

Road Safety

Courses for Drink-Drive Offenders

A Guide for Course Providers and Courts





Department for

Infrastructure

An Roinn

Bonneagair

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Foreword

Restorative justice aims to make offenders take more responsibility for their actions and reduce the risk of re-offending. The drink drive rehabilitation scheme is one such initiative and has been in place in Northern Ireland since 1998.

The procedure for the operation of the Courses for Drink Drive Offenders (hereafter called 'CDDO') scheme is set out in Articles 36 to 39 of the Road Traffic Offenders (Northern Ireland) Order 1996 ('the Offenders Order').

This guidance aims to provide advice to course providers about the legislative provisions and on the operation of approved courses under the Order. Issued under the Department for Infrastructure's (the Department's) powers in Article 38(1) of the Offenders Order, it identifies good practice for course providers and sets out the minimum requirements for course content and delivery standards which must be met.

It is important to note that the courts and police are required, by Article 38(1) (b), to have regard to this guidance when considering whether any instructions or requirements of a provider were reasonable, for the purpose of an application under Article 37 (6) against a service provider's decision.

The drink driving regime in Northern Ireland is changing. The Road Traffic (Amendment) Act 2016 contains provisions for new lower prescribed limits and graduated penalties together with measures that will ensure a greater number of drink drivers will complete the drink drive rehabilitation course. These provisions are not yet in operation

but will be introduced as soon as all administrative and technical systems are in place.

The Guidance for Course Providers issues during this period of change. The main body of the paper contains guidance on the operation of the current CDDO scheme but it also contains, in Annex E, a summary of the new regime that will be in place once the remaining provisions of the 2016 Act are introduced. This is important, as any prospective course provider will be required to continue to operate the CDDO scheme and manage this change.

Copies of this guidance are provided to NI Courts and Tribunals Service and an electronic version of the guidance will be available on the Department's website.

1 Introduction

- 1.1 Where a person is convicted of a drink-drive related offence and the court makes an order disqualifying him for a period of not less than 12 months, the court may decide that the offender is suitable to attend an approved rehabilitation course and on its completion, order that the period of disqualification be reduced by 25%. Attendance is voluntary.
- 1.2 The aim of the CDDO scheme is to provide drink drive offenders referred to the course with appropriate training in a group situation about the problems associated with drink driving. The information and experience provided by the course are intended to encourage those concerned to develop future non-offending behaviour. This should help to reduce re-offending and discourage further drinking and driving.
- 1.3 CDDOs are a proven effective educational intervention. Four studies have been carried out in Northern Ireland to determine the effect of CDDO on the reconviction rates of those offenders who completed a course compared with those who were referred but who did not complete. Each of the four studies have shown that completing the course significantly reduced reoffending rates of course completers compared with non-attending offenders.
- 1.4 The most recent study was published in 2018. It is the most robust study carried out to date, with a sample covering three years of conviction data from 2010 to 2013, and examining a one, two and three-year reconviction rate. Results from this study show that offenders who had completed a course were up to 3.5 times less likely to re-offend in Year 1 (after the original conviction) than those who had not been referred, up to 2.1 times less likely in Year 2, and up to 1.6 times less likely in year 3.

- 1.5 As part of a review of drink driving policy and legislation, the Department considered how this educational intervention could best contribute to an effective anti-drink drive regime.
- 1.6 This review led to the passage of the Road Traffic (Amendment) Act 2016 that includes a package of measures aimed at reducing the harm caused by drink driving. There will be new lower prescribed alcohol limits and a new graduated penalty regime including fixed penalties for first time low alcohol offences.
- 1.7 The Act also includes measures to increase the number of offenders referred onto CDDOs. At the core of the new fixed penalty system, drivers will be encouraged, through the offer of a mitigated fixed penalty, to complete the course. For those drivers convicted in court, referral will become automatic unless the District Judge decides that attendance would be inappropriate. In both circumstances, attendance will remain voluntary.
- 1.8 New powers for the police to establish roadside check-points exclusively for the purpose of conducting breath tests were introduced in November 2016. At the time of writing, the remaining provisions in the Road Traffic (Amendment) Act 2016 have not been introduced. Successful introduction requires all administrative and technical systems to be made ready and that process has begun. The Department and its partner organisations are fully committed to completing this work as soon as possible.
- 1.9 Therefore, the numbers of drivers referred onto CDDOs is likely to increase during the period of the next contract for delivery of courses in Northern Ireland.

1.10 While the scheme applies to Northern Ireland, a similar scheme exists for drivers convicted of drink drive offences in Great Britain (GB). Legislation that would enable the Department to accept courses approved by the Secretary of State in GB, in cases where drivers from GB are disqualified for drink drive offences in Northern Ireland, is in place but has not been commenced. It is hoped that a reciprocal arrangement will be introduced in GB when a legislative opportunity arises. This will enable those disqualified by a court in Northern Ireland to complete an approved course in GB and vice versa.

2. Approval of Courses

- 2.1 Courses provided under the scheme must be approved by the Department and must meet minimum standards set out in Section 5 and deliver the syllabus set out in Annex A. In order to accommodate the desire for reciprocal arrangements between GB and Northern Ireland, the minimum standards for course content should seek to replicate those of the GB course. There is no national model for approved courses, which allows a certain degree of flexibility in the detail and delivery of courses. Although this means that there may be differences in the approach adopted, all courses are required to meet the standards described in this document.
- 2.2 When there is a need to appoint a course provider, the Department of Finance's Central Procurement Directorate (CPD) will invite tenders based on the criteria set out in Section 5 and Annex A. A proposal will be selected following consideration of tenders submitted to CPD. Following award of the contract and approval of the course (or courses, if required in future), the Department will monitor operation through the collection of quarterly and annual (or more frequent, as required) statistical returns, feedback, including complaints and visits. It retains the right to withdraw approval at any time if the course or provider fails to meet the required standard. The Department's Analysis, Statistics & Research Branch (ASRB) will assist with monitoring aspects of the scheme and its operation.
- 2.3 Course approval will be based on the criteria set out in Section 5 of this document and set out in Annex A.
- 2.4 When considering tender applications, the Department's chief priorities are to ensure adequate course provision throughout Northern Ireland

and that training is of sufficient quality to meet the aims of the legislation and purpose of the scheme. The course provider must be able to demonstrate at any time that they have effective quality assurance systems in place to deliver these objectives. The Department also needs to be assured about the capacity of an organisation to cope with expected numbers of referred offenders at both the current levels and at the expected increased levels once the new drink driving regime is introduced.

- 2.5 As noted above, the course provider must have regard to guidance issued by the Department. Section 5 of this document specifies those aspects of course content and delivery about which the course provider has no discretion and with which approved courses must comply. Unless reasonable cause can be shown, failure to meet one or more of these requirements will result in removal of course approval.
- 2.6 The Department will monitor the operation of a course through a variety of methods. These include the collection of quarterly and annual course statistics, annual reports of course activity, anecdotal evidence and inspection visits. It is a condition of course approval that the Department has access to any course session for inspection purposes. The deadline for submission of annual reports is the end of February following the calendar year concerned. A framework for Annual Reports is at Annex B.
- 2.7 A Working Group, chaired by the Department, will oversee and monitor the delivery of the scheme throughout Northern Ireland. It's membership will be drawn from a range of organisations with a role to play in the rehabilitation of offenders including the Department, PSNI, the NI Courts and Tribunals Service, the Public Prosecution Service

and the course provider. It will meet as necessary up to 4 times per annum.

- 2.8 The course provider may make minor changes to the organisation, methods and content of courses after a course has been approved on condition that the course still meets the minimum requirements as set out in Section 5 and does not breach the guidance. Any other changes, such as setting a new fee, or significant alterations to the way in which the contact time is structured, must not be introduced without the Department's prior approval. If there is any doubt as to the significance of the proposed change in the course, the course provider must consult the Department. Any course provider who has difficulty adhering to the minimum requirements set out in Section 5 should contact the Department without delay.

Withdrawal of course provider

- 2.9 If a course provider is no longer willing or able to provide an approved course, it should notify the Department in writing of its intention to withdraw. In normal circumstances, the outgoing provider will be expected to give at least six months' notice of withdrawal. This should be done so as to allow sufficient time to arrange replacement provision and for outstanding commitments to be met by the outgoing provider, transferred to the successor organisation or resolved satisfactorily by other means.

3 Referral Procedures

Referral of offenders

- 3.1 The course provider must liaise closely with courts over the procedures for dealing with offenders who have agreed to attend, and who have been referred to an approved course. These should be in line with the following paragraphs.
- 3.2 At the time of sentencing the court may make a Referral Order for each offender who is eligible to attend an approved course. The courts have powers to make an Order where the offender is disqualified for 12 months or more on conviction of one of the following offences:
- Causing death by careless driving when under the influence of drink or drugs
 - Driving or being in charge of a vehicle when under the influence of drink or drugs
 - Driving or being in charge of a vehicle with excess alcohol or
 - Failing to provide a specimen.
- 3.3 No offender may participate in the scheme without a referral from the court.
- 3.4 The Department has not approved a course in respect of drug-driving. A person convicted solely of a drug-driving offence should not be referred to an approved drink drive course as this would not serve the purpose of the legislation and bring no gains for road safety.
- 3.5 The Department recognises that it may be possible to refer an individual to a drink drive rehabilitation course if he or she has

committed an offence involving both drink and drugs. Such an offender could benefit from drink drive training.

