



Llywodraeth Cymru  
Welsh Government

# Drink Drive Rehabilitation Statutory Guidance for Course Providers

2019

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# 1. Introduction

Since 1 January 2000, courts\* in Great Britain (GB) may refer an offender for a Drink Drive Rehabilitation (DDR) course if they have been convicted of a drink drive related offence under the Road Traffic Act 1988 (sections 34,34A,34B,34BA,34C) and banned from driving for at least 12 months.

DDR courses in Wales must be approved by the Welsh Government (under section 34A(6) Road Traffic Offenders Act 1988).

DDR courses offer an educational opportunity to those convicted of relevant drink offences, to reduce the likelihood of reoffending.

This guidance document sets out the minimum requirements for course providers who wish to deliver an approved DDR course in Wales. A course provider must adhere to these guidelines. Failure to follow this guidance may result in revocation of course approval.

Related legislation and documents are as follows:

- The Rehabilitation Courses (Relevant Drink Offences) Regulations 2012 (as amended 2015)
- Road Traffic Offenders Act 1988 (RTOA 1988) (under sections 34,34A,34B, 34BA,34C)
- Road Safety Act 2006 (under section 35)
- Drink-drive rehabilitation syllabus

Similar schemes are in operation in England, Scotland and Northern Ireland (NI).

DDR Courses in England and Scotland must be approved by the Driver Vehicle Standards Agency (DVSA) acting on behalf of the Secretary of State (SoS) for Transport.

## 2. How to apply for course approval

The Welsh Government is responsible for the approval and quality assurance of DDR courses in Wales. A provider can apply for course approval at any time by downloading and completing the application form.

The provider must specify the geographical area(s) that they wish to deliver in. Detailed guidance on how to set up a DDR course and how to apply for course approval can be found here; [Application Form](#)

The course is appraised against the following criteria:

- **Appropriate persons** – the person making the application for course approval is an appropriate person and the staff employed are also appropriate persons to be employed to deliver a DDR course
- **Course content** – the course they intend to deliver will achieve the learning outcomes specified in the DDR course syllabus
- **Course delivery arrangements** – the trainers employed have the required competencies to deliver the course to a high standard demonstrated by their skills/experience and/or qualifications
- **Course administration** – appropriate processes are in place for the effective administration of the course

If the course application meets the approval criteria, it will be approved. Course approval will be granted for a period of up to 4 years subject to meeting the condition that Welsh Government is informed of any changes to the evidence above, provided at the time of course approval, such as:

- the legal status of the organisation making the application
- the key people responsible for the scheme and delivery within the organisation
- the financial or legal status of the organisation's nominated responsible person(s)
- the qualifications of trainers employed

The Welsh Government recognises that the achievement of the learning outcomes rely considerably on the knowledge, skill, attitude and behaviour demonstrated by course trainers. As such, all DDR trainers must be suitably qualified or have recognised and relevant experience including, but not limited to:

- Ascentis Level 3 Certificate in Understanding Substance Misuse formal accreditation, for example, a relevant NVQ level 3 qualification (or above)
- Edexcel BTEC Award and Certificate in Working with Substance Misuse levels 3/4
- City & Guilds Award and Certificate in Working with Substance Misuse levels 3/4
- City and Guilds Community Justice Award in Drug & Alcohol Services
- OU/FDAP Level Three Diploma in Health and Social Care (Alcohol and Substance Misuse Specialism).

Or evidence of relevant prior experience such as:

- relevant formal professional membership, for example, Federation of Drug and Alcohol Practitioners (FDAP)
- substantial prior experience in delivering behavioural change programmes, for example, within a nursing, criminal justice, social care, youth work, probation or counselling context
- evidence that they are working towards formal accreditation with an appropriate awarding or professional body

Trainers are also expected to undergo regular continual professional development (CPD) and providers must be able to evidence this at audit.

Once a course is approved, we will:

- notify the courts so that offenders can be referred to courses in that area
- notify the courts administration team to give the provider a Criminal Justice Secure Mail (CJSM) email address to allow referrals of offenders to be made securely to course providers.

Course providers are encouraged to build close working relationships with courts in their area of approval to maximise the referral of offenders. This might include:

- making course information freely available to courts to promote the value of DDR to offenders, for example, the supply of information leaflets
- holding liaison meetings with courts' representatives

- offering training to new and existing magistrates and courts' administrative staff and local solicitors on the value of DDR - there may be scope to do this collectively.

