-thirds had a guilty verdict.
- **Causing death by careless driving under the influence of drink or drugs:**
There were 37 defendants proceeded for trial at the crown court, of which 33 were found guilty.
- **No data were available via the 2013 published tables regarding defendants of ‘causing serious injury by dangerous driving’.** However, this data was provided via a later request.

The mandatory EDT offences make up approximately 3% of trials at the Crown Court and 0.2% of proceedings at magistrates’ courts.

10.2 Offenders and use of EDT

Between 2011 and 2013 there were approximately 5,500 drivers who were disqualified until extended test pass per year in Great Britain, approximately ten times the number disqualified until standard test pass (600). The most common offence for disqualification until EDT was ‘dangerous driving’, which accounted for approximately 70% of all EDT disqualifications.

For offences where EDT is mandatory, 0.7% of offences were ordered a standard retest rather than the EDT, mostly for dangerous driving. The data also suggested that some offenders were ordered penalty points and not disqualified, although there may have been multiple offences at the same time for which a driver was disqualified and the disqualification is recorded against that offence.

As would be expected, there was a lower use of EDT amongst those offences for which it is not mandatory; 72% of offences with a discretionary retest requirement were given an EDT. The following two offences accounted for two-thirds of discretionary use of EDT:

- Aggravated taking of a vehicle

- Drink driving

The use of the EDT appeared to increase from its inception in 1993 up to 2003 and has shown a slight decrease since.

Discretionary requirements of an EDT were more common compared with standard tests for:

- Males
- Offenders with multiple offences heard in court at same time
- Younger drivers

For mandatory EDT offences, offenders were ordered to take an EDT for at least 98% of mandatory EDT offences in Scotland, Wales and all regions within England ordered .

There was more variation for the discretionary EDT offences when a retest was required, ranging from 63% of offences ordered to take EDT in Scotland to 89% in Yorkshire and the Humber.

The mandatory EDT offences involving death were generally heard at the Crown Court, whilst about half of dangerous driving cases were heard there.

For discretionary EDT offences, the majority of drink-driving and driving whilst disqualified cases were heard at a magistrates' court, along with about half of aggravated vehicle and other cases, where the more serious cases were referred to the Crown Court.

The use of EDT for mandatory offences was consistently high across the types of court. For discretionary offences, there was higher use of EDT than the standard test in the Crown Court compared with in magistrates' courts, which is likely to be due to the Crown Court dealing with the more serious cases.

The large number of cases that both the Crown Court and magistrates' courts deal with means that motoring offences, and in particular those offences with a mandatory EDT, are relatively rare. The cases are spread across many courts, and therefore the number of cases that are heard in an individual Crown Court or magistrates' court where a retest (either standard test or EDT) could be ordered is small.

10.3 Characteristics of offenders

Males accounted for 95% of retest offenders and the most common age group for both genders was 21 to 25, accounting for 40% of all offences.

For males the numbers reduced steeply for each increasing age group; for females the pattern was less obvious. 11% of females were aged 41 to 45; this compared with 5% of males. For both males and females the most common offence was 'dangerous driving'. However, 8% of female offenders committed 'causing death dangerous driving' compared with 4% of males. .

Mandatory use of EDTs was high for all age groups. The use of EDTs for discretionary offences was highest for ages 46-50 and was lowest for those aged over 60. This may be influenced by the type of offence.

All members of the judiciary who responded to the survey stated that gender was not at all important in determining EDT requirement. However, age was seen as more important by

some respondents, indicating that particularly young/inexperienced and old offenders may be more likely to be ordered to take an EDT.

More than half of offenders who were ordered to take an EDT between 2009 and 2013 had committed an offence in the previous five years which did not require a retest and approximately 7% of EDT offenders had a conviction that required an EDT or standard retest in the previous five years.

12 out of 18 members of the judiciary responding to the survey stated that previous convictions were very important in determining whether to order an EDT.

10.4 Penalties

DVLA archive data and MoJ data suggested that there while the majority of offenders of the EDT mandatory offences were disqualified with a retest, there was a small number of offenders (mainly those convicted of 'dangerous driving') who were not disqualified, or who were only required to take a standard retest. The vast majority of offenders were also ordered a disqualification period of at least the minimum given in the guidelines.

Over 90% of offenders of 'causing death by dangerous driving' and 'causing death by careless driving under the influence' were ordered immediate custody. The average sentence length was approximately four years for both offences, but the majority of offenders were ordered a sentence of either 18 months to 3 years or 5-10 years. The median disqualification period was 5 years and under 10 years.

38% of 'dangerous driving' offenders were ordered immediate custody, with an average sentence length of between 6 and 12 months. 29% were given suspended sentences and 27% were given community sentences. The median disqualification period for 'dangerous driving' offenders was over one year and less than 2 years.

The majority of the members of the judiciary who responded to the hypothetical case study of a mandatory EDT offence (case 2, dangerous driving) stated that they would order the EDT (some respondents stated that the case should be committed for trial at the Crown Court). Those that did not select the EDT did not give clear rationale why this was the case, suggesting that they may not be very aware of the EDT. The majority of the respondents selected immediate custody as a penalty, with a few respondents selecting suspended sentence or a community order.

For the hypothetical case of aggravated driving (case 3), in which EDT is discretionary, most of the respondents ordered a disqualification; however, the respondents offered differing opinions on whether there should be no retest, a standard retest or an EDT and whether the offender should be given immediate custody, suspended custody or a community order.

For the other cases, for which EDT was discretionary, only a few respondents selected to order an EDT. The previous driving offences were often used as the rationale. Interestingly, momentary distraction was given as rationale for both not ordering an EDT and ordering an EDT.

When asked for important factors in determining whether to order an EDT, previous offences and age were seen as important; young offenders were seen as high risk whilst the time since their previous test might be a factor for older offenders. Gender and disposable income were not rated as important, and it was noted that ordering an EDT based on these criteria would

be discriminatory. A small number of respondents mentioned that domestic arrangements could influence their decision.

Several interviewees remarked that there was no evidence as to the effectiveness of EDTs or standard retests, although members of the judiciary who responded to the survey indicated that EDTs were expected to be more effective than standard retests in improving compliance.

There was also a perceived low likelihood of the EDT requirement being observed; this was found to be the case from the data.

10.5 Retesting

10.5.1 Practical test

There were approximately 5,200 EDTs taken per year and 3,200 tests passed.

In 2014 the EDT had a pass rate of 65%, whilst the standard retest had a pass rate of 58%. These are both higher than the pass rate for all standard tests (47%). This suggests that many disqualified drivers have the driving skills required to pass the practical test. Approximately two-thirds of drivers passed their EDT on the first attempt.

The EDT pass rate was higher for males (63%) than for females (56%), as was the case with standard retests and all standard tests.

As with all standard tests, the pass rate was highest for younger drivers and showed a slight decline with age.

As with all standard tests, there was variation in the pass rate and number of attempts taken across the country; this could be due to the road environments, the type of candidates or other factors.

Where data on EDTs could be matched with offences, the EDT pass rate was higher for 'death by careless driving under the influence' (73%) than for 'dangerous driving' (59%) and 'causing death by dangerous driving' (49%). This suggests that the test-pass-related driving skills of those who were 'careless under the influence' are good. Discretionary EDT offences generally had lower pass rates, with 'aggravated vehicle taking' offenders having a pass rate of 39%, lower than for all standard tests.

85% of drivers who failed the car EDT failed due to one or more serious faults. The most common serious faults were 'use of speed' and 'maintain progressive speed', accounting for 19% and 17% of failures respectively. These two faults do not appear on the top ten reasons for failure for all standard tests, suggesting that the experience or driving style of offenders are different to those for all test passers (although the length of the EDT may also play a part).

10.5.2 Theory test

88% of theory tests taken by offenders were for car theory tests. The remainder were mainly for motorcycle theory tests.

The car theory test pass rate for offenders between 2007 and 2015 was 64%; 72% of offenders passed their first theory test.

As with the practical test, the pass rate was higher for the offenders (64%) compared with the overall car theory test pass rate for all drivers (51%). There was also a reduction in the pass rate over time, likely to be partly due to changes to the theory test.

The theory test pass rate for offenders was slightly higher for females (67%) than for males (64%), as is the case for all theory tests.

As with the EDT, where data were available, the theory test pass rate was higher for offenders convicted of with 'causing death by careless driving under the influence' (73%) than for offenders convicted of 'dangerous driving' (52%) and 'causing death by dangerous driving' (59%); 'aggravated vehicle taking' had a lower pass rate (41%).

Data were not available on the reasons the theory test was failed (for example whether this was due to the multiple choice or hazard perception sections).

10.5.3 Progression

The gap between the number of offenders ordered to take an EDT each year (5,500) and the number of EDTs passed (3,200) means that there is a substantial number of drivers who have completed their disqualification period but have yet to regain their licence. This population of unlicensed drivers will grow each year as the number of EDTs ordered is likely to exceed the number of EDTs passed.

Analysis of the progression of offenders in regaining their licence showed that, for those drivers whose disqualification ended in 2013, 76% had attempted their theory test and 53% had regained their licence.

Females were slightly more likely than males to have started the process to regain their licence, and offenders aged between 18 and 30 have the lowest percentage that had regained their licence.

The data did not include analysis of whether offenders had regained their provisional licence, so we are unsure whether the gap between eligible and theory test takers is due to gaining provisional licence or taking the theory test.

Some of the respondents to the survey of the judiciary stated that they were unsure whether offenders would observe the disqualification and EDT requirement or whether they would continue driving; the data show that a large percentage of offenders who have completed their disqualification have not taken their EDT, corroborating the respondents' beliefs.

It is unknown why offenders have not regained their licence. Reasons may include that they intend to do so but not yet due to time, a lack of need and resources, deciding not to continue driving or to disregard the law and to drive unlicensed.

10.6 Re-offending

The driving records of those offenders who have not regained their licence were analysed to assess any offences following their disqualification, which would indicate the offender was driving without a licence.

The sample of data showed that, at the time of the data extraction, there were approximately 9,000 offenders who had not successfully completed the retesting process (some were still within their disqualification period). Since 2011 there were 355 instances of driving offences

for those drivers who had previously been disqualified and not regained their licence. This includes both offences during the disqualification period and those after the disqualification period has ended (and the offender has not regained their licence by passing their EDT or standard retest). 65% of these offences were 'dangerous driving' whilst only 16% were licence offences. This suggests that there are a small number of offenders who continue to drive dangerously without a licence.

For a sample of 834 offenders required to take the EDT, just under half of these had committed another offence within five years; the majority of repeat offences were for less serious offences which did not require another retest. There were 64 offenders (8%) who committed another offence in this period and were required to take an EDT or standard retest. These offences may have occurred before or after the EDT was taken and licence regained.

358 of the 834 offenders (43%) have not been convicted of any driving offences since their EDT offence.

11 Recommendations

11.1 Encourage more disqualified drivers to regain their licence

Our research has shown that there are a considerable number of drivers who are eligible to regain their licence but have not done so. The number of drivers in this group grows every year. Offenders who hold a full driving licence are more likely to gain employment and less likely to re-offend.

For drivers whose disqualification period has ended to be able to take the theory test, an additional step is required that has not been considered in this report: regaining the provisional licence. It would be interesting to analyse whether the drivers who have not taken their theory test have regained their provisional licence.

The current process for regaining a provisional licence begins with DVLA sending a letter and form to the offender for completion 56 days before the end of the disqualification period. It is then the responsibility of the driver to complete the process.

Consideration could be given to whether reminders could be issued to drivers who have not regained their licence, for example, a year after the initial letter was sent.

These reminders could be tailored to the different stages of drivers:

- Not regained provisional licence
- Not taken or passed theory test
- Not taken or passed practical test.

Tailoring these reminders would require linking the DVLA data with DVSA data, as has been carried out as part of this project.

This could also be an opportunity to engage with these offenders to explore their attitudes, behaviours and reasons for where they are in the process.

Further research should be undertaken to understand why drivers who have not regained their licence have not done so; for example are they driving unlicensed, have they decided not to drive, do they not need to drive or do not have time or money to do so?

This relies on up-to-date address details for offenders. A large proportion of offenders are young and therefore are likely to be transient and may not have updated DVLA with their current address.

11.2 Understand psychological characteristics, attitudes and behaviours and previous convictions of offenders

It was originally intended that this research would include analysis of the psychological characteristics of offenders, and the effect of retesting and other interventions on attitudes to driving and behaviour.

While this research includes some analysis of previous motoring convictions, previous non-motoring convictions (and also non-motoring convictions at the same time as the EDT convictions) were not available and therefore would only be available from further analysis of MoJ data or from surveys of offenders.

In order to understand these elements, a survey and an interview topic guide were developed as part of this project. However a route could not be identified which yielded a sufficient number of participants to complete the survey and make themselves available for interview.

If an alternative route to these offenders could be identified (e.g. using reminder letters for those that have not yet regained their licence, as described in Section 11.1), then the survey and interview topic guide that have already been developed could be utilised.

11.3 Understand retesting

This research has shown that the pass rate for the EDT is higher than for the standard retest, which is higher than for all standard tests, suggesting that in general the driving skill levels are good. However, where drivers failed the test, it was more commonly due to use of speed or maintaining progress.

It would be of interest to understand what preparations drivers undertake before taking their retest (and their theory test). For example, have offenders undertaken or do they intend to undertake any preparation specifically for the EDT or standard test?

The research showed that there were significant numbers of drivers whose disqualification period has ended but have not taken their theory test. Understanding the reasons why this is the case would be of interest, for example, are drivers driving unlicensed, waiting for the need, resources or time to take the tests?

The theory test pass rate for offenders was higher than for all theory test takers, suggesting that the level of knowledge was high, however, it would be of interest to understand whether those offenders who failed did so based on the multiple choice or hazard perception parts of the test, which was not possible in this study.

11.4 Improve stakeholder communication, engagement and data

As described in Section 2, the process from an offence to an offender regaining their licence involves many stakeholders.

Improved stakeholder communication and engagement may help in the future to link and understand the data sets, and to discuss ways to engage with offenders, both in terms of any future research into their attitudes behaviours and reasons for actions, and in encouraging offenders to regain their licence.

This project involved communications with various stakeholders; MoJ provided data for the study and approved the application to consult with members of the judiciary. Although a retest requirement was recorded in the data, the type of retest (standard or extended) was not available as this is not centrally held by the MoJ.

DVLA and DVSA provided data to the study. The data had some discrepancies. For example, some offenders appeared to have a DVLA code to indicate that they had passed their retest, yet no record of a retest was available from DVSA. Some offenders who were marked in DVLA as having passed a test, yet the details of the offence remained beyond the removal of offences period. Both of these example issues, although only affecting a small number of individuals (about 100 in each case) should be investigated further to establish how these discrepancies have occurred and can be prevented.