3.6 The Department further recognises that some individuals may be referred onto a course having consumed no alcohol. Impairment may have been caused wholly by consuming drugs and conviction may have been on 'failing to provide a specimen'. In such circumstances the course provider will not be expected to introduce a specific module on drug driving. The trainer should continue to follow the syllabus set out in Annex A, highlighting, where appropriate, the impairing effect of drugs while driving.

3.7 Offenders who are referred to an approved course and who fall within the criteria for the High Risk Offenders (HRO) Scheme (i.e. a person who is disqualified for being 2.5 times or more over the prescribed limit; or who is disqualified for refusing to provide a specimen or who is disqualified for a second drink-drive offence in ten years) will still have to meet the requirements applying to that category of offender. HROs will therefore have to satisfy the Department's Driver and Vehicle Agency (DVA) that they do not have an alcohol problem and are fit to drive before a provisional licence is issued. This includes submitting to a medical examination carried out by an approved medical practitioner. The course provider should be prepared to give guidance to offenders who fall within the HRO criteria on the procedures that will apply before a provisional licence is issued.

Making a Referral Order

3.8 The procedure by which offenders are referred is for a court to issue a Certificate of Conviction (also known as a Referral Order) to the offender which must be copied to the course provider. The DVA should

be notified by the court by way of the DVA notification form. The criminal record is updated by the courts through the Causeway data management system.

3.9 An Order referring an offender to an approved course should normally be made at the time of sentencing and will be recorded in full in the court register. The court is required to explain to offenders that, on successful completion of the course, they will qualify for a reduction in the period of disqualification imposed by the court as set out in the Order. In the case of a 12 month period of disqualification, the reduction will be 3 months. For longer periods of disqualification, the period of reduction will be up to one quarter as determined by the court. Since courts have discretion to award a maximum reduction of one quarter, the exact period of reduction decided upon should be announced in court.

3.10 Before the court makes an Order under Article 36 of the Offenders Order, it is required to ensure that:

- (i) a place is available on an approved course;
- (ii) the offender appears to be at least 17 years old (this disposal can be used by both adult and youth courts);
- (iii) it has explained to the offender the effect of the Order in ordinary language, that to gain a Certificate of Completion the whole course must be attended and the reasonable requirements of the provider met, and the amount of the fees for the course and payment options; and
- (iv) the offender has agreed that the Order should be made.

- 3.11 The Order should specify the date by which the person concerned must complete the course satisfactorily. The date must be at least two months before the end of the reduced period of disqualification. For a 12 month disqualification subject to a reduction of three months on satisfactory completion of the course, this date would therefore be no later than seven months after the period of disqualification commences.
- 3.12 The two month period is intended to ensure that there is sufficient time for the course completion to be notified to the court, and in turn to the DVA, so that the reduced period of disqualification can be reduced and take effect.
- 3.13 The Certificate of Conviction should include the course and completion deadline, the offender's alcohol reading and details of penalties imposed. These details are often helpful in checking against identity fraud.
- 3.14 To assist the course provider in processing course bookings efficiently, legal representatives, or clients representing themselves, are asked to complete a 'Client Information' form. This form collects contact details such as telephone numbers and email addresses and is made available at courts. Once completed it should be returned to the Court Clerk to send to the course provider.
- 3.15 The scheme is voluntary, and once the court has made a Referral Order, an offender may undertake a course at any time providing it is completed by the completion date. It may, however, be advisable for courts and the course provider to encourage offenders to undertake courses at an early opportunity in case unforeseen circumstances, such as an illness, endanger course completion before the deadline.

There is no additional penalty if an offender decides either not to accept a referral order or to accept an order and subsequently decides not to attend a course.

3.16 Where an offender appeals to the County Court against the sentence, the judge and lay magistrates sitting with him (when appropriate) will reconsider the sentence and the Order for referral to an approved course. The County Court will have regard to the effect that any variation of the sentence may have on the validity or appropriateness of the course and the reduction in the period of disqualification allowed on successful completion of the course.

3.17 As in the Magistrates' Court, it will be necessary to announce in open Court the exact period of reduction decided upon. An order for referral to an approved course may be made in the County Court even when no such order has been made in the Magistrates' Court. If the County Court reduces the disqualification period or overturns the conviction it should inform the course provider and the supervising court accordingly.

Offenders who reside in court areas outside of Northern Ireland

3.18 Currently, there is no legislative arrangement in place for reciprocal attendance on courses in GB where an offence is committed in Northern Ireland, and vice versa. Work is ongoing to bring forward such arrangements.

3.19 Therefore, if a person has been disqualified by a court in GB and in receipt of a Referral Order, the course provider must not accept the Order and must not allocate a place on a course in Northern Ireland.

The course provider and the courts

- 3.20 The course provider should not allocate places on approved courses to individuals who have not received a Referral Order from a court. It should not take payment from offenders or put offenders in courses in advance of receiving a Referral Order directly from the court. If an offender contacts a course provider in advance of their court case or immediately afterwards and before the Referral Order is received, the course provider should take their full details and contact the court directly to check if they have been referred. No offender should be encouraged to attend a course or to make payment before the Referral Order is received.
- 3.21 The course provider should be prepared to offer as much assistance and information to courts as possible in order to promote the scheme. This could include supplying stocks of information leaflets about available courses aimed at potential clients, holding regular liaison meetings with courts' representatives and offering training or presentations about the scheme to Judiciary and courts' administrative staff, as required.
- 3.22 To assist in referring offenders to suitable courses, the course provider should ensure that courts are fully briefed on the details of the content of approved courses which they provide including details of locations where courses are held. The course provider **must** ensure that the courts and the Department are notified of any changes to this information. The Department will, in turn, ensure that the details on its website are kept up to date and when appropriate, issue updated paper copies.

4 Course Fees

- 4.1 It is important to keep the cost of courses at a level which is affordable for the majority of offenders whilst also having regard to the principle of self-financing courses. If fees are set too high there may be low take-up and the courts may be reluctant or unable to refer offenders in sufficient numbers to make courses viable. In those circumstances, at the time of writing, the Department considers that the full course fee should not be less than £140.00 and should not exceed £200.00 (including any management fee – see 4.3 below).
- 4.2 A concessionary fee, that is approximately 25% lower than the full fee, should be made available for relevant groups and publicised in all relevant materials.
- 4.3 Potential providers should note that the Department may, at a date to be agreed, apply a management and administration fee to full and concessionary course fees. This will be payable by the provider and relates to all who attend a course. Payment of this fee should be made quarterly to the Department. The fee amount is subject to approval but may be approximately £15.

5 Operation of courses – minimum requirements and content

Pre-course contact with client

- 5.1 The course provider should contact each offender as soon as possible after referral from the court and in any case not later than one week after receiving formal notification. In order to encourage the highest possible rate of course take-up, the provider should provide a staffed telephone service from 9.00am to 5.00pm on Mondays to Fridays.
- 5.2 It should be clear in the initial contact letter that courses are normally delivered in English. The letter should ask if the individual concerned has any special needs (see also Section 10 below) where the court has given no such indication when notifying the provider of a referred offender. In order to facilitate access by referred offenders whose first language is not English and who would have difficulty understanding the course content, course providers should take appropriate steps, where necessary, to accommodate their needs.
- 5.3 An offender can bring in a British Sign Language or foreign language interpreter. The interpreter must be 18 or over and be able to interpret well enough for the offender to complete the course. The interpreter can be a relative and does not have to be approved. The course provider should only have one interpreter per course, as having more may distract the rest of the group.
- 5.4 In addition to sending an initial written communication to each referred offender upon receipt of a court referral, the course provider should issue at least one reminder letter to offenders who have made no contact since their referral in sufficient time to enable the offender to comply with his or her course completion deadline.

Client safety

- 5.5 In selecting venues for courses, the course provider should take steps to minimise the risk to the safety of course participants through, for example, checking on-site security staff are available, or allocating two facilitators to a course or arranging for other support to be on call should it be necessary to deal with difficult or unruly participants.
- 5.6 All training staff should have basic, nationally-recognised first aid training and all trainers should be supplied with a fully serviceable first aid kit.