Providers are required to make a formal declaration of compliance with other relevant legislation, for example, health and safety, employment law, data protection and periodic quality assurance.

If a provider wants to expand delivery of their approved course into other geographical areas, a written request must be submitted to the Welsh Government with further evidence of:

- how trainers will be deployed to the additional areas to meet demand
- how you will ensure the trainers have suitable qualifications and experience
- full details of the venues to be used in the new areas

Please note there is no automatic right of approval for expanding areas or re-approval at the end of the 4 year period.

The provider is required to pay a statutory fee of £7 to the Welsh Government for each offender who completes the course, including submitting quarterly reports.

The deadline for reporting the quarterly performance and financial data (including payment of the fee) is no later than 14 days after the close of the relevant quarter.

### 3. Price of the course

The minimum course fee is £150 & the maximum course fee is £250. It is for the course provider to decide the cost within the fee threshold.

Should an offender require help with payments, a course provider may agree to accept the payment in instalments. However, the provider must collect the payment in full before the completion of the course. Where payment is taken by instalments, providers should advise offenders that a certificate of course completion may not be issued if payment has not been made in accordance with section 34B (4) RTOA 1988.

To change the cost of the course, providers should send an email to [DrinkDriveRehabilitationScheme@gov.wales](mailto:DrinkDriveRehabilitationScheme@gov.wales) at least 30 calendar days before the proposed change.

## 4. Booking an offender onto a course

An offender will be asked to select an approved course at the time of sentencing and the court will contact the relevant course provider through the CJSM email address to provide details of referral. The court referral will include the offenders' current address and contact details given to the court during the hearing. Where a course provider receives a court referral, the provider should contact the referred offender as soon as possible.

During the initial contact with the offender, the provider should:

- confirm that courses are delivered in English or Welsh
- request details from the offender of any special requirements or reasonable adjustments needed.
- State available course dates and locations

Course providers must take reasonable steps to accommodate the offender's requirements. The provider should discuss these requirements with the offender, make a decision on whether their needs can be accommodated and make the necessary adjustments.

The provider must comply with the [Equality Act \(2010\)](#) and is accountable for any failure to make reasonable adjustments. Such failure may result in withdrawal of course approval for that provider.

It is acceptable for the offender to be accompanied by a relative (over 18 years) in place of an interpreter. The provider must satisfy themselves that the interpreter or signer speaks the language in which the course is delivered fluently. The presence of an interpreter or signer can however be distracting to the rest of a course group. To minimise disruption it is suggested that the same interpreter or signer is used throughout the course. Course providers may use their discretion in this regard on a case by case basis.

Once an offender has been referred to a course provider, the course provider must make available a place on its approved course for that offender. If the course provider is unable to deliver a course for any reason, they must notify the offender at least 20 calendar days prior to the course commencing and may refer the offender to an alternative

course provider who can provide a place on an approved course in the time available.

The course provider should ensure that they process any personal data in compliance with data protection legislation, including not disclosing personal data relating to the offender (for example, name, contact details or court order) to any other course provider.

An offender is entitled to undertake any approved course that is specified in the court order. Should an offender wish to transfer to another approved course provider, they must do so via the issuing court.

## 5. Identity checks

ID checks should be completed at the start of each session of the course. It is the responsibility of the course providers to verify the identity of offenders to guard against identity fraud.

Course providers must be able to provide assurance that ID checks have been carried out and there is a record of attendance for each day of the course.

The provider also has a responsibility to report to the police any offender found to have driven to or from a course, and thereby having committed the offence of driving while disqualified.

## 6. Delivering a DDR course

The course must always be delivered in line with the approved course summary ensuring the following conditions are met:

- a minimum of 16 hours total tuition time, not including breaks
- a minimum of 3 sessions (sessions to be spread across a period of at least 14 days)
- a minimum of 4 offenders in attendance
- a minimum of one trainer to 20 offenders (best practice)

Where individual circumstances require an exception to the parameters above, the provider must keep a detailed record for auditing and quality assurance purposes. For example there may be times where the trainer needs to manage unusual scenarios such as:

- change to start/finish times



- change of trainer
- late attendance
- missed time, for example, due to a personal emergency
- cancellation due to adverse weather

Courses delivered on a one-to-one basis are not appropriate as the course syllabus is based on group learning principles which are critical for effective behavioural change. To ensure the participant is not disadvantaged, any 'catch up' sessions, whether forming part of a programmed course or created separately to cater for clients who have missed course sessions, should also be based on group learning principles.