It may be useful for DVLA to introduce a field to determine if a theory test and standard practical test are retests following a disqualification. This could either be based on user-input when booking a test (which may not be completed correctly) or based on matching the driver number between DVLA and DVSA data.

11.5 Consider a randomised control trial to assess effectiveness of EDT

This project was not able to identify the effectiveness of the EDT when compared with the standard retest, since the number of offenders ordered to take a standard retest is relatively small compared with those ordered to take the EDT, and the types of offence for which they are used are different (meaning there is selection bias in the groups).

A randomised control trial could be used to assess the effectiveness of the EDT against various outcome measures. This would involve offenders being ordered to take an EDT or standard test at random, with their future progress in regaining their licence, their attitudes and behaviours, and likelihood of reoffending and collision-involvement being followed up using data, surveys and interviews. Such a study would be a considerable undertaking, and should be piloted on a small sample with proxy measures (e.g. attitudes and self-reported behaviours) first. As was found with this study, offenders are a difficult group to engage with, and the follow up process would need to be planned carefully to ensure success, even in a pilot study.

11.6 Educational or other interventions

The higher pass rate of the EDT compared with all standard tests shows that in the majority, the drivers have the skills required to pass the driving test (and the theory test). However, drivers' ability to drive safely when not being observed by an examiner or when there are other factors present (for example, passengers in the car or decisions on driving after alcohol) is not known (although the relatively high re-offending rate suggests that the EDT is not a useful tool).

Our consultation with members of the judiciary showed that sentencers would welcome educational interventions as an alternative/ in addition to other interventions. It was suggested that combined interventions may even provide an incentive for drivers to regain their licence. For example, a reduced disqualification period for those that have successfully passed their theory test or practical test was suggested.

The literature review contained in Appendix G, aimed to identify and assess the potential effectiveness of other existing tests of competence and post court educational interventions that may be applicable to offences where disqualification until test pass is used. Although the research mostly identified that there are some important limitations in existing evaluation work, many of the interventions aim to help offenders change or modify their behaviours in relation to road safety and not to create unnecessary barriers for those convicted of driving offences.

The literature search did not yield information regarding existing interventions for more serious driving offences (such as causing death); instead, many of the interventions identified related to drink and drug drivers, speeding violations and other (less severe) offences. This said, understanding the mechanisms for change employed in such interventions as well as the effectiveness of these may provide valuable information that can be applied to serious offenders.

The interventions with the strongest evidence-base include ignition interlock devices, which test breath alcohol before driving have been found to be effective at deterring drink drive reoffending whilst installed. However, some studies such as the Cochrane review by Willis et al. (2009) suggest that the safety effects are limited and disappear once the devices are removed.

Other interventions, such as education-only, behavioural interventions and combined approaches (usually employing education, skills-based training and other behavioural elements) have also been evaluated, though the literature suffers from a number of methodological flaws, including a lack of control groups, non-randomised allocation to intervention groups, and other sampling caveats.

Moreover, meta-analytical studies which have evaluated only work that involves an experimental research designs (randomised allocation to groups, control group inclusion) have failed to find a significant effect of educational interventions on reoffending rates (Masten & Peck, 2004; Ker et al., 2005). In addition, education is mostly used for drink-driving and speeding offences rather than those where the EDT is used. Therefore the only sensible conclusion that can be drawn regarding the effectiveness of such interventions based on the current evidence is 'not proven'.

A view was expressed that Summary Court sentencers would welcome the opportunity to offer more educational courses as part of the sentence, reducing the latter's severity when completed, like drink drive rehabilitation courses. This reflects the conclusion of Beuret and Chorlton (2010) who explored perceptions of this legislative provision in certain circumstances and found sentencers in favour. Currently in law, EDTs are added on to a sentence (and may be seen as punitive as a result).

11.7 Review guidelines for use of mandatory and discretionary EDT

The guidelines for the use of the EDT and standard retest should be reviewed to ensure that there is consistency regarding the standard of driving and the retest required.

11.7.1 Current guidelines

There are currently five offences where the EDT is mandatory:

- Causing death by careless driving under the influence
- Dangerous driving
- Causing serious injury by dangerous driving
- Causing death by dangerous driving
- Motor manslaughter

There are several other offences involving death which do not have a mandatory EDT:

- Causing death by driving while disqualified
- Causing death by careless, or inconsiderate, driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers

EDTs may be used discretionally for any offences when an offender is disqualified, including 'aggravated vehicle taking'.

Aggravated vehicle taking is defined (McCormac & Wallis, 2013, p. 15.30) as occurring when it can be shown:

"After its taking and before its recovery the vehicle is driven, or injury or damage caused:

- That the vehicle was driven dangerously on a road or other public place
- That an accident occurred (owing to the driving of the vehicle) by which injury was caused to any person or damage was caused to any property

Or

- Damage was caused to the vehicle".

The minimum disqualification for both 'aggravated vehicle taking' and 'dangerous driving' is 12 months and the sentencing guidelines based on the descriptions of the level of seriousness are similar for both offences.

11.7.2 Our findings

Our research showed that three offences accounted for two-thirds of discretionary EDTs being ordered:

- Aggravated vehicle taking
- Driving while disqualified by order of court
- Drink driving

Our consultation and analysis suggested that EDTs were more commonly used:

- For young drivers (high risk)
- For older drivers (whose initial test may be a long time ago, so standards may have lapsed)
- Multiple offences or existing previous offences
- After exceptionally long disqualifications, when drivers may require a retest to ensure their driving standard meets requirements

The data showed that there were a substantial number of drivers who were ordered to take an EDT who did not regain their licence (analysis for standard retests was not possible) and also offenders who committed subsequent offences without regaining their licence.

Our consultation also suggested that there was a low awareness of EDTs amongst members of the judiciary (although the low response rate should be borne in mind), and little guidance given to magistrates for distinguishing when an EDT or a standard retest should be ordered, when discretionary. There was concern from survey respondents as to whether the retest requirement would be observed and whether it would be seen as an obstacle, and therefore drivers would not regain their licence (either not driving or driving unlicensed), and whether this would be greater for EDTs than for standard tests due to the increased length (and cost) of the test.

11.7.3 Recommendations

There is a difference as to whether EDT is ordered based on the driving behaviours exhibited or on their outcome. 'Dangerous driving', 'causing serious injury by dangerous driving' and 'causing death by dangerous driving' all have a mandatory EDT, suggesting that the retest is ordered due to the behaviour (dangerous driving), rather than the outcome (whether no injury or causing serious injury or death). However, 'causing death by careless driving under the influence' has a mandatory EDT, whilst driving, attempting to drive or being in charge of a vehicle under the influence does not, suggesting that the retest is due to the outcome (causing death) rather than the behaviour (driving under the influence). Such a discrepancy in the priority afforded to the risk (behaviour) or the outcome (death and injury) should be reviewed.

It is recommended that a review be undertaken to establish whether a mandatory application of the EDT would be suitable for the 'causing death' offences which do not currently have a mandatory EDT requirement.

The guidance on ordering a standard retest or EDT discretionally could be reviewed, and further examples could be included of when each should be ordered. In particular, the guidelines for 'aggravated vehicle taking' should be reviewed and compared with those for 'dangerous driving' to ensure that cases where driving is dangerous are treated similarly.

Any review of guidelines should ensure that these elements are included as examples or indications of what levels would require an EDT.

Any changes that are made to sentencing guidelines would need to be communicated to judges, magistrates and clerks.

It was suggested by a Crown Court judge respondent that the Probation Service rarely mentioned the suitability of ancillary orders in their pre-sentence reports. It was suggested that it would be helpful to the court if they were mentioned, especially where discretionary use of standard retests or EDTs were possible.

11.8 Improve understanding of driving offenders, testing and collisions

Linking offence data from DVLA and driver testing data with Stats19 collision data, would be of considerable value.

For example, linking offences that involved death with fatalities in Stats19 could be used to enhance knowledge of driving offenders, for example to estimate:

- What percentage of fatalities in Stats19 resulted in a driving offence of 'causing death by...' or another offence?
- Analysis of the linked data set would enable analysis of circumstances of the accident and offence together, for example:
 - When did the driving offences occur (month, day, time)
 - What were the contributory factors to the collision

Since the collision data do not include driver numbers for those drivers or riders involved in collisions, the linking would be based on data available in offence data and in Stats19, for

example, date of offence/collision, age and gender of driver/offender and possibly some location information

Including the driver number of a driver or rider involved in a collision should be considered as part of Stats19 (at the next quinquennial review); this would enable the link described above to be carried out routinely and could also be used to link with DVSA data on testing to establish whether collision-involved drivers and riders have passed their test and how long ago this was.

References

- Beuret, C., Corbett, C., & Ward, H. (2014). *Drinking among British women and its impact on their pedestrian and driving activities: women and alcohol: phase 2: survey results*. Retrieved October 2015, from Social Research Associates: <http://www.sraltd.co.uk/Women%20and%20Drinking%20Stage%202%20Report%20SRA%202014.pdf>
- Broughton, J. (1999). *Analyses of driver licence records from DVLA. TRL report TRL403*. Crownthorne: TRL.
- Broughton, J. (2006). *The correlation between motoring offences and other types of offence. TRL report 650*. Crownthorne: TRL.
- Crown Prosecution Service. (2013). *The Code for Crown Prosecutors*. Retrieved June 2014, from Crown Prosecution Service: http://www.cps.gov.uk/publications/docs/code_2013_accessible_english.pdf
- Crown Prosecution Service. (2015). *Road Traffic Offences*. Retrieved February 2015, from The Crown Prosecution Service: http://www.cps.gov.uk/legal/p_to_r/road_traffic_offences/
- DVSA. (2014). *Guidance for driving examiners carrying out driving tests*. Retrieved February 2015, from GOV.uk: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315440/dvsa-dt1-standard-operating-procedure.pdf
- DVSA. (2014a). *Miscellaneous car driving test information*. Retrieved October 2015, from https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/355394/Miscellaneous_information_-_Car_tests_06-14.pdf
- DVSA. (2015, October). *Guidance for driving examiners*. Retrieved from https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419726/dvsa-dt1-standard-operating-procedure.pdf
- Gov.uk. (2015). *Practical car test pass rates*. Retrieved October 2015, from gov.uk: <https://www.gov.uk/government/statistical-data-sets/drt02-practical-car-test-pass-rates>
- Gov.uk. (2015a). *Driving disqualifications*. Retrieved October 2015, from GOV.uk: <https://www.gov.uk/driving-disqualifications/disqualification-until-test-pass-or-extended-test-pass>
- Gov.uk. (2015b, May). *Penalties - GOV.UK*. Retrieved May 2015, from Gov.uk: <https://www.gov.uk/highway-code-penalties/penalty-table>
- Harland, D., & Lester, J. (1997). *Does retesting deter dangerous driving? TRL Report 252*. Crownthorne: TRL.
- Legislation.gov.uk. (2015). *Rehabilitation of Offenders Act 1974*. Retrieved October 2015, from Legislation.gov.uk: <http://www.legislation.gov.uk/ukpga/1974/53>
- McCormac, K., & Wallis, P. S. (2013). *Wilinson's Road Traffic Offences. Twenty-sixth edition*. London: Sweet & Maxwell, Thompson Reuters.

-
- Ministry of Justice. (2014). *Criminal justice statistics quarterly: December 2013*. Retrieved June 2014, from Gov.uk: <https://www.gov.uk/government/publications/criminal-justice-statistics-quarterly-december-2013>
- Pearce, L. (1996). *Retesting as a penalty for dangerous driving*. TRL report 253. Crowthorne: TRL.
- Pearce, L., Knowles, J., Davies, G., & Buttress, S. (2002). *Dangerous driving and the law*. Road Safety Research Report No.26. London: DTLR.
- Road Traffic Offenders Act 1988*. (n.d.). Retrieved June 2014, from Legislation.gov.uk: <http://www.legislation.gov.uk/ukpga/1988/53/section/36>
- Rose, G. (2000). *The criminal histories of serious traffic offenders*. London: Home Office.
- Sentencing Guidelines Council. (2008). *Magistrates' Court Sentencing Guidelines*. Retrieved October 2015, from Sentencing Guidelines Council: http://www.sentencingcouncil.org.uk/wp-content/uploads/MCSG_web_-_October_2014.pdf

Appendix A Background to Offences

A.1 Overview table

The summary table below shows the offences where the EDT is mandatory and other penalties ((McCormac & Wallis, 2013) (Gov.uk, 2015a) (Sentencing Guidelines Council, 2008)

Code	CD40	CD50	CD60	CD70	DD10	DD40	DD60	DD80			
Offence	Causing death through careless driving... when unfit through drink				when unfit through drugs	with alcohol level above the limit	then failing to supply a specimen for alcohol analysis	Causing serious injury by dangerous driving	Dangerous driving	Manslaughter or culpable homicide while driving a vehicle	Causing death by dangerous driving
Commencement Date	1 July 1992				1 Dec 2012		1 July 1992			1 July 1992	
Points	3 to 11										
Time on Licence	11 years from the date of conviction					4 years from the date of conviction					
Provision creating offence	Road Traffic Act 1988 RTA Section 3A				Road Traffic Act 1988 Section 1A		Road Traffic Act 1988 Section 2		Common Law		Road Traffic Act 1988 Section 1
Mode of prosecution	On indictment				Summarily	On indictment	Summarily	On indictment	On indictment	On indictment	
Maximum penalty	Maximum penalty of 14 years imprisonment and/or an unlimited fine.				A level 5 fine and/or 6 months custody	5 years imprisonment and/or a fine	imprisonment not exceeding 6 months, or a fine, or both	2 years imprisonment or a fine or both	Life imprisonment and/or an unlimited fine	14 years imprisonment with effect from 27/02/2004 (increased from 10 years imprisonment by s.285 Criminal Justice Act 2003) and/or unlimited fine	
Disqualification	The court must disqualify the driver from driving for at least 2 years (3 years if there is a relevant previous conviction) and endorsement An extended retest is also mandatory				Mandatory 2 year minimum period of disqualification and endorsement An extended retest is also mandatory		Disqualification minimum 12 months Obligatory endorsement Mandatory disqualification until passes EDT		Obligatory disqualification of 2 years Compulsory extended retest	Minimum disqualification of 2 years Compulsory extended retest	
Sentencing guidelines	Dependent on level of alcohol (or drugs or refusing) and how careless (i.e. momentary inattention with no aggravating factors or not far short of dangerous) 26 weeks to 14 years custody					Non-custodial options may be considered, coupled with a long period of disqualification, but usually a custodial penalty is appropriate, especially where a number of aggravating factors combine				2-14 years custody	

A.2 Definitions

On indictment/Indictable	Serious cases that are normally heard at the Crown Court before a jury
Summarily/summary offence	Less serious cases that are normally heard at a magistrates' court without a jury
Either way offences	Offences such as 'dangerous driving', which are either heard on indictment at the Crown Court or summarily at a magistrates' court depending on the level of seriousness
Immediate Custody	A sentence to immediate imprisonment. Normally an offender serves half of their sentence in prison and half in the community
Suspended Custody	A court may give an offender a 'suspended' prison sentence if the time they would otherwise spend in prison is under 12 months. An offender has to meet conditions in the community, set by the court. If the offender breaks these conditions, or commits another offence, they will usually have to serve the original sentence in prison
Community Order	A penalty for an offence based on its seriousness Low, Medium, or high, see A.2.3.
Fine	A penalty for an offence, based on 5 bands A to E and the maximum penalty for an offence see A.2.2
Forfeiture Order	A vehicle used as part of an offence may be forfeited
Compensation Order	A requirement to pay compensation for loss, injuries and damages caused by the offender

A.2.1 *Dangerous driving*

The definition of dangerous driving is as follows (McCormac & Wallis, 2013)

"A person is to be regarded as driving dangerously if:

- a) The way he drives falls far below what would be expected of a competent and careful driver, and
- b) It would be obvious to a competent and careful driver that driving in that way would be dangerous"

A.2.2 *Fines (Sentencing Guidelines Council, 2008)*

A fine is usually based on one of three bands (A, B or C). The band and the actual fine within the range is determined by the seriousness of the offence.