Minimum course content and presentation

- 5.7 The syllabus at Annex A sets out what should be covered during the course. In essence, the course should include at least the following elements:
- A knowledge check on alcohol and drink driving issues at the beginning and, again, at the end of each course
 - Information about alcohol and its effects on the body, including concepts of tolerance and dependence, alcohol-related disease, sensible drinking, and so on
 - The ‘morning after’, including alcohol absorption and elimination
 - Effects of alcohol on driving performance and behaviour
 - The legal alcohol limit for drivers and what it represents
 - Police enforcement, including the breathalyser and other methods for measuring alcohol concentration
 - The legal consequences of drink-driving, including disqualification and other penalties, and the high risk offender scheme

- Effects of drink driving on road traffic victims and their families, and personal consequences for the offender, such as employment, relationship with friends and relatives, insurance and health
- Analysis of offenders' behaviour
- Alternatives to drink driving and strategies to avoid reoffending
- Future action and sources of help
- How to get back on the road legally and safely, including insurance implications

5.8 Course information should be presented using a variety of techniques which should be drawn from the following:

- Short talks to convey essential information
- Group discussion
- Self-observation forms/records of behaviour (drinks diaries)
- Work sheets and exercises for individual and group discussion, including role play
- Audio/visual presentations
- Information hand-outs
- Behaviour analysis, assessing performance and setting objectives.

5.9 The course should be constituted as follows:

- not less than 16 hours total tuition time, not including breaks (see also 5th bullet);
- minimum of 3 training sessions;
- course sessions to be spread across a period of a least 14 days;

- course sessions not to be held on consecutive days except in exceptional circumstances;
- course sessions to be limited to no more than 6 hours tuition time per day, divided into shorter periods by adequate breaks;
- not less than 4, and not more than 20, participants in any course session;
- subject to demand, there should be a choice of course structure and time of week, including weekends.
- the Department considers it best practice for each course to be facilitated by two trainers, but under no circumstances should a course exceed a ratio of 1 trainer to 15 participants.

5.10 The course provider should closely monitor talks by guest speakers to ensure that their tone and content are appropriate in every respect to the aims of the course.

5.11 The course provider can make small changes to the course content and how it is run, but it must meet the minimum requirements set out in paragraphs 5.7 to 5.9 above.

5.12 In exceptional circumstances, the course provider may offer attendance on a course over a period of fewer than 14 days. Offenders will need a genuine reason for not attending on the regular schedule, for example, they are in the military or exceptional work shifts. The Department will liaise with the course provider on each occasion.

6 Course attendance

- 6.1 Completion of a course, and the consequent reduction in the period of disqualification, will depend on regular attendance in accordance with the course provider's instructions, payment of the appropriate course fee and compliance with the course provider's reasonable requirements. The course provider should ensure that each offender has fully completed each course session. Clients should complete each of the sessions in the correct sequence unless there are exceptional circumstances, such as illness, which make it impossible and there are no other course options available. This includes any 'catch up' sessions where a part of a course has been missed for any reason.
- 6.2 The opportunity to learn about the problems of drinking and driving and to find personal solutions in a group environment is a key feature of the rehabilitation scheme. The Department does not believe that the same benefits can accrue from training conducted on a 'one to one' basis. Complete courses or individual sessions delivered in this manner are, as a rule, unacceptable. All catch up sessions, whether forming part of a programmed course or created separately to cater for clients who have missed previous sessions, should also be based on group attendance.
- 6.3 To ensure that course sessions are conducted in an orderly and effective manner, the provider should apply a set of course terms and conditions, or rules, with which course members should be required to comply with at all times. These rules should have due regard to the need to promote equality of treatment and opportunity in keeping with

Section 75 of the NI Act 19981. Course providers should take all reasonable steps to promote a good and harmonious learning environment in which all persons are treated with dignity and respect and in which no client feels under threat or intimidated because of his or her religious belief or political opinion.

- 6.4 The Department considers policy on late arrival to be a particularly important issue and agrees that a course member should be excluded from a first session if more than 15 minutes late or more than 5 minutes late for a subsequent session.
- 6.5 The provider should exercise their discretion in the event of a breach of rules by any client. Unless the matter is particularly serious, it should be sufficient to issue a warning to the person concerned about his or her conduct, but should not normally lead to exclusion from the session or course. A second breach, either of the same rule or another one, will merit exclusion from the rest of the session.
- 6.6 Persistent failure to comply with the rules would justify removal from the course completely, followed by an issue of a notice of non-completion (see Section 8 below), as would a single instance of serious misconduct, such as an assault or threat of violence. This should also apply to any course member, having been convicted in court and subsequently disqualified, was found to have driven to or from a course, and therefore having committed an offence of driving while disqualified. In such circumstances, the provider should also report the matter to the police. The course provider will need to bear in mind the

¹ persons of different religious beliefs or political opinions; men and women or married and unmarried persons; persons with and without dependants; persons of different racial groups; persons with and without a disability; persons of different ages; and persons of differing sexual orientation

possibility of a challenge against their decision in non-completion cases and accurate records of attendance and any disruptive behaviour should be maintained.

- 6.7 The course provider is responsible for verifying the identity of course participants and should have systems in place to guard against identity fraud. This should include completion of a registration form requiring course participants to provide such details as full name, address including post code, date of birth, court sentence and, where appropriate, alcohol level at the time of the offence. These could be checked against details that the course provider will have received separately from the court. Another option might be to require the production of a nationally-recognised document containing the individual's photograph (such as a passport) or signature. The course provider should also require all clients to sign a course register as proof of attendance at each session.

Course evaluation

- 6.8 The course provider should evaluate how well the course helps offenders to achieve the learning outcomes in the syllabus.
- 6.9 Each offender should complete a pre-course test and a post-course test that will provide information on how the offender reacted to the training and what they learned. As each offender could be starting from a different level of knowledge or attitude, the evaluation should focus on whether they have advanced, rather than just met a certain level.

7. Certificate of Completion

- 7.1 The Department provides supplies of Certificates of Completion and Notices of Non-Completion to the course provider. These forms are numbered serially to enable course providers to identify to whom a certificate was issued. No other form of Certificate should be used as the courts will not be able to accept them. The form and content of the Certificate of Completion are determined by the Department. A sample copy of each can be found at Annex C.
- 7.2 If the offender completes the course satisfactorily, it is for the course provider to complete the certificate, sign it and give it to the offender preferably at the end of the last session of each course or, in any event within 14 days of the latest date for completion of the course specified on the Referral Order. The persons who sign certificates should be the persons nominated for that purpose. A copy of the certificate should be sent to the court at the same time. The offender should ensure that the original certificate is provided to the court without delay.
- 7.3 Once the court has received the original certificate DVA will be notified of the reduced period of disqualification via an updated Form 15/7. This information should be provided as soon as possible and in any case within two weeks of receipt by the court.
- 7.4 It is then the offender's responsibility to apply for a provisional driving licence at or after (but not before) the end of the reduced period of disqualification. This is done using form DL1 (available from post offices or DVA).

8. Failure to complete a course

- 8.1 Where an offender does not complete a course satisfactorily, the course provider must notify the offender of the decision in writing as soon as possible, using a Notice of Non-Completion, and in any event no later than 14 days after the date specified in the Referral Order as the latest date for completion of the course. This is required under Article 37(5) of the Offenders Order. The Notice of Non-Completion should set out the reasons for failure based on the provisions in Article 37(4) and the way in which the particular circumstances amounted to such a failure (see paragraph 8.3 below). The notice will draw attention to the offender's right under Article 37(6) to make an application against the course provider's decision.
- 8.2 The Road Traffic (Courses for Drink-Drive Offenders) Regulations (Northern Ireland) 1997 (SR 1997 No. 373) provide that a Notice of Non-completion is to be treated as given to a person if it was sent by registered post or recorded delivery even if it was not in fact received by them. This means that once a provider has sent out a Notice of Non-Completion by these methods, the offender cannot claim not to have received it. It is therefore recommended that as a matter of good practice Notices of Non-Completion are sent by registered post or recorded delivery, as to do so should afford the course provider protection against default action.
- 8.3 A Notice of Non-Completion should be sent to those people who:
- fail to make any contact with the course provider after being referred by the court;
 - fail to complete one or more of the course sessions;
 - fail to pay the course fee or any part of it;

- fail to attend the course in accordance with the provider's reasonable instructions; or
- fail to comply with any other reasonable requirements of the course provider.

8.4 Issuing non-completion notices in these circumstances should avoid the likelihood of a successful default action against the course provider.

8.5 Where supervising courts wish to receive them, copies of non-completion notices should be sent to the court by ordinary post. There is no need to copy non-completion notices to DVA.