Course providers may make minor changes to the content and delivery methods of approved courses at any time, provided their course remains consistent with the course approval and does not breach the course guidance. Any significant need to be approved by the Welsh Government and should be requested 30 days prior to implementation.

If there is any doubt as to whether prior approval is required for a proposed change to the course, providers should consult the Welsh Government. Course providers should ensure that the Welsh Government and, as necessary, the courts they serve, are notified immediately of any changes to course or contact details.

## 7. Course completion

Under section 34B(4) RTOA 1988, a course provider must issue either a certificate of course completion or a notice of non-completion. Course providers are required to use templates of these documents as provided by Welsh Government.

A course provider must give a certificate of completion to the offender not later than 14 days after the date specified in the court order as the latest date for the completion of the course, unless in the event of non-completion by the offender. This record must be retained by the course provider for a minimum of three years from the final date for course completion.

For details on non-completion (including what constitutes non-completion) see section 8.

Providers should make offenders aware that it is their responsibility to apply for a new driving licence before the end of the reduced period of

disqualification. This is done using forms D1/D27 which are available from post offices or the Driver and Vehicle Licensing Agency [Gov.UK](https://www.gov.uk).

## 8. Course non-completion

Course providers should issue offenders attending the course with a set of clear course joining instructions, with which offenders are expected to comply. Failure to comply with conditions set by the provider could result in the offender not completing a course and being issued with a notice of non-completion under section 34B(5) RTOA 1988.

Where an offender does not complete a course, the course provider shall notify the offender of the decision, in writing as a notice of non-completion as soon as possible and no later than 14 days after the latest date for completion as specified in the court order. A non-completion may occur if the offender:

- fails to make payment of course fees
- fails to attend the course in accordance with the approved course provider's reasonable joining instructions
- fails to comply with any other reasonable requirement of the approved course provider

The notice of non-completion needs to set out the reason for the decision and any other circumstances which contributed to the offender failing to complete the course. The notice will draw attention to the offender's right under section 34B(6) RTOA 1988 to make an appeal against the course provider's decision.

A right exists for the offender to apply to the supervising court to challenge the course provider's decision not to issue such a certificate under section 34B(6) RTOA 1988. Course providers should keep an accurate written record of attendance, misconduct, and disruptive behaviour relating to any warnings issued and any exclusion, as this may be required as evidence in court proceedings.

Course providers must send a notice of non-completion to the offender and obtain a certificate of posting to demonstrate it has been sent. This record must be retained for a minimum of 3 years from the date of issue.

## 9. Feedback and evaluation

Course providers should have policies, processes and procedures to evaluate and reflect on how well the course is performing and how it helps offenders to achieve the learning outcomes in the DDR syllabus.

A provider should measure improvements in offender alcohol knowledge and attitude and monitor and manage course consistency and the quality of training.

In line with the principles of the basic change model, every individual may be starting at a different place and make different amounts of progress through the change cycle. Evaluation should therefore be focused on evidence of movement rather than on achievement of a particular end. For example, while it may be desirable to see a person move to totally abstaining from alcohol use when they are going to drive, any substantial reduction is a worthwhile change.

## 10. Quality assurance and audit

To ensure the on-going quality of the course, providers should monitor the delivery of the course to ensure the content and presentation style are appropriate to the aims of the course and align with the course approval. Providers must allow auditors acting on behalf of the Welsh Government to access records, documents and the course at any time for compliance and quality assurance purposes. Course related documents such as course schedules, registers and evaluation materials should be held for a minimum of three years from the final course date.

### Centre audit

Course providers will have at least one audit during the lifetime of the approval. The audit will consist of checking:

- records of number of offenders referred, completed, failed to attend a course
- policies are in place and information given on application is correct.

Any findings will be given to the course provider in an audit report within 15 working days. The course provider will be required to formally

respond to the report and provide assurances as well as evidence of how the requirements of the report have been met.

## **Course audit**

The Welsh Government will assess the quality and delivery of the approved course through unannounced course audits. These are not related to the centre audit set out above (which is limited to one audit during the lifetime of approval) and Welsh Government may conduct any number of course audits during the lifetime of the approval as Welsh Government sees fit.