In addition, band D fines are used when where the offence and general circumstances would otherwise warrant a community order but the court has decided that it need not impose such a sentence and that a financial penalty is appropriate and band E fines are used similarly where otherwise a custodial sentence would be used.

	Starting point	Range
Fine Band A	50% of relevant weekly income	25 – 75% of relevant weekly income
Fine Band B	100% of relevant weekly income	75 – 125% of relevant weekly income
Fine Band C	150% of relevant weekly income	125 – 175% of relevant weekly income
Fine Band D	250% of relevant weekly income	200 – 300% of relevant weekly income
Fine Band E	400% of relevant weekly income	300 – 500% of relevant weekly income

A.2.3 Community orders (*Sentencing Guidelines Council, 2008*)

Community orders have the effect of restricting the offender's liberty while providing punishment in the community, rehabilitation for the offender, and/or ensuring that the offender engages in reparative activities. They are available in respect of all offences, including those for which the maximum penalty is a fine.

The court determines the level of community order based on the seriousness of the offence:

Low	Medium	High
Offences only just cross community order threshold, where the seriousness of the offence or the nature of the offender's record means that a discharge or fine is inappropriate	Offences that obviously fall within the community order band	Offences only just fall below the custody threshold or the custody threshold is crossed but a community order is more appropriate in the circumstances
In general, only one requirement will be appropriate and the length may be curtailed if additional requirements are necessary		More intensive sentences which combine two or more requirements may be appropriate
Suitable requirements might include: <ul style="list-style-type: none"> • 40 – 80 hours unpaid work • Curfew requirement within the lowest range (e.g. up to 16 hours per day for a few weeks) • Exclusion requirement, without electronic monitoring, for a few months • Prohibited activity requirement • Attendance centre requirement (where available) 	Suitable requirements might include: <ul style="list-style-type: none"> • Greater number of hours of unpaid work (e.g. 80 – 150 hours) • Curfew requirement within the middle range (e.g. up to 16 hours for 2 – 3 months) • Exclusion requirement lasting in the region of 6 months • Prohibited activity requirement 	Suitable requirements might include: <ul style="list-style-type: none"> • 150 – 300 hours unpaid work • Activity requirement up to the maximum of 60 days • Curfew requirement up to 16 hours per day for 4 – 12 months • Exclusion order lasting in the region of 12 months

Appendix B DVLA/DVSA data sample

As part of the research into the review of retesting and post-court interventions for serious driving offenders DVLA provided initial summary data giving the number of drivers with an offence where an EDT was ordered annually, giving approximately six thousand offences annually.

DVLA and DVSA provided a combined anonymised data set of individual drivers with an offence requiring a retest, any other current offences and records of theory tests, extended driving tests and standard driving test for these drivers. The data included:

- Age
- Gender
- Postcode
- Offence data:
 - Date of offence
 - Offence
 - Disqualification period
 - Retest requirement
- DVSA data:
 - Theory test dates and results
 - Practical test dates and results

These data gave approximately two thousand offences annually.

A summary of the two data sets is given below.

Table 42: Estimates of number of offenders ordered to take the EDT

Source	Years	Estimated annual EDTs ordered	Estimated annual standard retests ordered
Initial summary (DVLA data)	2011-2013	5,543	583
Combined database (DVLA and DVSA data)	2011-2015 (part) (taken as 4 years)	1,947	92

It therefore was apparent that the DVLA/DVSA data set was for only a sample of records and did not include all offences or offenders.

Therefore, DVLA provided a third data set, which consisted of aggregated data showing the number of offences annually split by age, gender, offence, and retest requirement.

This appendix compares this third data set with the detailed data provided to determine whether the sample is representative of all offences.

It was not possible to compare individual records to assess which records were included or excluded since the comparison data were aggregated data.

B.1 Results

B.1.1 Year

The number of offences recorded with a retest requirement in each year is shown below for the three data sets.

The data sets are snapshots in time: new offences are constantly added as information is received regarding court convictions and offences are removed once they have expired. Therefore the figures for 2014, 2015 and 2011 are expected to be different.

Table 43: Number of offences in the different data sources by year

Year	Initial summary	Combined database	Aggregated data
2011	5,894	2,659	2,357
2012	5,425	2,249	5,854
2013	5,311	2,022	5,988
2014	2,686	1,287	5,402
2015	-	18	1,468
Total	48,144	8,235	21,069

- The initial summary data and the aggregated data were similar for 2012 and 2013. Minor differences are likely to be due to whether analysis is date of offence, court or disqualification date, and any appeals.
- In 2012 and 2013 the database has 38% and 34% respectively of records from the aggregated data.

Statistical chi-squared tests were implemented to verify the representativeness of the database with respect to the aggregated data. Due to the different time snapshots the 2011, 2014 and 2015 data are different. Therefore, testing was conducted using only the years 2012 and 2013. Analysis showed that the records in both datasets were distributed differently by year ($X^2=17.75$, $p<0.001$): the database is not representative of the aggregated data.

B.1.2 DTTP code

The DTTP code is used to record any test requirement and whether the required test has been passed. The codes are:

- 1 standard test, yet to pass
- 2 standard test passed
- 4 extended test, yet to pass
- 5 extended test passed

Offences coded 1 or 4 are changed to 2 or 5 respectively when the test is passed. Therefore, the three different snapshots in time will have different numbers of offences with each code. However, the offences can be grouped in (1&2) and (4&5), which should remain stable over time.

Table 44: Number of offences in the different data sources by DTTP (2011 onwards)

DTTP Code	Initial summary		Combined database		Aggregated data		% of data in combined database in aggregated data
	Number	%	Number	%	Number	%	
1&2 (standard test)	20,205	31.9%	368	4%	1832	8.7%	20%
4&5 (extended test)	43,061	68.1%	7,788	95%	19,237	91.3%	40%
Blank	0	0%	79	1%	0	0%	-
Total	63,266	100%	8,235	100%	21,069	100.0%	39%

- There was a lower proportion of offences requiring standard retest in the database sample (4%) than in the initial summary data (32%) and the aggregated data (9%).
- There was also a difference between initial summary and aggregated data; the reason for this is unknown.

A similar procedure using chi-squared tests was followed to test for representativeness of the sample. As was the case with the distribution of records by year, the distribution of DTTP codes 1&2 and 4&5 was significantly different between the two datasets ($X^2=181.51$, $p<0.001$).

B.1.3 Gender

The number of offences by gender is shown below for the database and the aggregated data.

Table 45: Number of offences in the different data sources by gender

Gender	Combined database		Aggregated data		% of data in combined database in aggregated data
	Number	%	Number	%	
Male	7,778	94.5%	19,833	94.1%	39.2%
Female	427	5.2%	1,236	5.9%	34.5%
Unknown	30	0.4%	0	0.0%	-
Total	8,235	100.0%	21,069	100.0%	39.1%

- The distribution of offences between the genders was similar.

Chi-squared tests showed that the distribution of records by gender in the database was not representative of the aggregated data ($X^2=6.54$, $p=0.0105$). However, the database was representative when considering only the years 2012 and 2013 ($X^2=1.82$, $p=0.1778$).

B.1.4 Age

The database included the ‘age at refresh’ which was recorded in whole years and taken to be the age at the end of 2014. The age at offence was estimated based on this age and the date of offence. The aggregated data included ‘age at offence’. Figure 62 and Table 46 show the age distribution of the two data sets.

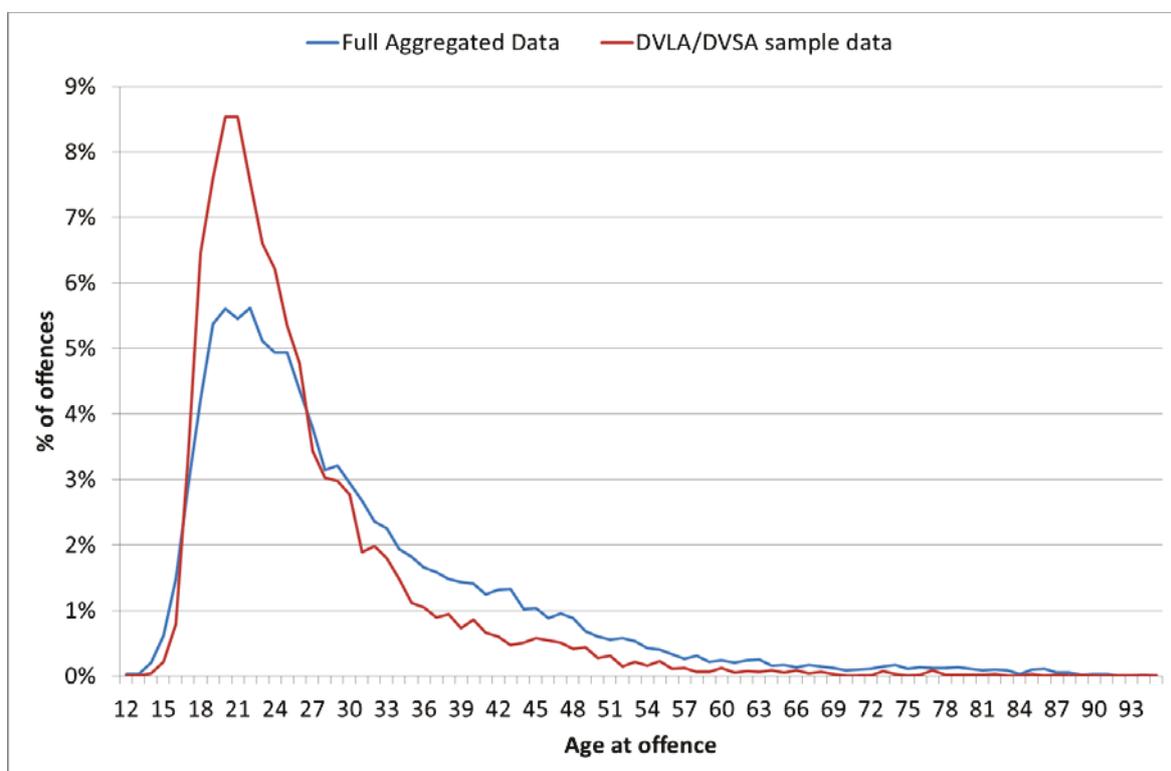


Figure 62: Age distribution of DVLA/DVSA data and full DVLA aggregated data

Table 46: Percentage of offences in the different data sources by age group

Age group	Database	Aggregated data	% of data in combined database in aggregated data
<20	19%	15%	49%
20-24	38%	27%	55%
25-29	20%	19%	39%
30-34	10%	12%	32%
35-39	5%	8%	23%
40-44	3%	6%	19%
45-49	3%	4%	22%
50-54	1%	3%	16%
55-59	1%	2%	15%
60-64	0%	1%	14%
65-70	0%	1%	12%
>70	0%	2%	6%
Total	100%	100%	38%

- The database included a higher proportion of offences for ages less than 30

The difference in the distribution of records by age group was again confirmed via the chi-squared test that was applied ($X^2=1216.37$, $p<0.001$). The age distribution of records in the database for the years 2011-2015 is not representative of the aggregated data. A similar outcome was found when considering only the years 2012 and 2013 ($X^2=681.20$, $p<0.001$).

B.1.5 Offence type

The numbers of offences by offence code are shown below.

Table 47: Number of offences in the different data sources by offence

	Offence	Aggregated data		Combined database		% of data in combined database in aggregated data
		Number	%	Number	%	
Mandatory EDT offences	Causing death by careless driving under the influence	68	0.3%	36	0.4%	53%
	Causing serious injury by dangerous driving	364	1.7%	108	1.3%	30%
	Dangerous driving	13,876	65.9%	6,395	77.7%	46%
	Motor manslaughter	5	0.0%	3	0.0%	60%
	Causing death by dangerous driving	377	1.8%	163	2.0%	43%
Mandatory EDT offences Total		14,690	69.7%	6,705	81.4%	46%
Discretionary EDT offences	Drink driving	1,862	8.8%	459	5.6%	25%
	Aggravated vehicle taking	1,808	8.6%	381	4.6%	21%
	Driving while disqualified	919	4.4%	212	2.6%	23%
	Other	1,790	8.5%	478	5.8%	27%
Discretionary EDT offences Total		6,379	30.3%	1,530	18.6%	24%
Total		21,069	100.0%	8,235	100.0%	39%

- 66% of offences in the aggregated data were 'dangerous driving' compared with 78% in the database.
- Discretionary EDT offences were less common in the database compared with the aggregated data

A chi-squared test statistic of 567.70 ($p < 0.001$) indicates that the distribution of records by offence code in the database is not representative of the aggregated data.¹³

B.2 Summary

- The number of offences requiring a retest per year is approximately six thousand

¹³ Chi-squared test should not be used given that the observations are not independent (that is, an offender can commit more than one offence in the period. However, 95% of offenders with a retest requirement had only one such offence in 2012 and 2013. Therefore this test has been used as an indicator of representativeness.

- The number of offences in the database is a sample of all offences, approximately 38%.
- The database sample is representative of in terms of gender
- The database sample is not representative in terms of age and offence.
- The representativeness on any data matching with DVSA, disqualification length, geography or court type was not determined since DVLA could not easily provide these aggregated data.