9. Challenges against a course provider's decision

- 9.1 Any application by an offender for a declaration against a course provider's decision to issue a non-completion notice should be addressed to the court which may issue a summons directing the course provider to attend a hearing to consider the application (the applicant should also be informed of the date of the hearing by the court). It is in the interests of the course provider to be able to show to a court that their reasons for not granting a certificate were properly founded on one or more of the matters set out in paragraph 8.3.
- 9.2 Any such application must be made within 28 days of the date for completion of a course specified in the Referral Order. It is important that any application is considered promptly so that, if the court decides to grant the application, the reduced period of disqualification can still take effect.
- 9.3 If the course provider fails to issue either a Certificate of Completion or a Notice of Non-Completion to the offender within 14 days of the latest date for the completion of a course specified in the Referral Order, the offender may apply to the court for a declaration that the course provider is in default (Article 37(7) of the Offenders Order). If the court grants the application, the reduced period of disqualification will apply as if a Certificate of Completion had been received by the court.
- 9.4 Where the court has made a decision on an application in the applicant's favour and orders a reduction in the period of disqualification, and in any case where the disqualification was suspended, it must notify DVA of its decision. This is required under Article 37(9) of the Offenders Order. This notification should be made on the same form as for the notification of a reduced period of

disqualification following completion of a course and should at the same time be copied to the PSNI.

10. Statutory Obligations

Disability

- 10.1 The course provider should be fully aware of any of the requirements of the Disability Discrimination Act 1995 (Amendment) Regulation (Northern Ireland) 2004 (DDA) that may apply to them so as to avoid discrimination against people with disabilities in the provision of drink drive rehabilitation courses. In particular, under the legislation a 'service provider' must make 'reasonable adjustments' to remove any barriers that could make it difficult or impossible for disabled people to use their services. Under the DDA it is unlawful to treat disabled people less favourably than others for a reason related to their disability.
- 10.2 The duty to make reasonable adjustments is not qualified. The course provider will need to decide whether in any particular case they are obliged to make adjustments to assist a referred offender and what adjustments are reasonable taking into account all the relevant circumstances.
- 10.3 Ultimately, it is for the courts to interpret the law in any dispute over the meaning of a particular legislative provision, and in this case what is 'reasonable' in considering what adjustments may be necessary. There are, however, a number of sources of advice available to the course provider to assist them in reaching an equitable conclusion in each case. Much of this is available from the Equality Commission for Northern Ireland and can be found at this website www.equalityni.org.

Data Protection

- 10.4 The course provider must be aware of its responsibilities under data protection legislation including the Data Protection Act 1998 and the General Data Protection Regulation.
- 10.5 The Department must establish to its satisfaction and, where necessary, audit the course provider's systems and processes to ensure that all personal data is stored securely and that reasonable measures are in place to protect all electronic data from external malicious software.
- 10.6 The course provider will be required to share data with the Department of Infrastructure and Department of Justice in Northern Ireland for the purposes of management of the contract and completion of re-conviction analyses. The Department will consider the use of an Information Sharing Agreement that will identify the precise nature of the data and information to be shared.
- 10.7 The course provider should seek the approval of the Department prior to sharing data with any other person or organisation.

Others

- 10.8 The course provider is also reminded that they must comply at all times with any area of the law which applies to their organisation and its activities. In addition to disability rights, this could include such matters as employment (including distinctions between employed and self-employed persons), taxation, insurance, (employer and public liability and professional indemnity), health and safety, human rights and anti-discrimination legislation. Where appropriate, the provider must also

satisfy the requirements of company law, including those concerning solvency.

- 10.9 The Department is not in a position to offer detailed guidance on any of these issues, but reserves the power to withdraw an approval if serious breaches are brought to its attention.

11. Motor insurance

- 11.1 Some insurance companies offer reduced premiums to convicted drink drivers who have successfully completed an approved course. The course provider may provide those attending their courses with details of such companies, provided that they have no financial or other interest in those specified or obtain any other benefit or advantage as a result. If offering such information, it is suggested that the provider should specify not less than two independent and unconnected insurance providers.

12. Further Information

- 12.1 Enquiries about this guidance should be addressed to Driving Policy Branch, Safe and Sustainable Travel Division, Department of Infrastructure, Clarence Court, 10-18 Adelaide Street, Belfast, BT2 8GB

Tel 028-9054-0076 or e-mail safeandsustainabletravel@infrastructure-ni.gov.uk

ANNEX A

GUIDANCE FOR TRAINERS INCLUDING COURSE SYLLABUS

Introduction

The Course for Drink Drive Offenders syllabus is designed for those who opt to participate in the course as part of the sentencing court's disposal of their conviction. The course may be offered to those convicted of driving or being in charge of a motor vehicle with excess alcohol in their breath, blood or urine or of failing to provide a specimen for analysis. Its objective is to enable those individuals to change their behaviour to prevent further offending and thereby contribute positively to improved road safety.

This syllabus will be of use to course providers, trainers and facilitators, individuals, employers, Sector Skills Councils and standards setting bodies, regulatory authorities and awarding bodies, education and training providers and producers of learning materials.

In line with the Department for Infrastructure's philosophy of safe driving for life, the Department acknowledges that driving standards will evolve over time, as will the learning outcomes of the CDDO course syllabus. The Department will continually engage with key stakeholders to ensure the CDDO syllabus remains fit for purpose.

This syllabus has two units:

Unit 1: Understand the impact of alcohol use in relation to driving

Unit 2: Change alcohol use in relation to driving.

Unit Format

Learning outcomes

Unit 'learning outcomes' set out what a CDDO participant is expected to know, understand or be able to do as a result of their participation.

Assessment criteria

The 'assessment criteria' of a unit specify the standard a participant is expected to meet in order to demonstrate that a learning outcome has been achieved. CDDO is not, currently, formally assessed.

'Assessment criteria' should, therefore, be seen as providing a guide to the trainer, about when participants are ready to progress to the next stage of the course.

Unit content

The unit content identifies the breadth of knowledge, skills and understanding needed to design and deliver a course to achieve each of the learning outcomes.

1. Guidance for Trainers

1.1 The Course for Drink Drive Offenders (CDDO) is built on a model which recognises six typical stages² in the process of individual, behavioural, change:

- **‘Pre-contemplation’** – where the idea that they need to change has not occurred to an individual because there is nothing in their frame of awareness to tell them that there is a problem
- **‘Contemplation’** – where an individual has some awareness that there is a problem, some awareness that there might be benefits to changing but also, probably, a large degree of fear about the amount of work etc. that would be involved in changing
- **‘Preparation’** – where a decision to change has been made, but needs thinking through in detail and where the individual can be easily put off.
- **‘Action’** – where an individual actively changes their behaviour
- **‘Relapse’** – where old habits and tendencies reassert themselves e.g. in times of stress
- **‘Maintenance’** – where change has been integrated into an individual’s life and has become automatic

1.2 Individuals attending the course are likely to have reached the ‘contemplation’ stage of this model. They may even have moved through ‘preparation’ and taken ‘action’. Some individuals may be in a ‘relapse’ phase – remembering that they do not need to have been convicted before to have been motivated to try to change their behaviour. Wherever they are in the model, the overall purpose of the unit is to support them to take responsibility for their actions, recognise

² Prochaska, JO; DiClemente, CC. Toward a comprehensive model of change. In: Miller, WR, Heather, N.(eds) Treating addictive behaviours: processes of change. New York: Plenum Press; 1986.p.3-27

where they have acted inappropriately, and recognise that they can and should behave differently in compliance with driving standards, road traffic law and for general health benefits. The model also aims to support learners put in place strategies to achieve that change in behaviour.

1.3 The course makes the following assumptions about the conditions for effective behavioural change:

- Changing behaviour is more effective if people are engaged in thinking about their own solutions and setting their own goals.
- It is most successful when participants decide if and what they want to change.
- Successful change does not usually happen if the trainer strongly states a position while attempting to show trainees that they are wrong – this approach usually results in both parties becoming more and more defensive.
- The best approach to behavioural change is one that starts at the stage the individual has reached and builds upon that position - jumping straight to the 'action' stage will be counterproductive if the individual is still in the 'pre-contemplation' or 'contemplation' stage.

1.4 This syllabus is about supporting individuals to contemplate and move towards change by providing inputs that help them to:

- understand and acknowledge the seriousness and extent of the issue that requires them to change their behaviour; and
- recognise the benefits that will flow from making a change.

1.5 The factors which prevent understanding/recognition vary from individual to individual. Therefore, recognising the limitations of the course format, it is important that trainers take a client-centred

approach. This means that they should work to establish a conversation with the participants founded on mutual respect. This approach is based on the idea that people resist taking on new understandings and resist modifying their behaviour if:

- the person who is trying to teach them fails to respect and value their idea of who they are;
- the person delivering the learning is not seen as 'genuine'
- the person delivering the learning is not seen as having legitimate authority.

1.6 In the CDDO context trainers may bring to the process a range of relevant, hard earned knowledge, understanding and experience. That input can be of immense value. However, if trainers rely simply on telling the participant what they should or should not do, evidence suggests that the participants will not really change the way they think and quickly forget what they have been taught. If, on the other hand, the trainer presents their knowledge, understanding and experience clearly and effectively, listens to the participant's reactions, helps them to identify any obstacles and supports them to identify strategies for overcoming those obstacles for themselves, there is the possibility of a long-lasting change in understanding and behaviour.

