

RAC response to the DfT consultation on changes to the Fixed Penalty Notice and penalty points for the use of a hand-held mobile phone whilst driving.

About the RAC

With more than eight million members, the RAC is the oldest and one of the UK's most progressive motoring organisations, providing services for both private and business motorists. As such, it is committed to making driving easier, safer, more affordable and more enjoyable for all road users.

The RAC, which employs more than 1,500 patrols, provides roadside assistance across the entire UK road network and as a result has significant insight into how the country's road networks are managed and maintained.

The RAC is separate from the RAC Foundation which is a transport policy and research organisation which explores the economic, mobility, safety and environmental issues relating to roads and their users.

The RAC website can be found at rac.co.uk

Summary of response

The RAC welcomes the Government's consultation on changes to the Fixed Penalty Notice and penalty points for the use of hand-held mobile phones whilst driving. As identified by independent research undertaken by the RAC, this issue remains a top concern for motorists.

The RAC broadly supports the initiatives proposed in the consultation; however we remain concerned that whilst tougher penalties may have some benefit as a deterrent, these need to be complimented by more effective enforcement and a high profile campaign to educate and inform drivers of the dangers of using hand held mobile phones whilst at the wheel.

The RAC has some discomfort regarding a proposed two-tiered points system, in which drivers of HGVs would receive a higher number of points than a car driver for using a hand-held phone whilst driving: by singling out particular groups of drivers for higher penalties based solely on the vehicle they are driving it may send a message to drivers of other vehicles that it is a less serious offence

Response to consultation questions

Question 1

Do you agree that driving whilst using a hand-held mobile phone is a dangerous activity?

Yes. There is a substantial body of evidence from around the world that confirms that using a hand-held mobile phone whilst driving is a major distraction and can increase the chances of a road traffic accident. In the UK in 2014, 3,200 collisions (or 3% of all collisions) resulting in injuries (fatal, serious and slight) involved some form of distraction from within the vehicle and a further 492 involved the use of a mobile phone. Additionally, as highlighted in the consultation document, a study

from the Road Safety Observatory found the use of a mobile device impairs driving more than driving above the drink driving limit.

In 2014, a survey undertaken by the Department for Transport suggested 1.6 per cent of all drivers in England and Scotland were observed using a hand-held mobile phone whilst driving.¹ Drivers in England and Scotland were twice as likely to be observed with a mobile phone in their hand rather than holding it to their ear with 1.1 per cent of drivers observed holding a phone in their hand and 0.5 per cent observed holding the phone to their ear.

A higher proportion of drivers in England and Scotland were observed using a hand-held mobile phone when stationary (2.3 per cent) than in moving traffic (1.6 per cent). Of concern to the RAC is that the overall figures of those observed using hand-held mobile phones at the wheel has remained relatively static over the last 5 years (even showing a slight increase), whilst the number of prosecutions over the same period has fallen by half. This indicates a worrying lack of enforcement.²

The RAC welcomes the Government's recognition of the problem of hand-held mobile phone use at the wheel and believes many of the proposals in this consultation are a welcome contribution to addressing this issue.

Ultimately, the Government's aim should be to make use of hand-held phones at the wheel to be seen by our society as equally socially unacceptable as drink driving.

Question 2

Generally, are you in favour of increased sanctions for this offence?

We believe that the increased sanctions outlined can make a useful contribution by reflecting the risk arising from drivers using hand held phones whilst at the wheel presents both to themselves and other road users.

According to the 2015 RAC Report on Motoring, an annual survey of motorist opinion, more than a third (34%) say the **use of mobile phones whilst driving** (to talk, text or go online) is one of their top four areas of concern, but rather than increased penalties, most drivers (79%) want to see more effective enforcement of existing laws. Almost two-thirds (62%) believe there are not enough traffic police on our roads.

The Government's own survey into the use of hand-held phones at the wheel suggests increased penalties can lead to a drop in the numbers of those committing the offence³; however the data also suggests that this can be relatively short term. It is therefore crucial that enforcement of the law remains at the top of the Government's agenda alongside attempts to deter use of hand-held phones at the wheel by introducing increased penalties.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/406723/seatbelt-and-mobile-use-surveys-2014.pdf

² <http://www.rac.co.uk/press-centre#/pressreleases/prosecutions-for-motorists-using-a-mobile-phone-at-the-wheel-fall-by-half-in-five-years-1235973>

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/406723/seatbelt-and-mobile-use-surveys-2014.pdf (Chart 4)

Question 3

Do you support an increase in the FPN for this offence?