The non-representativeness in terms of offender age, offence and retest type mean that the analysis undertaken using the sample may not be generalizable to the population of offenders.

Appendix C Postcodes and Socio-economic data

C.1 Postcodes

The data provided by DVLA included postcode district (first half of postcode).

This was linked to country and region using data available from ONS geography lookups.

C.2 NS-SEC

The National Statistic Socio-economic Classification (NS-SeC) classifies residents in households in England and Wales by into eight categories (plus full-time students), based on 2011 census data.

The categories are:

1. Higher managerial, administrative and professional occupations
2. Lower managerial, administrative and professional occupations
3. Intermediate occupations
4. Small employers and own account workers
5. Lower supervisory and technical occupations
6. Semi-routine occupations
7. Routine occupations
8. Never worked and long-term unemployed
9. L15 Full-time students

The population with a household reference person in each of the NS-SeC data were available from NOMIS for each postcode district (first half of postcode) by age group (4 groups) and gender.

For each postcode district, age group and gender the most common NS-SeC classification was calculated

Table 48 shows the number of postcode districts for each age group and gender by the most common NS-SeC of the household reference person.

Table 48: NS-SeC by postcode district summary

Gender	Age	1. Higher managerial, administrative and professional occupations	2. Lower managerial, administrative and professional occupations	3. Intermediate occupations	4. Small employers and own account workers	5. Lower supervisory and technical occupations	6. Semi-routine occupations	7. Routine occupations	8. Never worked and long-term unemployed	L15 Full-time students	Total postcode districts	% in category 2
Females	16 to 34	22	1,406	72	0	4	578	14	54	119	2,269	62%
	35 to 49	22	1,963	20	4	1	233	3	23	0	2,269	87%
	50 to 64	10	1,640	138	7	0	435	21	18	0	2,269	72%
	≥65	6	476	687	21	0	661	404	14	0	2,269	21%
Males	16 to 34	147	1,509	1	132	106	61	222	7	84	2,269	67%
	35 to 49	262	1,463	0	318	12	3	205	6	0	2,269	64%
	50 to 64	322	916	0	527	7	7	489	1	0	2,269	40%
	≥65	246	778	0	477	75	14	679	0	0	2,269	34%

The NS-SeC category '2. Lower managerial, administrative and professional occupations' was the most common for all of the age and gender groups with the exception of females aged 65 and over where '3. Intermediate occupations' and '6. Semi-routine occupations' were more common.

Further, in many cases the maximum NS-SeC category only accounted for approximately 25% of the population in a postcode district, and therefore the maximum is not representative of all of the population.

The high percentage of the population in this single category and the low level of maximum means that there is not enough variation for robust analysis.

C.3 Approximated social grade

Social grade is the socio-economic classification used by the market research and marketing industries, most often in the analysis of spending habits and consumer attitudes. Although it is not possible to allocate social grade precisely from information collected by the 2011 Census, the Market Research Society has developed a method for using census information to provide a good approximation of social grade.

The categories are:

- AB Higher and intermediate managerial/administrative/professional occupations
- C1 Supervisory, clerical and junior managerial/administrative/professional occupations
- C2 Skilled manual occupations
- DE Semi-skilled and unskilled manual occupations; unemployed and lowest grade occupations

Approximated social grade of household reference person was available from NOMIS by age group and gender.

Table 49: Approximated social grade by postcode district summary

Gender	Age	AB Higher and intermediate managerial/administrative/professional occupations	C1 Supervisory, clerical and junior managerial/administrative/professional occupations	C2 Skilled manual occupations	DE Semi-skilled and unskilled manual occupations; unemployed and lowest grade occupations	Total postcode districts
Females	16 to 24	178	1,054	295	742	2,269
	25 to 34	514	1,007	258	490	2,269
	35 to 44	695	960	194	420	2,269
	45 to 54	477	1,171	125	496	2,269
	55 to 64	236	1,238	31	764	2,269
Males	16 to 24	201	1,060	390	618	2,269
	25 to 34	498	839	491	441	2,269
	35 to 44	853	496	538	382	2,269
	45 to 54	737	413	711	408	2,269
	55 to 64	569	604	498	598	2,269

Appendix D Survey used for hypothetical case studies

For each of the five cases, respondents were asked the following questions:

- What penalty/penalties would you award to the defendant?
- How many penalty points, if any, would you award to the defendant?
- Please describe your reasons for choosing Defendant X's penalty/penalties:
- Which ancillary orders, if any, would you award to the defendant?
- Please give reasons EITHER for your choice of any ancillary order(s) OR exclusion of any ancillary order(s) for Defendant X.

Additional questions were asked for two of the cases¹⁴:

- Case 3: Please indicate if your response would differ if the defendant had been convicted following a 'not guilty' plea? If the penalty would be different, please elaborate
- Case 5: Would your response differ if a guilty plea and a valid exceptional hardship claim had been made that s/he needed to drive as part of his/her employment and there was a partner and two children to support? If the penalty would be different, please elaborate

To further explore discretionary use of the EDT, additional questions were presented following the five case studies:

- Where there is discretion for the court to award an extended driving retest, to what extent, if any, might the following offender characteristics influence your decision?
 - Gender
 - Disposable income
 - Age
 - Previous convictions
 - Domestic responsibilities
- Please explain your responses above, should you wish, and describe any other factors that might influence your decision to award a discretionary extended driving retest in eligible cases
- Suppose an offender is awarded a standard driving retest after disqualification. In the presumed opinion of your Bench, how likely is it that this will improve an offender's compliance on the road?

¹⁴ In order to keep the survey at a manageable length for respondents, questions regarding a not guilty plea and exceptional hardship were applied to two cases selected at random.

- Suppose an offender is awarded an extended driving retest after disqualification. In the presumed opinion of your Bench, how likely is it that this will improve an offender's compliance on the road?
- In what circumstances, if any, does your Bench ever award the following ancillary orders for convicted drivers where there is discretion to do so?
- A standard driving retest
- An extended driving retest
- Are there any offence and/or offender characteristics that would dissuade your bench from awarding an extended driving retest where there is discretion to do so? If so, please explain:

Appendix E Additional hypothetical case study data

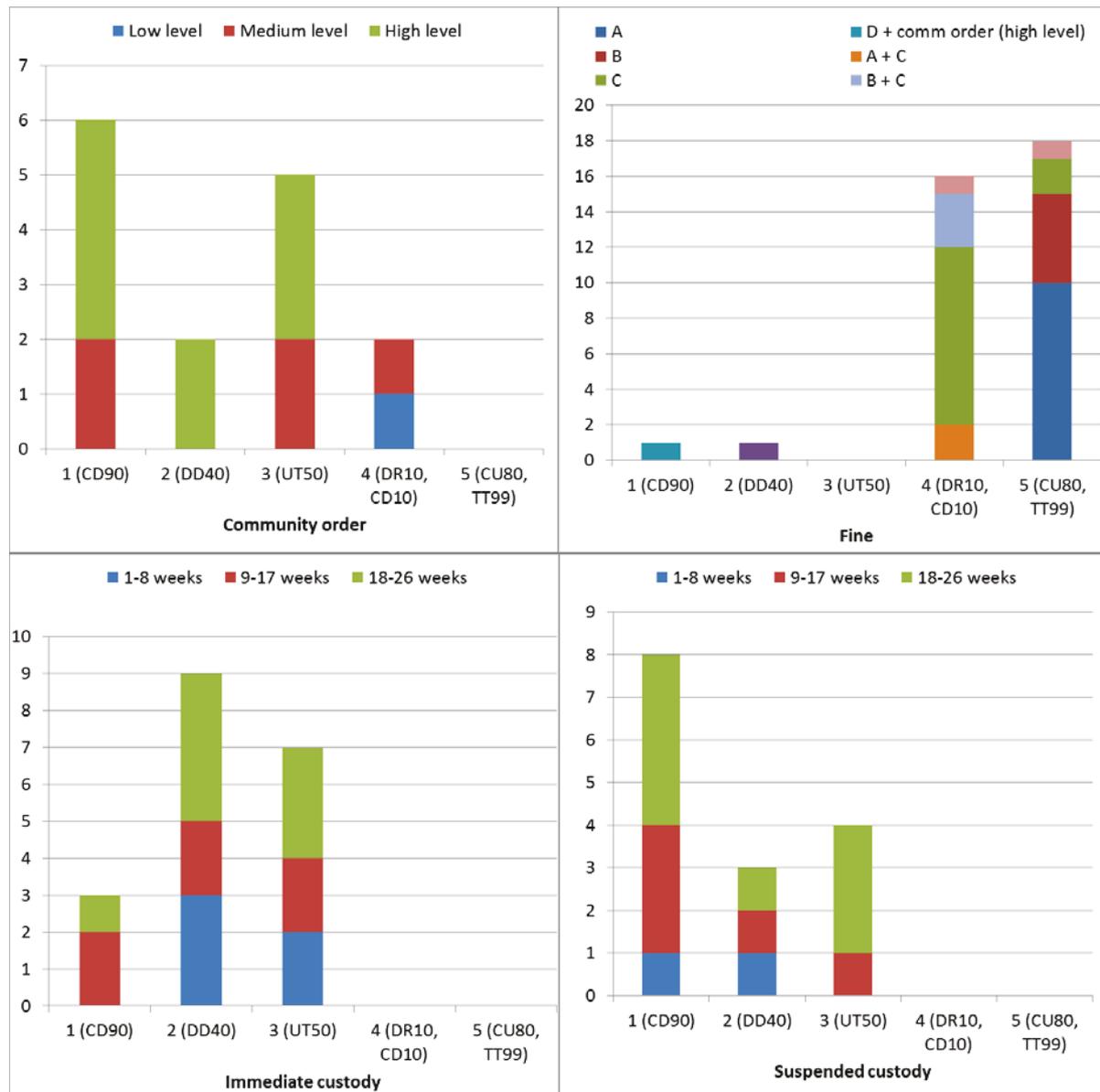


Figure 63: Penalties ordered for each case (note different axis scales)

Table 50: Ancillary orders ordered (those including EDT shown in bold)

Ancillary order		Additional orders				
		Case 1 (CD90)	Case 2 (DD40)	Case 3 (UT50)	Case 4 (DR10, CD10)	Case 5 (CU80, TT99)
Mandatory licence disqualification (6-11 months)		1				11
Mandatory licence disqualification (12-18 months)	Only	6	2	3	8	
	EDT	1	5	1	2	
	EDT + discretionary licence disq (19-24 months)		1			
	EDT + offer of drink-drive rehab course				1	
	EDT + forfeiture order		1			
	EDT + compensation order			1		
	offer of drink-drive rehab course				3	
	compensation order			1	1	
	standard retest + compensation order			2		
	discretionary licence disq (6-11 months) + offer of drink-drive rehab course				1	
discretionary licence disqualification (6-11 months) + compensation order + offer of drink-drive rehabilitation course				1		
Mandatory licence disqualification (19-24 months)	Only	1	1	3		
	EDT	1	2	1		
	EDT + forfeiture order		2	1		
	EDT + compensation order			1		
	standard retest	1		1		
	compensation order			1		
	standard retest + forfeiture order	1				
Discretionary licence disqualification (6-11 months)	Only	1				2
	compensation order			1		
Discretionary licence disqualification (12-18 months)	Only				1	
	standard retest + forfeiture order	1				
	forfeiture order	1				
Standard retest		2				1
EDT			2			1
No response		1	2	1		3
Total		18	18	18	18	18

Appendix F Additional data tables

**Table 51: Proceedings and convictions at magistrates' courts and Crown Courts 2013
(Ministry of Justice, 2014) (supplementary volume: motoring)**

Offence	Magistrates' Courts					Crown Court			
	Total proceedings	Proceedings discontinued	Committals for trial	Charges withdrawn or discontinued	Total findings of guilt	Total proceedings for trial	Not tried	Acquitted	Total findings of guilt
Dangerous driving	4,464	87	2,264	442	1,671	2,376	147	456	1,773
Causing death by dangerous driving	164	3	160	-	1	187	5	58	124
Causing death by careless driving under influence of drink or drugs	32	-	32	-	-	37	-	4	33
Causing death by careless or inconsiderate driving	249	1	190	5	53	247	1	84	162
Causing death by driving unlicensed, disqualified or uninsured drivers	49	1	34	8	6	67	11	12	44
Causing death by aggravated vehicle taking	15	-	11	2	2	9	2	1	6
Causing bodily harm	14	-	14	-	-	11	-	4	7

Note that the number of proceedings at a magistrates' court committed for trial does not match exactly with the total proceedings which is due to the data being for calendar years within each court.