The following will be checked at audit (not an exhaustive list):

- the DDR course is being delivered as approved
- the resources used are appropriate and enhance the learning experience
- correct procedures are being followed, for example, ID checks
- the course is delivered for the minimum specified time - 16 hours

The auditor may provide informal feedback to the course provider and its trainers to help them improve. However, any findings will be given to the course provider in an audit report within 15 working days of the visit.

The course provider will be required to formally respond to the report and provide assurances, as well as evidence, of how the requirements of the report have been met.

If the course is not being delivered as per the approval then the Welsh Government will take the appropriate action, which could result in the Welsh Government withdrawal of course approval. The course provider will be notified in writing where withdrawal of course approval is made.

Normally the course provider would be allowed 28 days to make representations but, in some serious instances, course approval could be withdrawn with immediate effect. If this is the case then the course approval will expire immediately and the course provider will not be allowed to continue to deliver the approved DDR course.

# 11. Withdrawal of course approval

## Voluntary withdrawal

Where the provider of an approved course is no longer willing or able to accept referrals from the courts in the specified area, they must notify the Welsh Government in writing at [DrinkDriveRehabilitationScheme@gov.wales](mailto:DrinkDriveRehabilitationScheme@gov.wales) of their intention to surrender their course approval and state the date from which this will take effect.

Other than in exceptional circumstances, the course provider should give three months notice of their intention to cease to deliver DDR courses. This notice period will allow orderly completion of any outstanding course commitments, provide sufficient time to inform the courts service (to stop any further offenders being referred to the course) and update relevant details on the Welsh Government's website.

In order to ensure that offenders who have been referred are not disadvantaged, the course provider must:

- contact any remaining offenders that have been referred, explaining that they will not be able to deliver the course as the approval is ending
- inform the offender that they need to select an alternative Approved Course Provider by contacting their issuing Court
- provide details of any remaining offenders to HMCTS and return the court orders

Course providers are reminded of their obligations under data protection legislation and that Welsh Government will seek assurances that personal data of offenders has been managed/handled/destroyed in accordance with associated legislation. HMCTS will liaise directly with the course provider to advise in what format and how the data should be returned.

Course providers should note that:

- details of the approved course that is withdrawn will be removed from the 'find your nearest DDR course provider' search facility
- there will be a closure audit

- Welsh Government will inform HMCTS that the course approval has been withdrawn, should the course provider wish to resume delivery of the DDR course at any time then a new application must be submitted

It is not possible for course approval to be transferred from one provider to another.

Where the legal status of a course provider changes during the period of approval, the existing approval will cease to be valid and can no longer be used. In such circumstances, the new entity should apply for course approval.

## **Withdrawal of approval – non-compliance**

Welsh Government may withdraw course approval immediately or give notice, if a provider is found to be in serious breach of approval or no longer deemed to be an appropriate person to deliver the course and associated administration.

## **12. Right to appeal**

A course provider has a right to appeal to the First-Tier Tribunal if aggrieved over the Welsh Government's refusal to grant course approval, grant of approval subject to condition or withdrawal of course approval.

## **13. Complaints**

Course providers must make their complaints procedure available to offenders. A provider should also advise the offender that they can contact or send an email if they are not satisfied with the course provider's response to [DrinkDriveRehabilitationScheme@gov.wales](mailto:DrinkDriveRehabilitationScheme@gov.wales). If the offender has a complaint regarding the courts, then they should email: [complaints@corres&it@hmcts.gsi.gov.uk](mailto:complaints@corres&it@hmcts.gsi.gov.uk).

## 14. Useful information

### High Risk Offenders (HRO)

HRO's are required to satisfy the DVLA that they do not have an 'alcohol problem', and are fit to drive, before their licence is re-issued. This includes agreeing to a medical examination by a DVLA approved medical practitioner. Therefore the provider should ensure there is sufficient time to allow for this, when booking a HRO offender onto a course. Course providers should give guidance to those offenders identified by the court as HROs.

**Note:** High Risk Offenders - Specified in regulation 74 of the Motor Vehicles (Driving Licences) Regulations 1999 (SI 1999 No. 2864): persons disqualified from driving for being two-and-a-half times or more over the prescribed limit; for failing without reasonable excuse to provide a specimen for analysis; or for being unfit to drive through drink or driving with an alcohol concentration above the prescribed limit on 2 or more occasions within 10 years.