

Police Federation
Of England and Wales



Ffederasiwn Heddlu
Lloegr a Chymru

Established by Act of Parliament

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To: All chief officers of the 43 Home Office funded forces of England and Wales
Cc: Gavin Stephens QPM, Chair, National Police Chiefs' Council

Dear Chief Officer,

Police driving – Police, Crime, Sentencing and Courts Act 2022

With the legal guidance underpinning the legislative change that affords police drivers better protection in law now in place, I am writing to stress how important it is for each force to ensure that it is fully compliant with this new statutory framework.

The Police, Crime, Sentencing and Courts Act 2022 delivered the legislation to ensure that police officers' skills and training can now be considered, rather than their driving being judged by the standards of the careful and competent driver (public standard).

The guidance issued by the Director of Public Prosecutions (DPP) had to be updated to reflect the changes that came into effect on 30 November 2022, with the new legal test for police drivers. This test is covered through Statutory Instrument 1112 which all forces should now be complying with.

It is critically important that police officers do not drive if they are not licensed under this legislation. There is no movement on this whatsoever. Senior police officers, regardless of rank, cannot extend or grant an officer's permit under any circumstances. As the chief officer of your force, you are responsible for the messaging to your officers on this critical change in legislation.

Of particular concern are forces which choose to deliver driver training using non-accredited instructors. It is imperative that officers' driver training is delivered by a driver trainer who has been licensed by the College of Policing. Once again, there is no leeway. Training delivered by a non-licensed person is invalid and will leave officers in a vulnerable position. Some forces have been found to have instructors employed who are not licensed.

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It is worth stressing that licensed firearms instructors are not driver trainers; they cannot teach any driving tactics. This includes aspects that are currently covered in D3 and D8 of the firearms training manual.

Since the new law came into effect, a Subject Matter Experts (SME) group has been established to give expert evidence to decision makers based on our new legislated driving standard. They are achieving good levels of consistency with reasonable accessibility; they provide equality of arms for both prosecution and defence teams. This group is referenced in the DPP's guidance and must be used by all bodies responsible for investigating relevant matters. They are the only resource with the ability to accurately assess the most up to date standards.

For local driving matters requiring assessment against the new standard, the National Police Chiefs' Council (NPCC) is mandating a model for all forces to follow, and this needs to be implemented soon. Driving standards units are key to assessing what was once a breach of policy but which is now a breach of the law.

In the meantime, the Police Federation of England and Wales is urging all officers to make sure they are fully aware of the new legislation and the regulations that underpin that law. But, above all, we are stressing how crucial it is that they don't drive if they are not licensed under Statutory Instrument 1112. Forces also have a responsibility to ensure this is the case.

By the same token, we are also urging all forces to make sure that they are only using licensed police driving trainers and that their driving schools are compliant with the licensing requirements of the new law.

This is a generational change for policing; one that improves confidence for both officers and the public. To ensure this legislative change achieves its policy objectives it needs your full support.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'JMB', is located below the text 'Yours sincerely,'.

**National Lead Pursuits and Driver Training
Police Federation of England and Wales**