Table 52: Offenders sentenced by principal offence (2009-2013)

Offence	2009	2010	2011	2012	2013	Total
Causing bodily harm by furious driving	12	4	7	8	5	36
Causing death by aggravated vehicle taking	9	5	7	4	6	31
Causing death by careless driving under influence of drink or drugs	35	41	35	23	29	163
Causing death by careless or inconsiderate driving (from 2008)	73	236	232	224	199	964
Causing death by dangerous driving	233	158	115	116	110	732
Causing death by driving unlicensed, disqualified or uninsured drivers	10	22	18	15	12	77
Causing serious injury by dangerous driving (from 2012)	-	-	-	1	25	26
Dangerous driving	3,484	3,175	2,919	2,788	2,674	15,040

Table 53: Number of drivers in DVLA data by disqualification til test pass code and year of offence (2010 – August 2014)

Disqualification til test pass code		2010	2011	2012	2013	2014
Disqualification til test pass	Yet to be passed	542	548	484	511	214
	Standard test passed	58	90	86	29	0
	Appeal against endorsement	0	0	0	0	1
Total		600	638	570	540	215
Disqualification til extended test pass	Yet to be passed	4,352	4,598	4,686	5,188	2,683
	Extended test pass	727	1,295	739	123	0
	Appeal against endorsement	0	1	0	0	3
Total		5,079	5,894	5,425	5,311	2,686

**Table 54: Penalties received 5-10 years prior to EDT
(1% DVLA data archive, EDT 2009-13)**

Category	Previous offence			No previous offences	Total offenders
	DTPP	DTETP	Revoked or no retest		
Causing death by careless driving under the influence	0	0	0	1	1
Dangerous driving	0	7	47	100	147
Causing death by dangerous driving	0	0	2	7	9
Aggravated vehicle taking	1	4	9	18	27
Other and Unknown	1	2	21	15	36
Total	2	12	75	136	211

**Table 55: Penalties received 10+ years prior to EDT
(1% DVLA data archive, EDT 2009-13)**

Category	Previous offence			No previous offences	Total offenders
	DTPP	DTETP	Revoked or no retest		
Causing death by careless driving under the influence	0	0	0	1	1
Dangerous driving	4	4	33	114	147
Causing death by dangerous driving	0	0	1	8	9
Aggravated vehicle taking	1	0	7	20	27
Other and Unknown	1	2	17	19	36
Total	6	6	56	155	211

Table 56: Number of offenders by offence and disqualification length, principal offence basis (MoJ data, 2009-2013)

Disqualification length	Dangerous driving	Causing death by dangerous driving	Causing death by careless driving under influence of drink or drugs
Under 6 Months	25		2
6 Months	13		1
Over 6 Months & under 1 Year	12		
1 Year	2374	7	
Over 1 Year & Under 2 Years	1545	6	3
2 Years & Under 3 Years	1487	25	2
3 Years	825	45	6
Over 3 Years & Under 4	28	3	3
4 Years & Under 5 Years	153	38	9
5 Years & Under 10 Years	130	98	30
10 Years & Over, Under Life	21	22	8
LIFE	25	10	1
Until test is passed	7685	470	97
Endorsement without Disqualification	490	8	1
Offenders disqualified from driving without a driving test requirement where no disqualification length is recorded	227		
Total	15,040	732	163

Table 57: Number of offenders by offence and custodial sentence length, principal offence basis (MoJ data, 2009-2013)

Sentence length	Dangerous driving	Causing death by dangerous driving	Causing death by careless driving under influence of drink or drugs
Up to and including 3 months	339	1	
Over 3 months and up to and including 6 months	1421	8	1
Over 6 months to less than 12	1778	10	1
12 months	1033	13	2
Over 12 months and up to and including 18 months	1037	52	5
Over 18 months and up to and including 3 years	126	201	37
Over 3 years and less than 4 years		50	15
4 Years		77	23
Over 4 years and up to and including 5 years		94	20
Over 5 years and up to and including 10 years		169	50
Over 10 years and less than life		5	
IPP		3	2
Non-custodial sentence	9,306	49	7
Total	15,040	732	163

Table 58: Number and pass rate of EDTs taken by gender (DVSA data, 2005-2014)

Gender	Male	Female	Unknown
EDTs taken	49,646	2,494	13
EDTs passed	31,052	1,402	7
Pass rate	63%	56%	54%

Table 59: Number and proportion drivers by number of attempts and gender (DVSA data, 2005-2014)

Gender	Number of attempts						Total
	1	2	3	4	5	6	
Female	853	355	120	41	17	16	1,402
	61%	25%	9%	3%	1%	1%	100%
Male	20,684	6,862	2,291	746	297	172	31,052
	66%	22%	8%	3%	1%	0%	100%
Total	21,537	7,217	2,411	787	314	188	32,454

Note table excludes 12 drivers with unknown gender

Table 60: Number and proportion of drivers by number of attempts and age

Age group	Number of attempts							Total
	1	2	3	4	5	6	≥ 7	
Unknown	547	190	92	31	15	4	7	886
	62%	21%	10%	3%	2%	0%	1%	100%
18-25	1,955	698	224	82	28	12	4	3,003
	65%	23%	7%	3%	1%	0%	0%	100%
26-35	10,344	3,720	1,328	477	180	67	51	16,167
	64%	23%	8%	3%	1%	0%	0%	100%
36-45	5,725	1,788	570	162	70	22	20	8,357
	69%	21%	7%	2%	1%	0%	0%	100%
46-55	2,540	841	266	93	33	18	11	3,802
	67%	22%	7%	2%	1%	0%	0%	100%
56-65	726	271	108	38	11	6	5	1,165
	62%	23%	9%	3%	1%	1%	0%	100%
66-75	180	76	36	11	8	2	3	316
	57%	24%	11%	3%	3%	1%	1%	100%
76-85	32	18	8	5	4	2	1	70
	46%	26%	11%	7%	6%	3%	1%	100%
86-95	5	2	1	3	2	0	2	15
	33%	13%	7%	20%	13%	0%	13%	100%
Total	22,054	7604	2,633	902	351	133	104	3,3781

Table 61: Penalties received 5-10 years after earliest EDT (1% DVLA data archive)

Category	DTP	DTETP	Revoked or no retest	No later offences	Total offenders
Careless driving EDT	0	0	2	4	6
Dangerous driving	1	9	173	420	593
Causing death by dangerous driving	0	1	8	17	25
Aggravated vehicle taking	1	3	17	65	82
Other and Unknown	1	4	43	106	150
Total	3	17	241	592	834

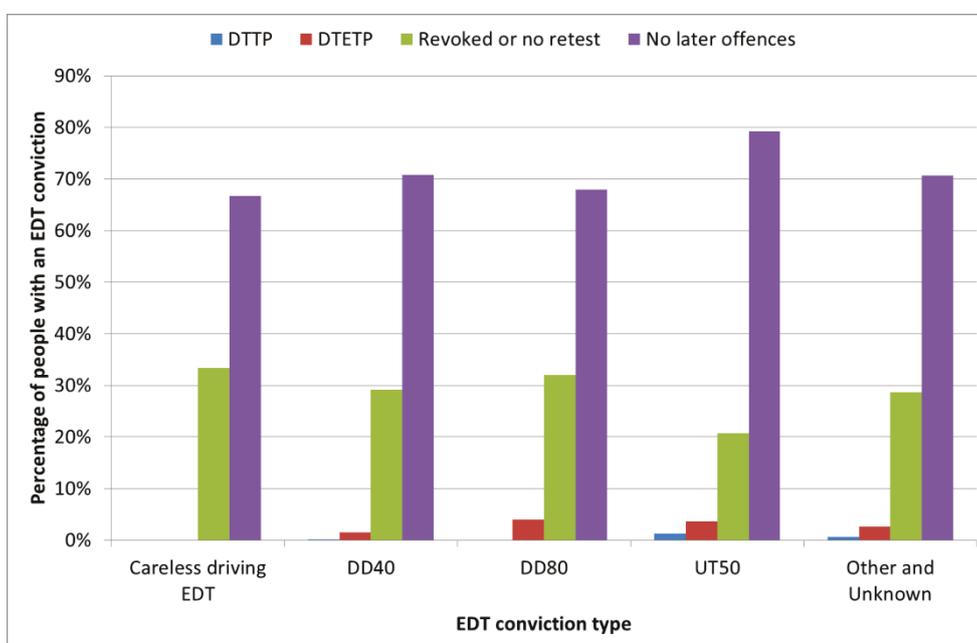


Figure 64: Penalties received 5-10 years after earliest EDT

**Table 62: Penalties received 10+ years after earliest EDT
(1% DVLA data archive)**

Category	DTPP	DTETP	Revoked or no retest	No later offences	Total offenders
Careless driving EDT	0	0	0	6	6
Dangerous driving	0	5	69	524	593
Causing death by dangerous driving	0	1	7	18	25
Aggravated vehicle taking	0	1	8	74	82
Other and Unknown	0	2	22	128	150
Total	0	9	105	729	834

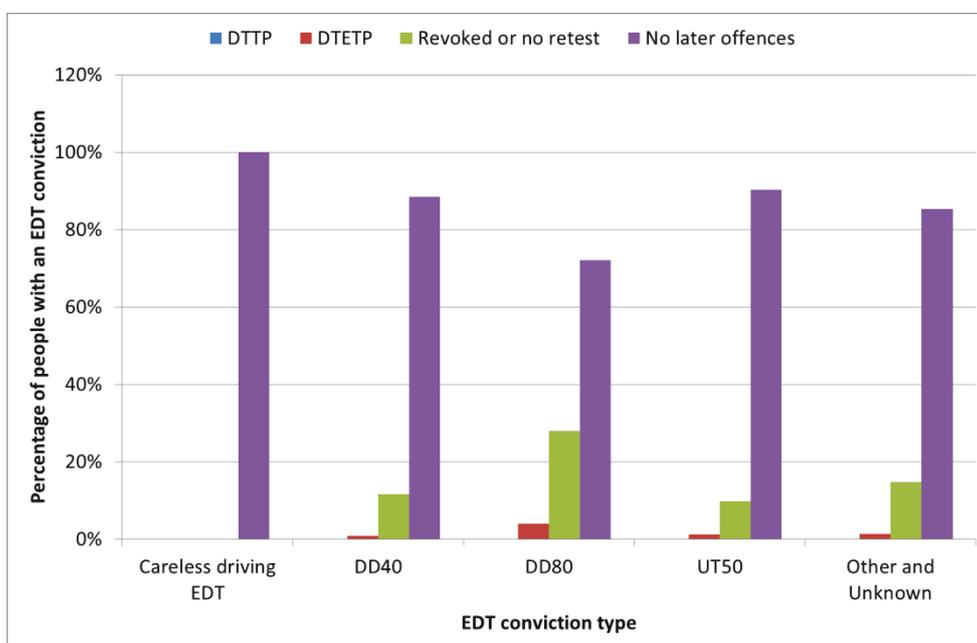


Figure 65: Penalties received 10+ years after earliest EDT

Appendix G Literature review

The aim of the literature review was to identify and assess the potential effectiveness of other existing tests of driving competence and post-court educational interventions relevant to section 37 of the RSA 2006 (which relates to disqualification until test pass).

G.1 Method

TRL used its dedicated Library and Information Centre to ensure that the best available sources of evidence were accessed.

Two main searches were carried out:

- A search of standard publication databases including the Transport Research Information database (TRID¹⁵), ScienceDirect, PubMed, Scirus (Scientific research database from Elsevier), SORT (Social Research in Transport Clearinghouse), TRIP (Transport research in progress from the EU area) and Google Scholar.
- The project team also made use of its extensive network of contacts to gain access to recent work in the field.

A meeting was held with the project team and field experts to define search terms, develop a list of publications and sources, and build a list of useful contacts. It was decided that it was sufficient to set the start point for the literature searches from the year 2000 onwards. It was felt that little research in this field was likely to have been undertaken prior to this point and it was likely that much of the literature would come from the last 4-5 years.

Following approval from the client, a requirements document was supplied to the Library and Information Centre to undertake the searches.

The literature search sought abstracts on the effectiveness of retesting/re-educating drivers who have been charged with driving offences. The table below lists the relevant search terms.

Two searches were completed on each database¹⁶ as shown in the table below:

¹⁵ TRID provides access to over 940,000 records of transportation research worldwide and is arguably the prime literature resource for transport research. <http://trid.trb.org/>

¹⁶ The asterisk(*) is used to indicate a wild card search, for example re-educat* will include re-education and re-educating and re-educated.

Driver* AND	Rehabilitat* “Remedial intervention” Revocation Re-educat* Remediation Retest* Re-test* Re-exam*
Penalties OR driving offences AND post-court educational interventions AND	Drug* Drink* Alcohol* Speed* Careless driving Driving under the influence (DUI)

When the search results were obtained from the Library and Information Centre, the researchers selected abstracts from the list based on the searches above and by visually scanning for any of the following words or topics in the title/abstract:

- Driver rehabilitation
- Remedial interventions
- Revocation
- Re-offending, recidivism¹⁷ and re-conviction (with “transport”, “driver”, “licence”, etc.)
- Driver re-education
- Driver remediation
- Driver retesting
- Countermeasures
- Effectiveness of penalties for any road traffic offence including causing death or injury through careless or dangerous driving, drink and drug driving, and speeding
- Drink-drive rehabilitation courses
- De-merit points
- Unlicensed drivers
- Suspended drivers

¹⁷ The term ‘recidivism’ was identified throughout the literature as a synonym of ‘re-offend’.

G.2 Literature review – Scoring Criteria

Literature was selected as described above and was prioritised according to a set of criteria including timeliness (since 2000), quality and relevance. A rating of ‘High’, ‘Medium’ and ‘Low’ was assigned to each article based on a set of criteria to be described in the following sections.

G.2.1 *Initial sift through abstracts*

As the initial search brought up work containing any of the search terms used, the first step in the literature review was to evaluate abstracts in order to decide which would be taken forward for full-text review.

A workshop was held with three researchers to determine which articles were appropriate to take forward based on the following:

- **Yes** – if work (as detailed by abstract) referred to the evaluation of the effectiveness of interventions, including what alternatives are available that are effective in changing peoples’ attitudes and/or behaviours toward reoffending or levels of reoffending.
- **No** – if the work did not evaluate effectiveness of interventions (as defined above), or if the article under review did not detail a controlled research study or review thereof.
- **Maybe** – if there was no abstract available but title is indicative of research that may be of interest.
- Abstracts that did not appear during the initial search were located and evaluated using the same guidance.

153 articles were identified through the initial search. Of these, 77 were requested for full-text review. In addition, four reports were provided by project team contacts.

G.2.2 *Full-text review*

After relevant papers were selected based on their abstracts, these were requested for full-text review. A scoring system was developed in order to systematically review the research literature available in a way that may facilitate future replication.

Literature was evaluated based on their relevance to the research questions, and the quality of the research methodology. The following criteria were applied:

For relevance:

- **‘High’** = referred to data on a metric clearly relevant to the evaluation of interventions.
- **‘Medium’** = referred to data on a metric that may not be directly relevant to the research question (including data relevant to methodological approaches used in evaluation work). It may have also provided supplementary information or additional references.
- **‘Low’** = did not refer to data relevant to the topic under investigation.

For quality:

- **‘High’** = from a high-quality peer-reviewed publication, and clearly methodologically appropriate. This included controlled studies (experimental or quasi-experimental design), as well as meta-analytical work of various studies on the topic.
- **‘Medium’** = from an academic source (e.g. book chapter, conference) but without peer-review, and/or possessing some methodological weakness, such as a lack of control group or sampling issues (e.g. some possible confounding factors).
- **‘Low’** = from a more ‘general’ source (e.g. conference, trade paper) and/or clearly being methodologically weak or inappropriate (e.g. failing to address random variability by use of appropriate statistical techniques).

G.3 Literature review results

G.3.1 *Types of intervention*

Driver remediation interventions, or driver rehabilitation programmes can be described as “systematic measures for traffic offenders, in particular drink-drivers and speed offenders, aiming at a change of their behaviour in order to prevent further offences and to keep and to regain their driving licence” (Bartl et al., 2002, p.3). Such interventions, which are aimed at improving competence to drive (i.e. the ability to make decisions relevant to driving safely), are provided to traffic offenders in Great Britain as stated in Section 37 of the Road Safety Act 2006.

Similarly, in other countries such interventions are offered to people instead of points on their licence or administrative fines, but they can also be part of a larger combination programme including custodial sentences and licence revocation.