Unit 1: Understand the impact of alcohol use in relation to driving

Aim and purpose

The purpose of this unit is to provide participants with the information and understanding that will help them recognise that their behaviour is problematic and to move from the Pre- and Contemplation stages towards Preparation to Change.

Where an individual has already acknowledged that their behaviour is problematic the unit should reinforce and support their understanding and confirm them in their decision to Contemplate and Prepare for Change.

Introduction

This unit recognises that many of those exercising the option to participate in a CDDO course do not have a 'drink problem' as defined by the World Health Organisation i.e. they do not engage in drinking which exceeds the government's sensible drinking limits. In this context, this unit is not intended to be a 'therapeutic' or 'clinical' intervention. It is not intended to stop them drinking. However, the unit also recognises that some participants may well exceed those limits.

Participants completing this unit should gain a more realistic understanding of the way they use alcohol in relation to driving. In achieving this understanding they are also likely to gain a more realistic understanding of the way they use alcohol generally, which may lead them to think about the implications for their general health.

This unit is not designed to deal with general health issues. However, it is reasonable that a participant should be able to ask for simple guidance about where they might seek further support if they feel they need it.

It is also right that those delivering this unit should have sufficient awareness of the broader context of alcohol related offending behaviour to be able to ensure their own safety and the safety of others. It is, therefore, important that those delivering the course have an understanding of the issues this may raise, if only to comply with the Management of Health and Safety at Work Regulations (NI) 2000.

Learning Outcomes	Assessment criteria
<p>1. A realistic understanding of their drinking behaviour in relation to driving</p>	<p>a) Acknowledge that the circumstances which resulted in conviction were under the participant's control and that nobody else was to blame.</p> <p>b) Identify any lack of knowledge, reliance on 'myths' and errors in judgement or thinking used to rationalise and excuse drink driving.</p> <p>c) Assess readiness to change drinking behaviour in relation to driving.</p>
<p>2. Understanding of the potential impact of drink driving on themselves and others</p>	<p>a) Explain the role played by drink driving in the overall KSI statistics.</p> <p>b) Explain the overall costs to society of a typical crash involving somebody who has been drink driving.</p> <p>c) Describe the potential impact on complete strangers and on themselves, their companions, friends and relatives, of being involved in a crash whilst drink driving.</p>

	d) Explain the burden their actions place on the emergency services.
3. Understanding of the law relating to drink driving	<p>a) Explain what a conviction means in terms of their criminal record and its potential impact on:</p> <ul style="list-style-type: none"> • Ability to travel; • The cost of obtaining medical and driving insurance; • Future employment prospects. <p>b) Explain the likely consequences of being convicted for a second offence of drink driving or for driving while disqualified.</p> <p>c) Explain what is meant by the term 'high-risk' offender.</p>
4. Understanding of how alcohol reduces a driver's ability to drive safely and responsibly	<p>a) Explain what the various terms used to describe the amount of alcohol contained in a drink mean e.g. units, % vol.</p> <p>b) Explain how alcohol acts to impair or modify:</p> <ul style="list-style-type: none"> • motor skills • vision • hearing

	<ul style="list-style-type: none"> • thinking • emotions • perception of risk <p>c) Explain, in broad terms, how alcohol is metabolised in the system and approximately how long it takes to remove a unit of alcohol</p> <p>d) Explain how the effects of alcohol can be multiplied by the use of over the counter, prescription or illegal drugs and by fatigue.</p>
<p>5. Understanding of the broader health effects of alcohol consumption</p>	<p>a) Explain, in broad terms, the medium and long term effects of alcohol consumption on the body.</p> <p>b) Explain the recommended safe limits for alcohol consumption on the body.</p> <p>c) Explain, in broad terms, what is meant by hazardous drinking.</p> <p>d) Explain, in broad terms, what is meant by 'binge' drinking and 'harmful' drinking.</p>

<p>6. A realistic understanding of their alcohol use, in general, and in relation to driving.</p>	<p>Produce a realistic assessment of alcohol use, with particular reference to driving.</p>
<p>7. Acceptance of responsibility and accountability for the actions which led to their conviction for drink driving.</p>	<p>Acknowledge that their conviction for drink driving was the result of decisions they made.</p>

Unit 1 Content

1. A realistic understanding of their drinking behaviour in relation to driving

a) Acknowledge that the circumstances which resulted in conviction were under the participant's control and that nobody else was to blame

Meaningful changes in thinking and behaviour are more difficult to achieve if the participant has an unrealistic understanding of what they have done, and what has happened to them. Acceptance of responsibility is part of the movement towards change. This is not about blaming or criticising poor-quality thinking or 'excuses'. It is not about identifying the causes of 'distress' or symptoms in the past and it does not require catharsis or public apology. The focus should be on the 'here and now' to obtain realistic understanding as a basis for change.

Participants may not be able to acknowledge their ability to behave differently at this stage, but this can be set as the objective of the course.

b) Identify any lack of knowledge, reliance on 'myths' and errors in judgement and thinking used to rationalise and excuse drink driving

Full and correct knowledge can be sufficient for some to change their behaviour. Full and correct knowledge can undermine 'habitual/auto-pilot responses and support active decision making.

Full and correct knowledge undermines rationalisation of behaviour and focuses on participants' responsibility for their actions.

c) Assess readiness to change drinking behaviour in relation to driving

'Readiness Ruler' or similar to surface willingness/perceived barriers to change

2. Understanding the potential impact of drink driving on themselves and others

a) The role played by drink driving in the overall KSI statistics

In Northern Ireland drink/drug driving remains a significant contributory factor in KSI crashes. Road casualty data compiled by the PSNI show that in 2017, 73 people were killed or seriously injured where driver/rider was impaired by alcohol; while 11 were killed or seriously injured where driver/rider was impaired by drugs. In the five years between 2013 and 2017, 59 people died and 306 people were seriously injured by drivers impaired by drink or drugs. Over the last 5 years, driver/rider alcohol or drugs was responsible for 17% of all road deaths.

How easily a small error of judgement can contribute to a much more serious crash.

b) The overall cost to society of a typical crash involving somebody who has been drink driving

The Department for Transport in GB each year calculates values for avoiding a range of transport collisions and casualties. The valuation of both fatal and non-fatal casualties is based on a consistent willingness to pay approach which encompasses all aspects of the valuation of casualties including the human costs and the direct economic costs. In 2016 (latest available year) it set the average value of prevention per road traffic casualty at over £1.8m for a fatality, almost £207k for a serious injury and almost £16k for a slight injury.

c) The potential impact on complete strangers and on themselves, their companions, friends and relatives of being involved in a crash whilst drink driving

The emotional impact of causing death or serious harm to others such as guilt or anger. Loss of self-confidence and self-esteem. Ripple-out impact of crashes. Passengers and other road users injured or killed. Disruption to family life, loss of loved ones, loss of people with skills, loss of employment, and friendships broken.

d) The burden their actions place on the emergency services

Time taken up dealing with the consequences of drink-driving, especially in the context of reduced resources. Emotional burden placed on emergency personnel.

Note: although there may be benefit from using emergency personnel to highlight the potential consequence of drink related crashes, there is also evidence that exposure to ‘shock-horror’ messages cause some individuals to close-down and deny any connection between their behaviour and the scenes they are exposed to.

3. Understanding the law relating to drink driving

a) What a conviction means

Possible imprisonment, loss of licence, fines, disqualification, confiscation of vehicle, requirement to re-take driving test or extended driving test. Drink driving is an ‘absolute offence’. How long is an offence ‘on-file’? The possible impact of a criminal record on the participant’s ability to travel eg to the USA, and on costs of insurance and future employment. The requirements under certain circumstances to declare the conviction under the Rehabilitation of Offenders (NI) Order 1978.

b) The likely consequences of being convicted for a second offence of drink driving or driving while disqualified

Increasing/maximum penalties. Classified as a ‘high-risk’ offender.

c) What is meant by the term ‘high-risk’ offender

High-risk offenders are those who:

- Are convicted of two drink drive offences within ten years

- Drive with two and half, or more, times the legal limit for alcohol in their blood
- Fail to provide the police with a sample of breath, blood or urine

High risk offenders do not get their licence back automatically after a period of disqualification. The DVA medical adviser requires a medical assessment before provisional licence is issued. Financial implications include costs associated with refresher training, licence application, DVA medical fees and increase in motor insurance.