The RAC supports an increase in the use of FPNs. In 2007, when the first £60 fine and penalty points were imposed for the specific offence of using a hand held phone whilst driving, there was a welcome decline in the number of drivers observed using hand-held phones at the wheel. However, the same figures⁴ showed that an increase of the fine to £100 in 2013 did not have a similar effect.

The RAC supports the increases because of their deterrent value but urges the Government to compliment this with better enforcement, and a THINK! Campaign to make drivers aware of the changes. The RAC believes that all organisations that promote Road Safety, including the RAC, have a role to play alongside government in educating and informing drivers of the dangers of using hand held phones whilst stationary or on the move. The RAC also believes that efforts should be made to continue to develop technology to assist in enforcement of the law on the use of hand held phones by drivers.

Question 4

If so, do you agree that we should increase the FPN from £100 to £150 for all drivers (including HGV)? If not, please explain your reasons why.

The RAC agrees that the increase in the FPN is reasonable considering the potentially serious consequences that driving whilst using hand-held mobile phones can have on all road users.

Question 5

Do you support an increase in the Penalty Points for this offence?

The RAC supports this whilst retaining the option for motorists to attend an NDORS (National Driver Offender Retraining Scheme) course. The effectiveness of such courses should be analysed to understand if they are having a positive impact upon reducing re-offending rates.

Question 6

If so, do you agree that we should increase the penalty points for non-HGV drivers from 3 to 4 penalty points? If not, please explain your reasons why.

The RAC believes that such an increase in penalty points for all drivers is reasonable given the severity of the offence. However, more effective enforcement of the law has an equally important contribution to make in reducing offending rates.

Question 7

Do you support a specific offence for drivers of Large Goods Vehicles (HGVs)?

Whilst the use of hand-held mobile phones behind the wheel is a distraction to any driver, the RAC acknowledges that the consequences of drivers of HGV vehicles doing so can be even more catastrophic than drivers of cars or light commercial vehicles because of the weight of HGVs.

⁴ Chart 4 - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/406723/seatbelt-and-mobile-use-surveys-2014.pdf

However, the RAC has some discomfort with singling out particular groups of drivers for higher penalties based solely on the vehicle they are driving because it sends a message to drivers of other vehicles that it is a less serious offence.

Whilst it may be difficult to administer, the RAC would prefer to see a level of liability (in the form of a fixed penalty) falling on an employer when the driver is driving on company business. This would incentivise employers to take a more active approach to promoting safer driving and monitoring driving standards amongst those employees driving on their behalf. Because the overwhelming majority of HGVs are driven on company business, this would provide further discouragement for their drivers to use hand held phones.

It is important that Government and other organisations promoting road safety continue to encourage employers to provide hands free kits for their staff where driving is a substantial part of their role and to discourage their workforce from making and receiving calls in all but the most urgent of situations.

Question 8

If so, do you agree that a specific offence for Large Goods Vehicle (HGV) drivers who offend whilst driving a HGV should be created which carries 6 penalty points and a £150 FPN? If not, please explain your reasons why.

We are supportive of a £150 FPN for all drivers but do not favour 6 points for HGV drivers for the reasons set out in our response to Question 7.

Question 9

Do you support an increase in both the FPN and Penalty Points for this offence AND a specific penalty for HGV drivers? If not, please explain your reasons why.

We support a general increase in FPN and penalty points but do not support a differential for HGV drivers for the reasons stated in our response to Question 7

Question 10

Do you agree that HGV drivers who commit their first mobile phone offence whilst driving an HGV should be offered a remedial training course as opposed to a FPN? If not, please explain your reasons why.

The RAC supports this proposal. However the effectiveness of such a scheme should be monitored to confirm that this is having a positive effect on reducing re-offending rates.

Question 11

What role might the mobile phone industry play in improving road safety? For example, promoting new technology with “drive safe modes”.