Generally speaking, interventions for driving offenders can be grouped into five categories:

- Administrative sanctions – this could be in the form of penalty points, or point demerits, but can also include sanctions to limit or stop driving (such as alcohol ignition interlock programmes)
- Education-only interventions – such as information packages, or group information sessions
- Behavioural interventions – involving psychological techniques, and elements of behavioural change
- Combined programmes – usually combining education of road safety and behavioural change components
- Other – these can include different interventions, including driving skills (re)training and social responsibility approaches.

Re-offending is an important aspect of the present work as evidence shows that in industrialised countries such as the United States, for example, 20-28% of first time Driving under the Influence (DUI) offenders recidivate (Robertson, Gardner, Xu & Costello, 2009). Similarly, Rourke and Jones (2012) found that having a prior criminal record or concurrent offences were both associated with increased likelihood of being convicted for a new traffic

offence. Hence, identifying programmes that can help those who are more prone to reoffend is a key element in minimising the risk posed by these drivers.

The following sections set out the evaluation evidence found for different types of intervention to deter dangerous driving and recidivism. Although the focus of the current project is on more serious offenders (such as those causing death or injury through dangerous driving), most of the interventions identified through the literature search target offences such as speeding and recidivist drink and drug drivers. This said, if the mechanisms for change employed by the interventions are proven to be effective, these interventions might be useful tools for informing the development and implementation of interventions for serious offences, including 'causing death through careless driving under the influence' (codes CD40, CD50, CD60 and CD70).

It is important to note that although much of the evidence is presented for speeding, drink driving, and drug driving, the aim is to provide evidence of the different types of interventions offered internationally and to determine whether there is evidence regarding their effectiveness as individual or combined programmes for driving offenders.

The review is structured to first present the international evidence for the five categories of intervention listed above, followed by discussion of intervention components that have been determined as the most effective. Evidence of specific programmes for young drivers is also provided as this is an important high-risk group for targeting offending and re-offending behaviour, and there are a number of interventions available for this specific age group. The last section highlights evidence from interventions in the UK, before closing with a summary of the evidence reviewed.

G.3.2 International Evidence

G.3.2.1 Administrative and legal sanctions

One large meta-analysis evaluated a number of interventions for traffic offenders with poor driving records (though not specifically recidivists), who had committed different types of driving offences (Masten & Peck, 2004). The authors established criteria for inclusion which particularly focused on studies which employed a classical experimental design (involving random assignment to the treatment group or equivalent), and which included subsequent crash rates and violation rates as outcome measures. Thirty five studies were found to meet all the inclusion criteria, and they included evaluations of interventions involving administrative sanctions (such as licence revocation and point reduction), warning letters, educational material provision and group meetings. They found that there was a small effect (as measured by effect sizes) of all interventions in reducing subsequent traffic violations, which translated into reductions of 6–8%, although findings showed that only a number of interventions had been effective at reducing crashes.

Masten and Peck's results show that even warning letters, which imply a minimum cost and effort from authorities, could result in a similar reduction of offences when compared to other intervention modalities. A study in the state of New Jersey also found that point advisory notices (information letters sent to drivers when they have accumulated six or more demerit points) also seemed to be effective at reducing mean violation and crash rates by 53-65% and 7-29%, respectively (Carnegie, Strawderman & Li, 2009); though in New Jersey the notice may

be accompanied by a fee. Although the study used driver history data obtained directly from the State's Motor Vehicle Commission, one limitation of this study is the lack of a control group. It is therefore impossible to say that these reductions in violations and crash rates were due solely to the effects of the intervention. Nonetheless, these findings question whether more resource-heavy and costly interventions are actually worth the investment.

Sloan et al. (2013), however, argue that greater service intensity results in better outcomes for participants. This is based on results from a recent study where these authors found that participants of more service intensive programmes had better outcomes in terms of program completion, improvement in employment status, and improvements in educational attainment (Sloan, Chepke, Davis, Acquah & Zold-Kilbourn, 2013). They compared participants from eight driving while intoxicated (DWI) courts in the United States who had been grouped depending on the type of court they had attended (whether the case mix in that particular court contained more or less difficult cases) and the service intensity they received (greater involvement of the court with the participant, and hence more expenditure on resources). They did not, however, find any significant difference in recidivism (measured by rates of re-arrest for any offence) in a two-year follow-up from the date of admission to the programme.

The EU 'ANDREA' (analysis of driver rehabilitation programmes) project also evaluated longer duration of interventions. Bartl et al. (2002) collected offender and trainer feedback from a number of programmes aimed at drink driving, speeding, and other (unspecified) offences in France, Austria, Belgium, The Netherlands and Italy. The programs ranged from one to six modules and covered several areas of re-education including knowledge in law, sensitivity toward alcohol or speeding danger, social norms and rules, internal vs. external attribution, and general awareness, among others. Authors concluded that interventions are likely to be effective if they meet a number of requirements, mainly: longer courses running over a few weeks, no more than ten participants per trainer, well trained leaders (who are educated in psychological factors), and inclusion of content that is clearly catered toward the offender's needs.

However, the work by Bartl et al. (2002) is based on self-report data, particularly on perceived change (no crash, re-arrest, or violations data is provided). Sloan et al. (2013), who analysed data for re-arrests, failed to find a significant difference in recidivism between the different intervention and court types. Therefore, although there is some evidence to support more intense service programmes, the results of the previous studies suggest the effects of service length and intensity is unclear.

Masten and Peck's results also show that more restrictive interventions, particularly licence revocation or suspension, were most effective at reducing subsequent crash and traffic violation rates. These findings may suggest that more restrictive sanctions will result in the best outcome, particularly as these measures fully restrict the offender from any further driving. This is supported by research such as that by Carnegie et al. (2009) who evaluated recidivism rates among administratively sanctioned drivers in the state of New Jersey (USA) and found that the combination of licence suspension and one year probation (among the strictest administrative sanctions) resulted in greatest reduction in mean violation and crash rates in a two year period after the intervention.

Technological sanctions can also restrict drivers' freedoms to engage in dangerous driving. One example is ignition interlock devices, which require drivers to provide breath specimens in order to start their vehicle. If the breath alcohol concentration of the sample exceeds a predetermined level, the vehicle will not start. Such devices also require random samples while driving in order to reduce the likelihood of circumventing the device by having someone else providing the sample. A systematic review, which assessed the effectiveness of the ignition interlock device in reducing drink-driving recidivism, was undertaken by Willis, Lybrand and Bellamy in 2004. This review included randomised controlled trials (RTC) and other controlled trials which met a set of strict inclusion criteria. The main outcome measure of interest was rates of recidivism. General results showed that interlock devices were effective at deterring re-offending while installed. However, these effects were only temporary and the findings suggest that this effect disappears once the devices are removed.

Although Masten and Peck's results support the use of stricter (physical) sanctions to improve safety, they considered their results in light of the potential limitations of these interventions. They highlight that there is little to no evidence to support the long-term effects of licence suspension on Driving Under the Influence (DUI) offenders and that it is possible that most or all of the effect observed in their analysis was due to the evaluation work having been carried out during the revocation period. Therefore, although these interventions may have strong effects during the revocation time period, a different type of intervention may be required to target the underlying behavioural cause of the offences.

G.3.2.2 Education-only interventions

According to Robertson et al. (2009), purely educational programmes that aim to prevent drivers re-offending have been found to be ineffective. Masten and Peck (2004) evaluated educational brochures as part of their study and found that they were not associated with reductions in either violations or crashes for driving offenders. Wells-Parker et al. (1995) found that education alone was associated with smaller effect sizes when compared to psychotherapy or counselling, or combined approaches in drink-drive offenders (Wells-Parker, Bangert-Drowns, McMillen & Williams, 1995).

A Cochrane review has also been undertaken by Ker and colleagues to evaluate the effectiveness of post-test driver educational interventions. Cochrane reviews are considered to be the highest standard of evidence reviews in health care and are known for the use of a systematic, consistent, and well-documented approach. Ker et al. (2005) evaluated the effectiveness of post-licence driver education for preventing crashes using data from twenty one randomised controlled trials; the outcome measures reported by the studies included crashes, traffic offences, and injury crashes. The authors concluded that the results of the meta-analysis did not provide evidence to support the effectiveness of post-licence driver education in preventing crashes.

Although the Cochrane review likely provides the best (and most reliable) data source, further research has been undertaken with similar results. For example, A study by Jones, Donnelly, Swift & Weatherburn (2006) assessed the potential impact of providing factual information about the accident risk associated with driving under the influence of cannabis (DUIC). They conducted 320 interviews with recent cannabis users to determine the impact of information provision on the decision to drive. The results suggested that providing factual information about the risks associated with DUIC would have little impact on drug-driving rates among

this population; only 7.5% of the sample indicated that they would be unlikely to drive if they could be convinced that cannabis increased their accident risk.

Villaveces et al. (2011) investigated the effectiveness of a driver improvement course on traffic violations and crashes. The sample included any person who had been issued a speeding citation (travelling at 15-25 mph over the speed limit). The intervention was an 8-hour (or two 4-hour evening sessions) class administered by certified American Automobile Association (AAA) instructors. The intervention provided drivers with knowledge on risk of driving, good visual searching techniques, safe speed, safe following distances, and impaired driving. Results showed no difference between the experimental and control group in traffic violations in the following 12-36 months following the intervention; they did, however, find that the estimated crash rates (as measured by changes in counts of crashes from two years before the intervention, to up to three years after) was significantly lower among drivers exposed to the course compared with drivers who did not attend the course (Villaveces et al., 2011). Although these results could offer support for the effectiveness of education-only interventions, it is important to note that people attending this course were drivers who had received a penalty for a speeding offence. Compared with drink or drug driving, this may be considered a less serious offence represented by an error or lapse of judgement as opposed to a result of deliberate and deviant behaviour.

In general, the literature seems to suggest that there is little evidence of the effectiveness of education-only programmes on drivers who offend.

G.3.2.3 Behavioural interventions

In their meta-analysis, Masten and Peck (2004) found that after licence suspension or revocation, individual and group meeting interventions demonstrated the second highest reduction in violations, and a significant reduction in crashes. In addition, although most interventions do not have an effect on crashes and violations, those involving individual in-person contacts with a driver improvement agent did have an impact on these two variables. This may support the assertion that more empathic, psychological interventions that look to deal with the core behavioural issue behind the offences.

The 'One for the Road' group programme in New Zealand is a government intervention aimed at repeat drink-drivers. Participants may be referred by lawyers, the courts or other services to take part in the programme which includes group therapy and aspects of Motivational Interviewing (MI) delivered over two days. Motivational interviewing involves an empathic interview style that aims to change behaviour through exploration of ambivalence to change, enhancing self-efficacy, and adopting flexible strategies for resolving alcohol misuse. The premise of the intervention is not to convince or argue, but to bring changes through empathy and eliciting expression of intention and commitment to change risky drinking. An evaluation study for the programme found reconviction rates of 4.6% at six months to over two years following completion of the programme (Dawber & Dawber, 2012). According to the authors, this rate is comparable with overseas evaluation of similar programmes, for example the New South Wales Sober Driver Programme (Bryant et al., 2007). They find this to be promising particularly given the relatively high proportion of previous drink-drive convictions of participants of the programme (Dawber & Dawber, 2012).

Research by Ouimet and colleagues (2013) has investigated the effectiveness of a brief motivational interviewing approach similar to that described above with a sample of recidivist drink-drivers. The authors conducted a double-blind randomised controlled trial where 180 DWI recidivists (with two or more convictions) with signs of problem drinking were assigned to either a brief motivational interviewing (BMI) session or an information and advice-only control intervention. Both interventions were offered in one 30 minute session. Results showed that for the overall sample, there was no difference in crashes or arrests between the BMI and control group. However, when stratified by age, younger drivers (age 26 - 43 years) in the BMI group had a significantly longer delay in a subsequent conviction for DWI, speeding, or another traffic violation. Ouimet et al. (2013) conclude that BMI is more advantageous in delaying conviction for offences associated with DWI recidivism status in young drivers. However, it is important to note that participants in this sample were mostly male and the mean age was 46, therefore raising questions about the representativeness of the sample. This poses the question relating to the applicability of these results to a wider population of reoffending drivers.

The previous work may lend evidence that brief interventions can be successful at reducing recidivism. This is good news in terms of resource allocation as contrary to findings from Sloan et al. (2013) who advocate a more intense intervention and follow up programmes for recidivism, this study has found that shorter duration programmes can also yield positive effects. These results are supported by Wells-Parker, et al. (1995) who conducted a large meta-analysis of the efficacy of drink driving remediation interventions. They studied a number of different interventions including educational, psychotherapy or counselling, Alcoholics Anonymous, contact probation and combined treatment modalities. Although results showed that remedial interventions in general resulted in a 7 to 9% reduction in DUI recidivism, it was combined treatments that showed most promise. In addition, the duration of treatment was not found to be an important element of treatment, as shorter, less intense programmes did not differ from longer (more intense) programmes (Wells-Parker et al., 1995).

The work by Wells-Parker et al. highlight an important issue regarding the effectiveness of interventions in that although individual interventions can have a positive short-term effect (such as administrative sanctions) or longer term effect (such as behaviour-enhancing programmes), when these programmes are combined they will not only limit immediate behaviour, but could work to deter future occurrence through direct person-to-person approaches.

G.3.2.4 Combined programmes

A lot of research in this area has some strong limitations often relating to the lack of appropriate inclusion or participant allocation to control groups (leaving open the possibility of self-selection bias), and a failure to apply appropriate statistical techniques to analyse data. However, such programs continue to be developed and employed across the world with some examples of evaluation having taken place.

Robertson et al. (2009) evaluated a composite programme aimed at convicted first-time DUI offenders in the United States. The Mississippi Alcohol Safety Education Program (MASEP), as well as the enhanced version of the programme which includes an element aimed at motivational change, were evaluated and compared for effectiveness. MASEP integrates elements of Motivational Enhancement Therapy (MET) which is similar in principle to MI

(described above) and uses empathic approaches and training in self-efficacy. Overall findings showed that DUI offenders that completed MASEP were less likely to reoffend (21.14%) than offenders who did not enrol (29.46%) or those who did not complete the programme (35.82%). The revised version of the MASEP yielded lower recidivism rates than the older (1989) programme. The authors attributed the latter effect to the inclusion of evidence-based intervention components in the new version of the programme.

In Australia, the New South Wales Sober Driver Programme (SDP) was first piloted in 2002. According to Bryant et al. (2007), up to mid-2007, over 4,000 offenders had completed the programme offered at 63 locations in NSW. The content is largely educational, but it is meant to complement existing sanctions such as driver disqualification (Bryant et al., 2007). There are two versions of the programme which vary in terms of the time spent per session; one is delivered over nine weekly 2-hour sessions and the other in three, six-hour sessions. The condensed format targets people in harder to reach remote locations.