4. Understanding of how alcohol reduces a driver's ability to drive safely and responsibly.

a) The various terms used to describe the amount of alcohol contained in a drink

What is meant by a 'unit' of alcohol; what a 'unit' looks like in different types of alcoholic drink; how to calculate how many 'units' there are in a drink; what is meant by % vol and specific gravity. That individuals may react differently to various forms of alcohol.

b) How alcohol acts to impair or modify:

Impact of alcohol on:

- Higher cortical functions e.g. planning, judgement, cognition, calculation, attention, vigilance, sequencing, and memory
- Perception, discrimination, association and voluntary response
- Speed of the eyes in pursuing a target
- Saccadic motion and latency times

- Reaction times
- Ability to fixate and focus
- Spatial orientation

Vision and spatial awareness may be affected beyond the period when alcohol is detectable in the body. Alcohol induced euphoria, impaired judgement or risk and impaired decision making. Slower, weakened or uncoordinated physical response.

c) How alcohol is metabolised in the system and approximately how long it takes to remove a unit of alcohol

How soon alcohol starts to impair performance and how long it continues to have a negative effect. That alcohol is absorbed quickly and eliminated slowly. That even the smallest amount of alcohol has an effect on performance etc. How to calculate, on average, how long alcohol will remain in the body. The morning after effect and the dangers of 'topping up'. How alcohol affects people differently eg men and women. How the impact of alcohol can vary according to physical state, fatigue etc and the dangers of relying on 'average' models. Myths about preventing the negative effects of alcohol and about speeding up the elimination of alcohol from the body (e.g. drinking coffee). Why the only safe level of alcohol is zero.

d) How the effects of alcohol can be multiplied by the use of prescription or illegal drugs and by fatigue

Many over-the-counter/prescription drugs multiply the effect of alcohol in the system. Combining alcohol and some illegal drugs may cause extremely dangerous reactions e.g. cocaethylene. Ability to drive with alcohol in the system may be further reduced if the driver is fatigued or has a low blood-sugar level. Alcohol ingestion results in a lowering of the blood sugar levels. Alcohol induced hypoglycaemia reduces ability to drive safely even where blood alcohol levels are within legal limits.

5. Understanding of the broader health effects of alcohol consumption

a) The medium and long term effects of alcohol consumption on the body

Alcohol impacts on all body systems including gastro-intestinal tract, the liver and pancreas, muscles, blood, heart, endocrine organs, immune system, respiratory system, fluid and electrolyte balance. Increased incidence of cirrhosis of the liver, high blood pressure, increased risk of mouth, neck and throat cancers, breast cancer, heart attack, depression, obesity, loss of fertility and libido. Risks during pregnancy.

b) The recommended safe limits of alcohol consumption

The NHS recommends men and women should not drink more than 14 units a week on a regular basis. It recommends that you should

spread your drinking over 3 or more days if you regularly drink as much as 14 units a week.³

c) What is meant by hazardous drinking?

Hazardous drinking is when a person drinks over the recommended weekly limit (14 units).

d) What is meant by 'binge' drinking and 'harmful' drinking?

Binge drinking is drinking lots of alcohol in a short space of time, drinking to get drunk or consuming eight or more units in a single session for men and six or more for women. Harmful drinking is when a person drinks over the recommended weekly amount and has experienced health problems directly related to alcohol.

6. A realistic understanding of their alcohol use, in general, and in relation to driving.

Tools to record or assess e.g. reflective drink diaries. Tools to help understanding of whether alcohol use has moved into the harmful category such as AUDIT.

Note: Where a participant comes to an understanding that their alcohol use may be having a significant negative impact on their body and shares that concern with the trainer, they should be referred to further sources of support. It is therefore important that the trainer is familiar with concepts such as 'harmful drinking' and that there is a process in place for referring or providing the necessary information to allow a participant to self-refer. That

³ <https://www.nhs.uk/Livewell/alcohol/Pages/alcohol-units.aspx>

requirement could be satisfied, for example, by giving the participant a leaflet with appropriate contact details. This process should be confidential, unless the participant wishes to share their concerns.

7. Acceptance of responsibility and accountability for the actions which led to their conviction.

Acknowledge that their conviction for drink driving was the result of decisions they made

Revisit issues in 1 above. Has understanding moved? Is there a foundation for change?

Unit 2: Change alcohol use in relation to driving

Aim and purpose

The purpose of this unit to support participants to prepare for and making changes to the way they use alcohol in relation to driving.

This should include:

- deciding to change,
- setting SMART goals for changing the way they use alcohol
- recognising the things in their private and work lives that can trigger or reinforce inappropriate use of alcohol
- developing strategies for overcoming the things that trigger inappropriate use,
- gaining the support of others for planned change

Learning Outcomes	Assessment Criteria
1. Understanding of readiness to change behaviour	a) Make an honest assessment of readiness to change: <ul style="list-style-type: none"> • What gives the participant confidence in their ability to change? • What is stopping the participant from making a change? b) Identify the advantages and disadvantages of changing behaviour
2. SMART goals for change	Set a goal to change behaviour which is: <ul style="list-style-type: none"> • Specific • Measurable • Achievable • Relevant • Timely
3. Understanding triggers for drink driving/barriers to change	a) Explain the factors that trigger or encourage drink driving behaviour such as workplace, lifestyle, social activities etc. b) Explain the factors that make it difficult to change
4. Strategies for dealing with trigger situations, overcoming barriers and	c) Identify strategies to support changed behaviour e.g.

<p>maintaining changed behaviour</p>	<ul style="list-style-type: none">• planning ahead• 'if-then' rules• 'change contact'• mini-goals• support/facilitators• change diaries• 'rewards' for successful change• review the goal• continue to review behaviour• new 'if-then' rules• call on your support• be realistic and don't be too hard on yourself
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Unit 2 Content

1. Understanding of readiness to change behaviour

a) Make an honest assessment of readiness to change:

It is vital that the participant is clear about what they feel they can rely on to give them support and what they think is preventing, or may prevent, them making a success of change. Those with high levels of confidence are more likely to achieve successful change and to solve problems on the way.

Tools to assess confidence levels e.g. 'confidence ruler'. Using positive feedback from confidence ruler to:

- Reinforce understanding of how supporting resources can be used
- focus on ways to enhance confidence.

Using negative feedback to help clarity about barriers to change or triggers for failure.

Enhance confidence by remembering previous successes, watching successful people and modelling own behaviour, co-opting the support of relatives and friends. If confidence remains low think about producing less challenging goals as a first step.

b) Identify the advantages and disadvantages of changing behaviour.

Participant works out, for themselves, the costs and benefits of changing and not changing behaviour. Use of cost/benefit balance sheet. If there are more disadvantages focus on reducing disadvantages. Important to own the disadvantages of changing. It is unreal to pretend there are no advantages to existing behaviour. Summarise to produce a clear understanding of the risks associated with existing behaviour. What could life be like if the participant didn't change? Use balance sheet to decide what is a realistic change.

2. SMART goals for change.

Set a goal to change behaviour which is:

Specific – clear and concise e.g. “I will not drink on the evenings when I have to get up early for work the next morning”.

Measurable – there should be a clear measure of the outcome and no ambiguity about whether the goal has been achieved.

Achievable – goals should be within reach but challenging. Failure can demotivate. But-alcohol is not like chocolate. Being ‘less drunk’ is not an option.

Relevant – stopping drinking spirits at the weekend is not relevant if the problem is drinking too much during the week and still being over the limit when it's time to drive to work in the morning.

Timely – is the goal the right thing for the participant right now? They may want to reduce their alcohol use overall. Stopping drinking at critical times may be the vital first step.

3. Understanding triggers for drink driving/barriers to change.

a) Factors, e.g. workplace, 'lifestyle', social activities, etc. which trigger or encourage drink driving behaviour.

Much drinking behaviour is habitual and triggered by the environment e.g. social function. Changing patterns and environment supports changed drinking behaviour. Alcohol as a response to stress. Participants may not be conscious of triggers for drinking. Tools to identify situations where participants feel the need to drink. Some factors, such as corporate or peer group culture, may work actively to frustrate attempts to change.

b) Factors that make it difficult to change

Some factors, such as corporate or peer group culture, may work actively to frustrate attempts to change.

4. Strategies for dealing with trigger situations and overcoming barriers.

Identify appropriate strategies

Planning ahead to avoid/dilute the impact of high-risk/trigger situations which make it especially difficult to perform changed behaviour. Build in coping strategies.

'If-then' rules remind the participant to do their new behaviour.

- *'If the lads at work suggest we go out for a drink then I will ask who is going to be the nominated driver.'*

- *'If nobody is willing to be the nominated river **then** I will say I cannot make it.'*
- *'If I do get drunk **then** I will take a taxi home'.*

Repetition will make the response automatic. 'If I let myself down then I will use it as a learning experience so that I don't make that mistake again.'

'Change Contracts' – written, signed, contract with a significant other e.g. trainer, partner, best friend to reinforce intention to change.

'Mini-goals' – reduce the change to manageable but challenging steps. Manageable steps bring earlier rewards, motivating change to the next mini-goal.

Identifying those who will give **support**, at times of stress, and in long-term. Somebody close and trusted or a self-help group. Creating your own support groups. People who will understand failure but will encourage continued efforts. Identifying other supporting resources e.g. sports centres or places to go and relax when stressed, websites.

Self – monitor in a reflective **change diary**. Record success, identify reasons for failure. Recognise patterns that build up before failure. Share the diary e.g. within a Change Contract.

Rewards for success – Give yourself a pat on the back. Give yourself a treat. Bring supporters into celebration of success. Resist 'rewarding' success by permission to drink.