The RAC understands that apps that promote “drive safe modes” are already available. The RAC does not believe it to be practical to ban the use of phones in cars altogether, but it is incumbent on all of us to find ways to minimise distraction where possible.

There are real difficulties that may arise from promoting such devices. For example:

- If the use of such devices were voluntary, then arguably the drivers who choose to use such devices would be those who were least likely to use a hand held phone whilst driving and those most likely to use hand held phones would be least likely to use the drive safe mode.
- An application that detected motion and disabled the phone would disable the use of a phone even if the user was a passenger and would presumably disable the use of the phone on trains as well as in cars. It would therefore have to be developed in a way that allowed the user to disable it and so it could presumably be disabled by a driver equally easily.

RAC expressly forbids its staff to use hand held phones whilst driving and provides hands free kits in company vehicles where there is a genuine business need. We have practical experience of developing drive-safe software for internal use by our patrols and would be happy to share this experience with DfT officials.

Question 12

What role might the insurance industry play in improving road safety? For example, promoting new technology with “drive safe modes”.

A number of insurers already encourage better driving standards by offering lower premiums for vehicles that have telematics units (which can monitor driving standards). In principle, a similar approach might be applied to the use of “drive safe modes” for telephones but it is extremely difficult to see how this could work in practice because it would be almost impossible for insurers to be confident that drivers were not circumventing the associated restrictions.

Question 13

Do you think it would be beneficial to target new technologies at certain groups of drivers? For example, young drivers, van drivers or those driving for work.

The RAC believes that the groups of drivers mentioned all have very specific needs. It is sensible to encourage younger drivers to install a telematics device and to link this with reduced insurance premiums. This would also have the benefit of discouraging other illegal driving practices, such as drink driving, use of hand held phones etc. There is clearly some work to be done to convince

drivers of the benefits of such an approach. Results from the 2015 RAC Report on Motoring show a significant minority – 30% – say they would be opposed to new technology which recorded how well they were driving. The level of opposition is even higher – 40% – among drivers aged between 17 and 24.

Van drivers and others driving for work may have job-specific needs which determine the type of technology solution that is most appropriate. An example of a specific solution of this type is given in the response to **question 11**. Generally, employers need to be encouraged, as part of their duty of care to their employees and to member of the public to place restrictions on the use of phones whilst driving, to inform their employees why use of hand held phones whilst driving is dangerous and to be willing to take strong disciplinary action against employees who do not comply with company policy on such matters.

Question 14

What else would you recommend should be done regarding mobile phone offences whilst driving?

The RAC believes that measuring the effectiveness of NDORS training courses is vitally important in understanding just how effective they are at changing driver behaviour, particularly given the increasing numbers of motorists who are now choosing this option. There is an argument that those who opt for NDORS training and subsequently within 3 years commit a further offence should be subject to a higher penalty than is normally applied for a first offence.

The RAC also urges the Government to give priority to considering how enforcement of existing laws can be improved. As reported last year by the RAC, there has been a 23% reduction in full time road traffic police officers in England and Wales.⁵ This adds to the sense that drivers committing mobile phone offences at the wheel believe there is very little likelihood of them getting caught. Whilst technology solutions have a role to play, there is no substitute for enforcement by police officers and it is vital that the decline in dedicated roads policing officers is halted as a matter of urgency.

According to Driving for Better Business, up to 1 in 3 road crashes involves a vehicle being driven for work⁶. Encouraging safer driving should become part of employers' learning and development programmes for all staff driving in connection with their work and all responsible employers should be doing this as part of their duty of care to their employees and to members of the public.

Question 15

Please provide your contact details, the most frequent mode of transport you use, and whether you are responding as an individual or on behalf of an organisation.

RAC Contacts

Nicholas Lyes, Public Affairs Manager, RAC (nlyes@rac.co.uk)

David Bizley, Chief Engineer, RAC (dbizley@rac.co.uk)

Peter Williams, Head of External Affairs, RAC (peter.williams@rac.co.uk)

⁵ <http://www.rac.co.uk/press-centre/press-releases/traffic-police-numbers-cut-by-1279-officers-in-fi>

⁶ <http://www.drivingforbetterbusiness.com/why.aspx>