The programme has been evaluated for effects on recidivism rates at three to five years (Mazurski et al., 2011). The authors also compared the effects of the standard (nine session) format of the course and the condensed (three session) version. Their results showed that participants of SDP were 44% less likely to reoffend than the control group (offenders who had received sanctions alone). In addition, at the five year mark, about 15% of SDP participants and about 20% of the comparison group had reoffended (Masurski et al., 2011). On comparison of the two programme formats, authors did not find a significant difference between the two. However, as noted above some caveats of this research were the lack of random allocation to experimental and control groups, and the fact that the control group could have inadvertently included some SDP participants. In addition, the sample completing the condensed format was much smaller ($n=169$) than for the standard format ($n = 1,209$).

Other combined interventions that have been researched include the Australian “Under the Limit” (UTL) Drink driving rehabilitation programme (Ferguson, Schonfeld, Sheehan & Siskind, 2001) and the Traffic Offender Programme (Rourke & Jones, 2012), although these studies have not evaluated the long-term effects on actual behaviour.

Ferguson et al. (2001) conducted interviews with 125 driving offenders (62 who had taken part in UTL, and 63 control offenders) at the time of their court appearance and nine months later. According to the authors, the UTL programme is based on best practice for the treatment of drinking and drink driving, and uses a cognitive behavioural treatment approach. It also covers education, peer group, and diary resources to develop better attitudes toward drink driving. At the nine month interview, authors found that UTL appeared to have an impact on offenders’ intentions to change their driving behaviours to avoid a future drink-drive offence and a decrease in self-reported drink-driving. However, authors did not find a difference in attitudes toward alcohol consumption, knowledge of drink driving-related issues, social support and mental health.

Rourke and Jones (2012) evaluated another Australian intervention, the Blacktown Traffic Offender Programme (a local variation of the Traffic Offender Programme), which is provided to those who plead guilty or are found guilty of a traffic offence. Although participating in the programme does not ensure lighter sentencing, successful completion can be a point of consideration in the sentencing process. The programme is described as educational, and its aim is to provide participants with the information and skills necessary to develop safer and

more positive attitudes toward driving. In order to evaluate this intervention, authors used a number of measures, including previous offences (both traffic and other) and those committed in the two years after taking part in the programme, and personal characteristics. Although no comparison group was used in this study, authors found that 15.2% of offenders who took part in BTOP reoffended, and 10.5% committed a traffic offence, specifically. They compare this to the 19.6% re-offence rate found by Saffron et al. (1999, as cited in Rourke & Jones, 2012) but warn that no direct comparison is possible between these two groups and that this should not be interpreted as a drop in reconvictions following programme attendance.

Another American intervention to be evaluated was the DUI Intense Supervision Program (DISP). DISP is an intensive three year programme with the aim to influence thinking and encourage behavioural change to reduce recidivism in repeat DUI offenders (though those arrested for more violent crimes are not eligible for DISP). The programme is offered in conjunction with other sanctions such as licence suspension, fines, jail time, and mandatory treatment, among others. Lapham, Kapitula, C'de Baca & McMillan (2006) evaluated this intervention by conducting a randomised trial in which they evaluated re-offence rates for 460 DISP participants compared to 497 matched controls (who did not take part in the programme). The study reported reductions ranging from 39-54% in re-arrests related to impaired driving, driving with revoked or suspended licence, and other traffic convictions (Lapham et al., 2006). These are particularly large reductions, however, it is clear that compared with other programmes this is a more intense format that features other known deterrents of dangerous behaviour. In addition, there is no information available regarding the sanctions imposed or treatment status of control participants. It was therefore possible that some of the control participants were still driving and hence some of the difference could be due to differences in exposure.

One important aspect of court mandated programmes such as MASEP and the DISP is that they are usually accompanied by other court sanctions including licence suspension. For example, in the case of MASEP, offenders must complete the programme in order to regain their licence. In the case of DISP, there is also a three year licence suspension and refusal to take part in the programme could result in prolonged jail time. This is important given findings from Masten and Peck (2004) that licence revocation was related to the lowest crash and violations rates when compared with other types of intervention. They argue that it is possible that the threat of licence suspension alone is a key element in avoiding recidivism. This said, as many of the studies include control groups it is likely that many of these participants would have been sanctioned and hence the effect could be attributed to the addition of the intervention. However, the question still remains, particularly for large composite programmes such as DISP, as to what elements or combination of elements produce the best results for recidivists driving offenders.

G.3.2.5 Other interventions

All of the interventions discussed in the previous sections place the responsibility on the individual, as the offender, to repay their debt to society and to prevent future offending. However, some researchers have considered the social conditions under which offending, particularly drink or drug driving, occur and have evaluated interventions focused on the social environment.

Shults et al. (2001) reviewed the effectiveness of various legal and community interventions to prevent drink driving. This included laws (Blood Alcohol Concentration (BAC) and minimum legal drinking age), sobriety checkpoints (when police officers systematically stop drivers on the road to assess their BAC levels), and server intervention training programmes (aimed at those who serve alcoholic drinks at restaurants or bars). Laws and checkpoints were generally found to have a positive effect in reducing drunk driving, as well as 'server intervention' training. Five studies identified through the review showed that patrons who drank in establishments with trained servers left with lower BACs than controls. This positive safety effect appeared to occur without a negative effect on the establishment; one study found that although there was a decrease in the percentage of patrons with estimated BACs of 0.10 g/dL or greater, overall alcohol consumption (as measured by gross receipts) did not decrease. These findings may have been biased by establishment managers who were highly supportive of the programme, and so may represent an overestimation of the true effect that would be seen with wider implementation.

Another important note about this type of intervention is that although it may remove the immediate risk of drink driving with 'social drinkers' it does not deal with the root cause of the problem for problem drinkers. In addition, removing the responsibility from the individual may have a negative effect on drinking responsibility when faced with situations where servers are untrained or unwilling to change their serving practices.

Another American programme, Preventing Alcohol Related Convictions (PARC), is a non-traditional intervention with a focus on controlling driving rather than controlling drinking. The programme teaches students to prevent future DUIs by not driving their cars to drinking events, and is delivered as a two-hour short intervention that can be added on to existing DUI programmes (hence avoiding the need for a total curriculum revamp). It is built on the basis that despite the relative success of more traditional curricula, a number of participants still reoffend and this may be because they fail to control their drinking. The main premise is that it is easier for people who have drinking problems to exert most control before leaving home (i.e. before decision-making becomes impaired). This reasoning is supported by results such as Ferguson et al. (2001) who on evaluation of the 'Under the Limit' drink driving rehabilitation programme found that participation may have had an effect on self-reported intentions to change drink driving behaviours, but had no effects on alcohol consumption even at a nine month follow up.

A study that evaluated the effectiveness of training participants to control their driving versus controlling their drinking in reducing DUI re-offence was carried out by Rider et al. (2006). They compared a group of 5,856 PARC participants with a sample of 4,442 offenders who had participated in a traditional programme in the state of Florida (USA). The variable of interest was changes in intention to avoid future DUI (as a proxy for future recidivism). Analysis of the data showed that both groups demonstrated a change in pre-to-post 'readiness to change' although there was no significant difference detected for the PARC intervention (Rider et al., 2006). Although the results demonstrate that alternative (less traditional) interventions can have similar effects to more streamline programmes, the intervention did not show an effect of its own over and above the existing programme. This raises the question as to whether this new strategy is necessary, particularly as it does not aim to deal with the problem drinking. That said, evaluation of PARC as a stand-alone brief intervention may be beneficial particularly if it is found that the intervention alone can reduce crashes among problem drinkers.

Although PARC is unlikely to be seen as a robust enough intervention to be provided alone, it could complement sanctions for particular groups of drivers.

The research above shows some attempt to diversify the 'standard' model of driver offending intervention. However, more research is needed to show whether these types of intervention will have a benefit beyond that seen by current behavioural interventions or sanctions.

G.3.3 Intervention components

The majority of the existing evaluation work identified through this literature search has been carried out in the United States. Research has also been identified in other countries such as Canada, New Zealand, Australia, and the UK, although this has been to a lesser extent. This raises the issue of transferability, especially as even different states in the United States can have different legal systems, different interventions, and different populations. In order to tackle this issue, some research has identified effective components of interventions. The best examples of this research are two large-scale European projects, ANDREA and DRUID¹⁸.

The ANDREA project's objective was to improve traffic safety by evaluating existing driver rehabilitation programmes that could influence risky drivers. The evidence of evaluation of several programmes in countries such as Germany, Austria, Switzerland and the USA were evaluated to identify what commonalities have predicted better outcomes for participants. After reviewing the evidence, four core 'effective factors' of rehabilitation programmes were identified (Bartl et al. 2002):

- Frame condition of the entire system (course setting, legal system behind it and surveillance, for example)
- Client-trainer relationship
- Methods applied in the course (discussion vs. presentation style)
- Contents of the course

Another European project which included data from Great Britain, DRUID, had a similar emphasis on evaluating interventions, including the ability of group alcohol offence interventions to change participants' attitudes. A survey with over 7,000 participants of driver rehabilitation programmes was undertaken to explore the cognitive and socio-affective changes in people undergoing driver rehabilitation programmes in nine EU countries. They based their work on theoretical models of behavioural change derived from evaluation studies in psychotherapy and addiction, but also used input from the ANDREA project in order to establish key elements that can contribute to change. It was found that participant-trainer relationships were the most important element in mediating change, but intervention methods and course contents were also found to be important. More generally, the results found that rehabilitation programmes were believed to help increase problem awareness and supported individual's change process (Klipp, 2009).

In the UK Wright, Ayton, Rowe, and van der Plicht (2007) evaluated the literature on risk-taking, particularly in relation to driving, in order to make with recommendations on the

¹⁸ The ANDREA project was an 'analysis of driver rehabilitation programmes'. DRUID stands for Driving Under the Influence of Drugs, Alcohol and Medicines.

format, structure and content of interventions that might make these more impactful on serious offenders (i.e. those convicted of high speeding and careless driving). The authors set out a number of evidence-based recommendations that align very well with the findings from ANDREA and DRUID. These included: modules to be held in small group sizes (no larger than 12 participants), delivery of the course to be by a trained professional, and courses to be delivered in three 2-3 hour sessions. It was also recommended that the modules include interactive elements, and that successful completion integrates rewards (for example of reductions in disqualification periods).

These studies show that regardless of where such interventions are delivered, there are a number of key aspects that may determine effectiveness. Moreover, evidence-based interventions are likely to be transferable where the underlying mechanism that has caused the change has been understood (e.g. reduction in exposure as a result of driving bans). Interventions designed around these specifications would allow for more intelligent resource allocation based on evidence, and are likely to yield more consistent results. This said context specific approaches will also play a role, for example, when working with particular age groups, types of offences, or offender profiles.

G.3.4 Young drivers

Young drivers are an at-risk group for road traffic accidents, and are overrepresented in road collisions in Great Britain (DfT, 2012). Younger age has also been identified as a predictor of recidivism in traffic offences (Lapham et al., 2006; Rourke & Jones, 2012). There are currently many interventions developed for this age group, though many are aimed at prevention, and hence may not have surfaced through the present literature search. Below are some examples of evaluation of programmes aimed specifically at young drivers.

Af Wahlberg (2011) evaluated an online course for young drivers under the age of 25 who had been caught committing a traffic offence, mainly speeding. It was a paid course offered as an alternative to a fine or penalty points. As well as five e-learning modules, the Young Driver Scheme (YDS) featured a face-to-face workshop lead by a driver trainer. After participants attend the workshop, they were able to complete the modules from home within 28 days of starting. The e-learning modules are set up so that they cannot all be completed in one sitting as it locked participants out for four days after they had completed each module; hence, the programme was run for at least 20 days.

The evaluation research included over 2,000 participants between three intervention groups: Young Driver Scheme Group (n=665), a Speed Awareness Scheme (SAS) group (n=1000) and a fixed penalty point notice (FPN) group (n=1000). The SAS group was included as it provides a comparison with a non-internet based programme with similar aims of speed awareness. The SAS course was offered in one (four hour) session, while the YDS course was spread across 20 days. The groups were compared on changes in penalty point rates and offences six months after the interventions. The authors found that although controls reported lower collision and violation rates than the YDS group, YDS showed the highest reduction (38%) in self-reported accidents at six months (compared with 29% in the control group).

A previous evaluation in 2010 showed very different results (Wahlberg, 2010). The study of the YDS also used data collected at three different time points (pre, immediately after, and six months after the programme) and changes in attitudes, behaviours, and driving violations

were assessed. The drivers in the survey reported higher levels of aggression, stress, sensation seeking, drink driving, and driving violations six months after the intervention, though this was still lower than the control group. These results were unexpected, and were attributed by the authors to potential issues with the nature of the self-reported data.

The differences in these studies relate to the type of data collected; while the 2010 work assessed behavioural change on a number of dimensions including sensation seeking, anger, drink driving, and driver behaviour, the research in 2011 evaluated self-reported accidents and penalty points data extracted from the DVLA database. It can be argued that the latter is a better representation of the true effects of the intervention as it includes a measure (penalty points) not derived from self-report. This said the evaluation was carried out only six months after the intervention. According to Robertson et al. (2009) the recommended amount of time to evaluate programme effectiveness on recidivism is 24 months; in fact, most studies discussed in the current review have used an interval of two to five years. Hence, the relatively short time frame used in af Wahlberg's studies may not represent long-term effects.

Another type of intervention aims to deal with overestimations of driving skill and underestimations of the risks of driving under the influence by young drivers. The Dutch programme 'Alcohol free on the road' was developed in order to give young drivers a real experience of driving under the influence of alcohol and to share this experience in a peer group. The intervention is delivered in one-session (usually held in one afternoon), where participants receive some information on driving while under the influence of alcohol in a group format. After this, they have the opportunity to drive once while sober and then while intoxicated (induced BAC of .08%) in a closed circuit accompanied by a trained moderator. Participation is by open invitation and anyone can opt in as long as they are under the age of 27 and hold a valid driving licence.

Brookhuis, Waard, Steyvers and Bijsterveld (2011) evaluated the programme in 2011 comparing rates of future offending between a group of participants who had taken part in the 'Alcohol free on the road' intervention (n=233) and a control group who had not taken part (n=347) but were matched for age and geographical location. Authors sent questionnaires assessing opinions, attitudes, and self-reported behaviours relating to driving under the influence. Data were also obtained from the Public Prosecutor for participant's occurrence of alcohol related offences. They found that 0.7% of participants in the intervention group, compared with 4.2% of the controls, had been registered for driving under the influence on Public Prosecutor records. The participants of the intervention also showed more awareness about dangers of driving while intoxicated and improved alcohol law compliance. However, despite efforts to achieve appropriate matching, the controls in this study showed some significant differences in terms of age, gender and percentage of car ownership, among other variables (Brookhuis et al., 2011). In addition, this programme is slightly different in that the aim is preventative and is targeted at young people who have recently acquired a driving licence. Given the self-selection nature of this intervention, the young people who are likely to undertake this intervention (and hence be represented in the experimental sample) may be driver types less likely to commit offences in the first place.