Review goals. Extend them if achieved. Devise a mini-goal if not achieved. Review your behaviour to gain a better understanding of triggers and of strategies that work for you. As new triggers are identified devise **new 'if –then'**.

Make use of your support people and systems. Make it a habit to use them even if you don't need them, even when things are going well.

Be realistic about yourself and what you can achieve. Stretch yourself but don't set yourself up for a fall.

ANNEX B:

ANNUAL REPORT FRAMEWORK

CDDO Annual Report Framework

Explanatory Notes on Submitting a Report

Please fill in the appropriate box for each question within this Excel spreadsheet. If for any reason there is not enough space, feel free to continue on a separate page (headed with the question number i.e. 6.1), either as a Microsoft Word document or as an extra cell at the end of Section 7.

Additional information such as required at 3.1 and 3.2 should be submitted as either a separate MS Word document, added within the Excel spreadsheet at the end of Section 7 or as an Adobe PDF file. Additional materials, such as literature given to clients and Magistrates, should preferably be sent in an appropriate electronic format, however, they may be posted separately.

Report Content Checklist

- 1.1) Brief description of Organisation
- 1.2) Objectives/Course Policy
- 3.1) List of all course venues and addresses
- 3.2) List of courses provided
- 6.2) Examples of literature given to Magistrates/Courts

Appraisal Document

List of referrals by court

Section 1 Introduction

Please provide as a separate Microsoft Word Document/Microsoft Excel Document/Adobe PDF file the following:

1.1) Brief Description of Organisation

1.2) Objectives/Course Policy

Section 2 Statistics

All statistics should be completed for the period 1 January to 31 December.

2.1 Number of Referrals

Last year This year % Change

A referral to any court order referring an offender to a course, including offenders that make no contact.

2.1.1 Total number of convictions (last known figures)

2.2 Number of completions

Last year _____ This year _____ % Change _____

2.3 Number of Non-completions

Last year _____ This year _____ % Change _____

2.4 Total of Offenders processed (Completions + Non completions)

Last year _____ This year _____ % Change _____

2.5 Referral Rate [Completions ÷ Referrals] x 100

Last year _____ This year _____ % Change _____

2.6 Conversion Rate [Completions ÷ Total Processed] x 100

Last year _____ This year _____ % Change _____

Section 3 Operation of Courses

Please provide as a separate Microsoft Word Document/Microsoft Excel Document/Adobe FDP file the following:

3.1 List of all course venues and addresses used over the course of the year

3.2 List of all courses provided during the year (include number, location and date of courses cancelled)

3.3 Total number of courses in the year _____

3.4 Client/Trainer Ratio

Average: _____ Maximum _____

3.5 Total number of Trainers

Full time: _____ Part time: _____

3.6 Trainer Qualifications and Experience

Section 4 - Course Content

4.1 Brief description of Course Syllabus

4.2 Any changes on Previous Year



Section 5 - Quality Control

5.1 Please provide a brief outline of your internal quality control mechanisms

5.2 How are these mechanism carried and by whom?

5.3 What action is/has been taken in response to quality control issues?

5.4 Please give a brief outline of any disciplinary and/or remedial procedures that you have in place.

Section 6 - Administration

6.1 Please describe how client relationships are maintained e.g. when letters & reminders are sent, how written notification of non-completion is delivered and monitored etc

6.2 Please describe how you maintain regular liaison & good working relationships with courts (include examples of any literature that you distribute to courts/Magistrates)

Section 7 - Other Comments

7.1 Number of Appeals made against Provider's decision & results

7.2 Please give any information on reasons for non-attendees, drop-outs or non-completions that has come to your attention

7.3 Please describe any future plans you have for your courses

7.4 Please feel free to make any suggestions or comments about the scheme

ANNEX C

CERTIFICATE OF COMPLETION

&

NOTICE OF NON-COMPLETION

Serial Number.....

The Road Traffic Offenders (Northern Ireland) Order 1996

Courses for Drink-Drive Offenders

Certificate of Completion

Certificate issued under Article 37(1) of the Road Traffic Offenders (Northern Ireland) Order 1996

Details of Participant in Scheme

Name _____

Address _____

_____ Postcode _____

Details of Sentencing Court

Name of Court _____

Address _____

_____ Postcode _____

Case Number _____

Details of Course

Date on which sentence was passed _____

Date by which course must be completed _____

Name of Course Organiser _____

Certification – *on behalf of Course Organiser*

The person named above has successfully completed the CDDO Course

Signed _____ Date _____

This form should be taken to the Sentencing Court for notification to DVA

Serial Number.....

The Road Traffic Offenders (Northern Ireland) Order 1996

Courses for Drink-Drive Offenders

Notice of Non-Completion

This Notice issued under Article 37(5) of the Road Traffic Offenders (Northern Ireland) Order 1996

Details of Participant in Scheme

Name _____

Address _____

Postcode _____

Details of Sentencing Court

Name of Court _____

Address _____

Postcode _____

Case Number _____

Details of Course

Date on which sentence was passed _____

Date by which course must be completed _____

Name of Course Organiser _____

Reason for decision

I am unable to issue a Certificate of Completion for the following reasons:

Participant failed to attend course

Participant failed to make due payment of fees

Participant failed to attend the course as instructed by the organiser

Participant failed to comply with any other reasonable requirements of the course organiser

Detailed statement of reasons:

Certification – *on behalf of Course Organiser*

The person named overleaf has **not successfully** completed the CDDO Course

Signed _____ Date _____

How to Appeal

If you disagree with the Course Organiser's decision not to issue a Certificate of Completion then you may apply to the Court for a declaration that the organiser was wrong not to issue a Certificate. **Application must be made to the Court named overleaf, on Form 122, which is available from the Court. This must be done within 28 days of the date by which the Course must be completed.**

ANNEX D

CLIENT INFORMATION FORM

COURSES FOR DRINK-DRIVE OFFENDERS

[Name of Course Provider]

By providing the following information you will assist the course provider in being able to process your course booking swiftly and efficiently.

Could legal representatives please complete this form on behalf of clients who have been ordered to complete the course?

Please hand this form to the Court Clerk upon completion. Thank you.

ICOS No.	
Name	
Address	
Postcode	
Tel No. (Home)	
Tel No. (Mobile)	
Preferred Tel No.	
Email Address	

ANNEX E

HOW CHANGES TO DRINK DRIVING LEGISLATION WILL AFFECT OPERATION OF COURSES IN NORTHERN IRELAND

Introduction

The drink driving regime in Northern Ireland is changing. New police enforcement powers contained in the Road Traffic (Amendment) Act 2016 were introduced in November 2016. Importantly, the 2016 Act also contains provisions for new lower prescribed limits and graduated penalties together with measures that will ensure a greater number of drink drivers will complete the drink drive rehabilitation course. These provisions will be introduced as soon as all administrative and technical systems are in place.

The Guidance for Course Providers issues during this period of change. As outlined in the Foreword, this Annex contains a summary of the new regime. It also seeks to provide guidance on the future arrangements that will be in place once the remaining provisions of the 2016 Act are introduced and the additional responsibilities that will face the course provider and each of the agencies.

Summary of the new drink drive regime in Northern Ireland

New drink drive limits	
Replaces the current prescribed drink drive limit with two new lower limits, each applicable to different categories of driver licence holder.	
Current Limit	80mg of alcohol per 100ml of blood. This is applicable to all drivers, regardless of licence status.
New Limits	Two new limits, each applicable to different categories of driver licence holder: <ul style="list-style-type: none"> • The first limit is 50mg of alcohol per 100ml of blood and applies to the typical driver referred to as a 'person who is not a specified person'. • The second limit is 20mg of alcohol per 100ml of blood and applies to a specified person.
Breath / Urine Equivalent	The first limit 50mg/100ml will mean: <ul style="list-style-type: none"> - 22 microgrammes of alcohol per 100millilitres of breath, or - 67 milligrammes of alcohol per 100 millilitres of urine The second limit 20mg/100ml will mean: <ul style="list-style-type: none"> - 9 microgrammes of alcohol per 100millilitres of breath, or - 27 milligrammes of alcohol per 100 millilitres of urine
Specified Person	A 'specified person' is: <ul style="list-style-type: none"> - A <u>learner</u> driver who holds a provisional licence; - A <u>novice</u> driver who is subject to the two year probationary period under the Road Traffic (New Drivers) (NI) Order 1998; or - A <u>professional driver</u> who holds a licence (Category C, C1, D, D1, C+E, C1+E, D+E, D1+E or F) entitling him/her to drive a category of bus or lorry as well as the holder of a taxi driver's licence if he is driving, attempting to drive or in charge of such a vehicle at the time of the alleged offence.

Offences and Penalties

<p>Current Position</p>	<p>Exceeding the limit attracts:</p> <ul style="list-style-type: none"> - Minimum 12 months disqualification, a fine up to £5k and up to 6 months prison. Those convicted in Northern Ireland must also pass the driving test again. - Under the “10 year rule”, if convicted more than once within 10 years, the minimum 12 month disqualification is increased to 3 years – unless the court thinks there are ‘special reasons’ for imposing a shorter period. - Causing death or grievous bodily injury when exceeding the limit - maximum 14 years imprisonment, disqualification for at least 2 years, an unlimited fine and a requirement to take an extended driving test.
<p>Proposed Changes to Existing Penalties</p>	<p>Introduction of a new graduated penalty regime:</p> <ul style="list-style-type: none"> - Fixed penalties for first offences at the new lower limits. - No lessening of penalties at the current limit of 80mg or above but penalties will be graduated to ensure that those who drive having consumed higher levels of alcohol will be dealt with appropriately when they are convicted in court. - There will no change to current periods of imprisonment or levels of fines and the court will continue to apply discretion in each case. - Repeat offenders will still face a <u>minimum</u> disqualification of 3 years, regardless of the level of alcohol detected in either the first or prior offence <p>See penalty table below for details of the new graduated penalty regime.</p>

Table - Offences and Penalties

Fixed Penalty System - new lower limits – first offences only	
Typical Driver - detected between - 50mg - 79mg /100ml Specified Driver [learner, novice and professional] - detected between - 20mg - 79mg/100ml	
Fixed Penalty Notice [offered and accepted]	£200 + 6 Points No criminal record / no disqualification period
Reduced Fixed Penalty Notice [offered and accepted]	If driver agrees to and completes a course for drink drive offenders. If driver fails to complete, second FPN (further £100 + 3points) will issue £100 + 3 Points No criminal record / no disqualification period
Fixed Penalty Notice [offered but refused]	Case dealt with in court – see below
Court: - Graduated Penalties - first offences only	
BAC 20 - 79	Band 1 - new minimum disqualification period of 6 months and a fine that will exceed the fixed penalty (maximum £5,000)
BAC 80 - 124	Band 2 – penalty will include a minimum 12 months disqualification. [Similar to the current minimum disqualification period for this level of alcohol].
BAC 125 - 199	Band 3 - penalty will include a minimum 18 months disqualification. [The current minimum disqualification period for this level of alcohol is 12 months].
BAC 200 and above	Band 4 - the penalty will include a minimum 24 months disqualification. [The current minimum disqualification period for this level of alcohol is 12 months].
Court: - Repeat Offenders	
Regardless of the BAC level detected in either the first or prior offence	Current minimum 3 year disqualification period will apply to any driver convicted of a second offence (within 10 years).

Courses for Drink Drive Offenders

<p>Details of Proposal</p>	<p>Changes:</p> <ul style="list-style-type: none"> - Anyone detected at the <u>new lower limits</u> will be able to accept (through the Fixed Penalty system) the opportunity of attending the course by the police officer at the side of the road and without stepping inside a courthouse. - Anyone who is convicted in court will also receive an <u>automatic</u> referral to attend the course, unless the judge decides that it would be inappropriate. - Attendance will remain voluntary and costs will still be met by the offender.
<p>Reduced Penalty for Course Completion</p>	<ul style="list-style-type: none"> - Courses will be offered as part of the new fixed penalty system for first offences at the new lower limits. - Offered by police at side of the road. - If the driver agrees to complete a course - a fixed penalty notice (FPN) that includes a fine of £100 and 3 penalty points will be issued. - If the driver does not agree to this condition, the police officer will issue a FPN that will include a £200 fine and 6 penalty points.
<p>Failure to Complete</p>	<p>The course must be completed within 6 months of the date of offence. If not completed:</p> <ol style="list-style-type: none"> 1. Police will issue a further FPN (of £100 and 3 penalty points) that will, combined with the original, equate to a total of £200 and 6 penalty points. 2. Offender will be required to produce his driving licence and counterpart to the police - at a specified police station - within 14 days of the date of the notice - to enable the licence to be endorsed with the additional penalty points. 3. A new offence provided for in the 2016 Act will mean failure to produce the licence will be punishable by a fine up to level 3 (£1,000).

Referral of offenders by PSNI through Fixed Penalty Notices

This sub-section should be read in conjunction with Section 3 – Referral Procedures. It should also be noted that the administrative arrangements described below are indicative in nature and are subject to change. The course provider will be invited to take part in the preparation of administrative arrangements in advance of the introduction of the new drink driving regime.

The provider should be prepared to offer as much assistance and information to the PSNI in order to promote the scheme in the same way as outlined throughout Section 3 and to liaise with PSNI over procedures for dealing with offenders who have agreed to attend a course.

The fixed penalty option will be available for Article 16 (a) and (b) offences only i.e. driving or being in charge of a vehicle with excess alcohol.

Making a Referral Order

Offenders will be offered the opportunity to complete the course at the time of detection. If they decide to accept the offer, the constable will issue a FPN (£100 and 3 penalty points) and a Referral Order to the offender. The Referral Order must be copied to the course provider. The DVA should be notified by PSNI by way of the DVA notification form.

The constable will be required to explain to the offender that, on successful completion of the course, they will face no further action. The constable must also explain that if they fail to complete the course within 6 months of the date of offence, a second FPN will be issued imposing a further £100 fine and 3 penalty points. The relevant date for completion must be specified in the FPN.

Before a constable makes a Referral Order, he/she is required to ensure that:

- (i) a place is available on an approved course;
- (ii) the offender appears to be at least 17 years old;
- (iii) he/she has explained to the offender the effect of the Order in ordinary language, that to gain a Certificate of Completion the whole course must be attended and the reasonable requirements of the provider met, and the amount of the fees for the course and payment options; and
- (iv) the offender has agreed that the Order should be made.

The Referral Order should include the course and completion deadline and the offender's alcohol reading. These details are often helpful in checking against identity fraud.

To assist the course provider in processing course bookings efficiently, offenders should be asked to complete a 'Client Information' form. This form collects contact details such as telephone numbers and email addresses. Once completed it should be returned to the constable to send to the course provider.

The course provider should not allocate places on approved courses to individuals who have not received a Referral Order from the PSNI (in addition to the courts).

Offenders whose licence address is outside of Northern Ireland

Currently, there is no legislative arrangement in place for reciprocal attendance on courses in GB where an offence is committed in Northern Ireland, and vice versa.

Therefore, if a person is the holder of a driver licence other than a Northern Ireland licence, and in a position to receive a Referral Order, the constable should ensure the person is fully aware that he/she must complete the course in Northern Ireland.

Certificate of Completion

This sub-section should be read in conjunction with Section 7 - Certificates of Completion.

If an offender completes the course and a Certificate of Completion is issued, the course provider should send a copy of that Certificate to PSNI (similar to court referrals). The offender should ensure that the original certificate is provided to the PSNI without delay.

Failure to complete a course

This sub-section should be read in conjunction with Section 8.

A Notice of Non-Completion should be sent to those people who, in addition to the circumstances listed in paragraph 8.3, fail to make any contact with the course provider after being referred by the PSNI.

When an offender who has been referred by the PSNI fails to complete the course satisfactorily, the course provider should send a copy of the Notice of Non-Completion to PSNI.

If the offender does not produce a Certificate of Completion by the due date, or has not appealed a decision (see below), the PSNI must issue a second FPN under Article 59C (2) of the Offenders Order.

Challenges against a course provider's decision

This sub-section should be read in conjunction with Section 9.

An offender may apply to the Chief Constable for a declaration against a course provider's decision to issue a non-completion notice. The process is similar to that set out in Section 9 in relation to an appeal to the court. The application must be made not later than 21 days after the date of the Certificate of Non-Completion.

If the course provider has issued neither a Certificate of Completion nor a Certificate of Non-Completion, the offender may apply to the Chief Constable for a declaration against that decision – the application must be made within 21 days of the date that the relevant Certificate should have been issued.

If the PSNI grants an application, the decision will apply as if a Certificate of Completion had been issued.

Course Syllabus

This should be read in conjunction with Annex A.

There are a number of references in the course syllabus to 'conviction' for drink driving. Any person attending a course through the fixed penalty process will not have a criminal conviction. The trainer must adapt the lessons to ensure references to 'conviction' are supplemented to include also 'endorsement'.

In unit 1.3 (understanding of the law relating to drink driving) the trainer should include also:

d) Explain what a fixed penalty means and its potential impact on:

- Endorsement of driver licence
- Possible revocation of licence (within the meaning of the Road Traffic (New Drivers) (NI) Order 1998)
- Totting-up disqualification
- The cost of obtaining motor insurance
- Future employment prospects

Annual Report Framework

The Annual Report Framework – see Annex B – will be reproduced to include relevant information on PSNI referrals. The new Framework will be made available to the course provider in advance of the introduction of the new drink drive regime.

Certificate of Completion and Notice of Non-Completion

As above, the Certificate and Notice will be reproduced and made available to the course provider in advance of the introduction of the new drink drive regime.



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