Although young drivers are a specific target group, the research discussed above shows some of the current interventions used as countermeasures to reduce young driver traffic offending. It is known that this group presents a higher crash risk when compared to older counterparts,

but there are still questions to be answered regarding what are the best interventions for this age group.

G.3.5 Other evidence from the UK

There are a number of intervention programmes available in the United Kingdom, though these are mostly for less serious offences or as preventative measures and are an option that offenders may choose. The Speed Awareness Course and the Driver Alertness course (previously known as the National Driver Improvement Scheme (NDIS)) are among the most common, although no evaluation work was identified through the current review. In fact, it is the NDIS that has received the most attention in terms of evaluation.

The NDIS was launched in the 1990s by the Devon and Cornwall Police, but was subsequently implemented by the majority of police forces in England. The course was typically a two-day driver training course, which included classroom teaching of driving theory and practical sessions with an instructor (Lloyd, 2006).

Conner and Lai (2005) evaluated the effectiveness of courses run under the National Driver Improvement Scheme offered by the police, as an alternative to prosecution for the offence of driving without due care and attention. Their research used both self-report (survey) data as well as a study of on-road driving behaviours. The follow-up periods were 6-12 months for the survey which incorporated scales on driver behaviour and attitudes. Their results show a positive (modest) impact of the course compared with controls at both 6 and 12 months after on self-reported behaviour. However, the data from the on-road driving observation indicated that there were few, if any, effects that could be confidently attributed to attending the course.

Broughton et al. (2005) researched the long-term effect (three years after) of attending the NDIS course compared with a group of offenders that had been convicted for a first careless driving offence by court prosecution. They found no difference in the rate of subsequent motoring offences between course attenders and controls. They did find that course attendees were more likely than the control group to commit speeding offences, but less likely to commit licence and insurance offences.

The Drink/ Drive Rehabilitation (DDR) scheme has also been evaluated for effectiveness. This course was developed as an educational intervention to reduce the likelihood of re-offending by someone convicted of a drink-drive offence. It includes two units of education; one is based on increasing knowledge of the law and self-awareness, and the second is aimed at supporting participants in preparing for and making changes to the way they use alcohol when driving (DSA, 2013). Successful completion of the course could lead to a reduction of disqualification period of up to three months.

Evaluation work found that up to two years after the initial conviction, offenders who did not attend the DDR course were 2.6 times more likely to have been convicted of a further drink-drive offence. This was generally true regardless of social status, age or gender (Smith et al., 2004). Inwood (2007) also evaluated the DDR scheme and found that in the long term (five years), those who had not taken part in the DDR were 1.75 times more likely to be convicted of a subsequent drink-driving offence, when compared to course attendees. However, as previously stated, these differences may also be due to self-selection bias.

In terms of speed offences, Fylan and colleagues provide an overview and review of speed awareness courses run by a number of local councils in the UK (Fylan, Hempel, Grunfeld, Conner & Lawton, 2006). They categorise the existing speed awareness courses as three types:

- Classroom-based presentations and discussions together with a driving demonstration and practice
- Classroom-based presentations and discussions without the practice element
- Seminars (lecture-based format, without the discussion element)

Fylan et al. also summarise the contents of the interventions. These are found to be quite similar and tend to include the following topics:

- Reasons people have for speeding
- The consequences of speeding
- Testimonies
- Awareness
- Stopping distances, and how much they increase with speed
- Likelihood of death and serious injury for pedestrians hit at increasing speeds
- Hazard perception
- Practical tips for decreasing the risk of speeding in the future
- How to drive more safely
- Changing speed to suit driving conditions

The courses can also include practical information and advice on speed cameras, driving speeds, and driving in different conditions. As such, these courses are mostly educational, though some can include skills-based elements. Some evidence shown in previous sections challenges the effectiveness of these approaches (Jones et al. 2006; Wells-Parker et al., 1995; Conner & Lai, 2005, Broughton et al., 2005), however, for minor offences such as speeding information-only and practical interventions can be of some benefit (e.g. Villaveces et al. 2011).

Fylan and colleagues do not directly evaluate these interventions but they do comment on the existing research and point out that most work done has been to assess the perception of the course, and little has been done with quantifiable (and reliable) measures of re-offending or accident risk following these interventions.

The state of evidence on the effectiveness of interventions for driving offenders in the UK remains low. This highlights a need for more evidence on this topic and is one of the key motivators of the current research.

G.3.6 Summary

The main points made by the literature reviewed can be summarised as follows:

- The literature identified a number of important limitations in existing evaluation work, and results from these studies should be interpreted with caution.

- Some of the interventions evaluated had a small to moderate effect on future rates of recidivism, crashes, and/or violations, though these must be considered in light of the aforementioned limitations; the literature does not support a firm conclusion as to effectiveness, due to limitations such as self-selection.
- Short-term restrictive interventions, such as licence revocation or ignition interlock programmes may have the strongest immediate effect but evidence of long-term effects is lacking.
- There is no conclusive evidence to favour one style of intervention over another. While some have shown slightly larger reductions in recidivism, it is difficult to separate which elements of the interventions have been most effective, although it is clear that reducing exposure through legislation has large safety benefits.
- Some research, including large-scale EU projects, has aimed to investigate what makes an effective intervention programme. These studies have reported a set of effective factors for offender intervention programmes. These include elements of the methods of delivery, content of the interventions and client-trainer relationship.
- There is some evidence that in some circumstances shorter, less resource intensive intervention programmes can yield positive effects on participants' re-offending rates.
- Although many interventions are delivered as a combination of education, administrative sanctions, and behavioural change components that are aimed at the offender, other interventions have looked to tackle social variables such as the drinking environment or planning behaviours. More research is needed in this area in order to assess the effects of these interventions and ensure they are not having a negative effect on participants.
- More empathic interventions delivered on a one-on-one basis have shown promising results, and in combination with other sanctions could result in better outcomes for participants; although evaluation research is necessary.

None of the interventions identified through this literature search specifically targeted drivers causing death to another road user. This may be because the research carried out pre-dated the date set out by the scope of this review (limited to the year 2000 and onward), or because the search terms agreed upon were not inclusive of any of the terms related to this type of intervention. However, it is unlikely that this is the reason for the lack of work identified as the search terms were comprehensive and two searches were conducted in order to ensure all possible resources were identified.

The lack of work identified in this area could also represent the seriousness of the offences and the fact that they may be dealt with in a different way by courts and healthcare professionals. In fact, Bartl et al. (2002) comment on this and mention that alcohol addicts, heavy drug abusers, and highly aggressive criminal violators cannot be treated with these relatively short term interventions. Although it would be an overgeneralisation to categorise all serious traffic offenders as alcohol or drug abusers, those that reoffend are more likely to have more serious underlying behavioural issues.

These potential limitations aside, drinking while under the influence of alcohol or drugs, or even speeding and aggressive driving can be causal factors in more serious accidents. In this

sense, targeting these types of offences should, by proxy, have an effect on reducing the risk of more serious events occurring.

The literature identified shows that there has been an international concern for producing interventions that not only limit exposure, but that also deal with core behavioural issues important to changing attitudes toward driving and driving safely. However, the evidence-base is limited. Although many studies have been identified with some evaluation element (whether quantitative or qualitative, experimental or quasi-experimental), the fact still remains that few of these evaluations can demonstrate the effectiveness of the interventions in achieving behavioural change in a way that can be considered reliable. This, however, doesn't mean that the interventions do not work to deliver some change, it is a matter of developing more robust research that can help improve the understanding of which interventions work and why.

G.4 References

- af Wahlberg, A. E. (2011). Re-education of young driving offenders: Effects on recorded offences and self-reported collisions. *Transportation research part F: traffic psychology and behaviour*, 14(4), 291-299.
- af Wahlberg, A. E. (2010). Re-education of young driving offenders; Effects on self-reports of driver behavior. *Journal of safety research*, 41(4), 331-338.
- Bartl, G., Assailly, J. P., Chatenet, F., Hatakka, M., Keskinen, E., & Willmes-Lenz, G. (2002, December). EU-Project 'ANDREA': Analysis of driver rehabilitation programmes. In *Behavioural Research in Road Safety: Twelfth seminar*.
- Brookhuis, K. A., De Waard, D., Steyvers, F. J. J. M., & Bijsterveld, H. (2011). Let them experience a ride under the influence of alcohol; A successful intervention program?. *Accident Analysis & Prevention*, 43(3), 906-910.
- Broughton, J., Buckle, G. S., Buttress, S., & Pearce, L. M. (2005). The effects of the National Drivers Improvement Scheme on re-offending rates. *TRL report*. TRL: Crowthorne.
- Bryant, P., Rouse, R., Hawkins, A., Hodge, W., Johansson, K., Bowery, M., et al. (2007, October). A Whole of Government approach to reducing drink drive re-offending. The success of the NSW Sober Driver Program. In *Australasian Road Safety Research Policing Education Conference, 2007, Melbourne, Victoria, Australia*.
- Carnegie, J. A., Strawderman, W. E., & Li, W. (2009). *Study of Recidivism Rates among Drivers Administratively Sanctioned by the New Jersey Motor Vehicle Commission* (No. FHWA-NJ-2009-019).
- Conner, M., & Lai, F. (2005). *Evaluation of the effectiveness of the National Driver Improvement Scheme*.
- Dawber, A., & Dawber, T. (2012, October). One for the Road-Group Programme for Repeat Drink Drivers. In *Australasian Road Safety Research Policing Education Conference, 2012, Wellington, New Zealand*.
- Driving and Vehicle Standards Agency (DSA) (2013, August). Drink-drive rehabilitation syllabus. Retrieved on 30 May 2014 from, <https://www.gov.uk/government/publications/drink-drive-rehabilitation-syllabus>

- Department for Transport (DfT) (2012). *Reported Road Casualties Great Britain 2011: annual report*. DfT: London.
- DfT(2006). *Effective interventions for speeding motorists*. Road Safety Research Report No. 66. London: DfT.
- Ferguson, M., Schonfeld, C. C., Sheehan, M. C., & Siskind, V. (2001). *The impact of the "Under the Limit" drink driving rehabilitation program on the lifestyle and behaviour of offenders*. Australian Transport Safety Bureau.
- DfT (2006). *Effective interventions for speeding motorists*. Road Safety Research Report No. 66. DfT: London.
- Jones, C., Donnelly, N., Swift, W., & Weatherburn, D. (2006). Preventing cannabis users from driving under the influence of cannabis. *Accident Analysis & Prevention*, 38(5), 854-861.
- Ker, K., Roberts, I., Collier, T., Beyer, F., Bunn, F., & Frost, C. (2005). Post-licence driver education for the prevention of road traffic crashes: a systematic review of randomised controlled trials. *Accident Analysis & Prevention*, 37(2), 305-313.
- Klipp, S. (2009). EU DRUID project: results of a questionnaire survey amongst participants of driver rehabilitation programmes in Europe. *European Transport Research Review*, 1(4), 185-198.
- Lapham, S. C., Kapitula, L. R., C'de Baca, J., & McMillan, G. P. (2006). Impaired-driving recidivism among repeat offenders following an intensive court-based intervention. *Accident Analysis & Prevention*, 38(1), 162-169.
- Masten, S. V., & Peck, R. C. (2004). Problem driver remediation: a meta-analysis of the driver improvement literature. *Journal of safety Research*, 35(4), 403-425.
- Mazurski, E., Withaneachi, D., & Kelly, S. (2011, November). The NSW Sober Driver Program: recidivism rates and program parameters. In *Australasian Road Safety Research, Policing and Education Conference*.
- Quimet, M. C., Dongier, M., Di Leo, I., Legault, L., Tremblay, J., Chanut, F., et al. (2013). A Randomized Controlled Trial of Brief Motivational Interviewing in Impaired Driving Recidivists: A 5-Year Follow-Up of Traffic Offenses and Crashes. *Alcoholism: Clinical and Experimental Research*, 37(11), 1979-1985.
- Rider, R., Kelley-Baker, T., Voas, R. B., Murphy, B., McKnight, A. J., & Levings, C. (2006). The impact of a novel educational curriculum for first-time DUI offenders on intermediate outcomes relevant to DUI recidivism. *Accident Analysis & Prevention*, 38(3), 482-489.
- Rourke, P., & Jones, C. (2012). *Risk of reconviction among offenders who commence the Blacktown Traffic Offender Program*. Crime and Justice Statistics Bureau Brief, Issue Paper no. 81.
- Robertson, A. A., Gardner, S., Xu, X., & Costello, H. (2009). The impact of remedial intervention on 3-year recidivism among first-time DUI offenders in Mississippi. *Accident Analysis & Prevention*, 41(5), 1080-1086.

- Schulze, H., Schumacher, M., Urmeew, R., & Auerbach, K. (2012). *DRUID Final Report: Work performed, main results and recommendations*. Road Safety Observatory.
- Shults, R. A., Elder, R. W., Sleet, D. A., Nichols, J. L., Alao, M. O., Carande-Kulis, V. G., et al. (2001). Reviews of evidence regarding interventions to reduce alcohol-impaired driving. *American Journal of Preventive Medicine, 21*(4), 66-88.
- Sloan, F. A., Chepke, L. M., Davis, D. V., Acquah, K., & Zold-Kilbourn, P. (2013). Effects of admission and treatment strategies of DWI courts on offender outcomes. *Accident Analysis & Prevention, 53*, 112-120.
- Villaveces, A., Garrison, H. G., Smith, J. L., King, J. P., Bowling, J. M., & Rodgman, E. A. (2011). Effect of a postviolation driver improvement class on traffic convictions and crashes. *Traffic injury prevention, 12*(5), 432-437.
- Wells-Parker, E., Bangert-Drowns, R., McMillen, R., & Williams, M. (1995). Final results from a meta-analysis of remedial interventions with drink/drive offenders. *Addiction, 90*(7), 907-926.
- Willis, C., Lybrand, S., & Bellamy, N. (2004). Alcohol ignition interlock programmes for reducing drink driving recidivism. *Cochrane Database Systematic Review, 4*.
- Wright, G., Ayton, P., Rowe, G., & van der Pligt, J. (2006). *Post-court road safety interventions for convicted traffic offenders-recommendations of a judgement and decision-making working group*. DfT: London.

A review of retesting and post-court educational interventions
for serious driving offenders



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