



London Ambulance Service **NHS**
NHS Trust

**Policy & Procedure for managing Penalty Charges Notices and
Notices of Intended Prosecution (PCNs and NIPs)**

DOCUMENT PROFILE and CONTROL.

Purpose of the document: To describe the procedures for the management and administration of Notice of Intended Prosecution and Penalty Charge Notice

Sponsor Department: Operations

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Document Status: Final

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13/10/16	1.5	General Manager Central Operations	Final Draft
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***Version Control Note:** All documents in development are indicated by minor versions i.e. 0.1; 0.2 etc. The first version of a document to be approved for release is given major version 1.0. Upon review the first version of a revised document is given the designation 1.1, the second 1.2 etc. until the revised version is approved, whereupon it becomes version 2.0. The system continues in numerical order each time a document is reviewed and approved.

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Related documents or references providing additional information		
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TP/065	Driving Standards Policy and Procedure	2.3

Document Status: This is a controlled record as are the document(s) to which it relates. Whilst all or any part of it may be printed, the electronic version maintained in P&P-File remains the controlled master copy. Any printed copies are not controlled nor substantive.

1. Introduction

- 1.1 The aim of this policy and procedure document is to outline the London Ambulance Service NHS Trust's (LAS) approach to dealing with allegations of Road Traffic contraventions, including the processes for administration of Penalty Charge Notices (PCN) for parking offences and Notices of Intended Prosecution (NIP) for other driving offences, such as speeding or contravention of red traffic lights.

2. Scope

This Policy and procedure:

- 2.1 Applies to all drivers of service vehicles, including riders of service motorcycles and drivers of lease cars. The requirements of this policy also apply to contractors working with or on behalf of the Trust when in charge of or driving Trust vehicles.
- 2.2 Applies to other departments involved in processing NIPs and PCNs including Emergency Preparedness Department, Fleet Administration, and Operations.

3. Objectives

- 3.1 To provide clear guidance to all drivers of service vehicles of their responsibilities when parking whilst on duty.
- 3.2 To provide clear guidance to all staff of the procedure for managing NIPs.
- 3.3 To provide clear guidance to all staff of the procedure for managing PCNs.

4. Responsibilities

- 4.1 All members of staff who drive service vehicles are responsible for complying with the Law, the Trust's recognised awarding body, the requirement of the Highway Code and LAS driving policies and procedures at all times.
- 4.2 The Motor Risk Management Group is responsible for developing the strategic direction of driving related projects and initiatives, as well as monitoring the outcomes from current motor risk activity and data collection sources. The Group reports to the Risk Compliance & Assurance Group on a quarterly basis.

5. Definitions

Service Driver – This is any person driving any LAS vehicle or riding an LAS motorcycle whether employed directly or indirectly by the Trust.

Lease Car Driver – This is any person insured to drive a Lease Car and is not limited to someone employed by the Trust.

6. Penalty Charge Notice

- 6.1 The manner in which Service vehicles are driven has a direct bearing on public perception of the LAS as a professional organisation. This includes the manner in which service vehicles are parked.
- 6.2 Although a general exemption from penalties exists in law for vehicles being used for Ambulance Purposes (but not 'Dangerous Parking'), service drivers are expected to exercise good judgment when parking. Only on those occasions where no other legal stopping/parking alternative is available should a Service driver consider parking in contravention of any restrictions for an Ambulance Purpose. Stopping for refreshments does not constitute an Ambulance Purposes. If a Service driver has no other choice, care must be taken not to cause an obstruction or nuisance to other road users or pedestrians and on all occasions a Service driver must not park in a dangerous position.
- 6.4 The LAS has a legal requirement to identify the driver of any Service vehicle within 28 days. In order to comply with this, any Service driver receiving a hard copy PCN must contact Fleet Admin within 7 days to discuss the penalty and commence an appeal if a reasonable exemption exists or settle the PCN if appropriate. Delays in the processing of PCNs cause the charges to escalate and additional administration fees may be added by lease or hire agencies. The service driver is ultimately liable for all fees and penalties accruing for illegal parking. All unpaid PCNs for service vehicles and lease cars are received and processed by Fleet Admin.
- 6.5 LAS will not consider pursuing an exemption where an identified driver has parked illegally and in an unreasonable way, as described above. Where no exemption applies and a Service driver incurs parking fines, fixed penalty and/or a summons, it will be the driver's responsibility to address these and resolve the matter with their line manager. In circumstances where no reasonable exemption applies and fines are incurred these are the responsibility of the driver concerned and LAS will not reimburse the fines incurred.
- 6.6 PCNs for front-line Service vehicles are investigated through use of the call log (see Appendix 2) If the vehicle was engaged on front line

duties at the time of the alleged offence then Fleet Admin will send a standard letter quoting the Ambulance Service exemption in the Traffic Management Act 2004. If this appeal letter is rejected on the grounds of unreasonable driver behaviour the details of the vehicle that attracted the penalty and any evidence from the authority will be forwarded to the group management team to address with the driver. In the event of the service vehicle not being engaged in the delivery front-line services Fleet Admin will investigate the usage with the group management team and agree the way in which the PCN will be managed.

- 6.7 PCNs for lease vehicles are received by the lease car management company or lease vehicle provider. If the vehicle in question is registered to an individual the agency will forward the PCN to the relevant driver's home address. They may also make contact via email. If the vehicle is registered to a department (usually as a pool car) the manager will be sent the PCN to investigate.

It is the responsibility of the vehicle user to pay or appeal PCNs directly with the issuing authority.

7. Notice of Intended Prosecution

- 7.1 Notices of Intended Prosecution (NIP) for lease vehicles are received by the lease car management company or lease vehicle provider. If the vehicle in question is registered to an individual the agency will forward the NIP to the relevant driver's home address. If the vehicle is registered to a department (usually as a pool car) the manager will be sent the NIP to investigate. NIPs for LAS-owned vehicles are managed by Fleet Admin in the same way.
- 7.2 NIPs for department pool cars are the responsibility of the nominated manager to investigate. The keys to pool cars must be strictly controlled, with all journeys recorded on an LA27. Department managers who fail to maintain these controls may be subject to disciplinary action if a pool car is involved in an incident and a driver cannot be subsequently identified. Pool cars may be withdrawn from departments if these controls are found to be lax or missing.
- 7.2 If, as a result of a collision or alleged motor offence being committed on or off duty, a member of staff receives a NIP they must report it immediately to their line manager.
- 7.3 If the NIP relates to an alleged offence occurring whilst responding to an emergency, an exemption may apply. Fleet Admin will manage this process for NIPs issued to Trust vehicles. If a NIP is issued to a manager's lease car, the driver must complete the NIP and return to the issuing authority together with a letter on LAS headed paper detailing the CAD number, date and time of the incident being

responded to. The driver must also send a copy of this NIP and covering letter to the Assistant Director of Operations, Resilience, who will confirm an exception is applicable and send confirmation to the relevant police service. Copies of all paperwork should be held by Fleet Admin for LAS vehicles and EPRR for lease vehicles.

- 7.4 Trade Union members may be able to access legal advice from their Union. For staff who do not have access to a Trade Union, Legal Services may be able to obtain legal advice/representation through the Trust's motor insurance, if there is no conflict of interest

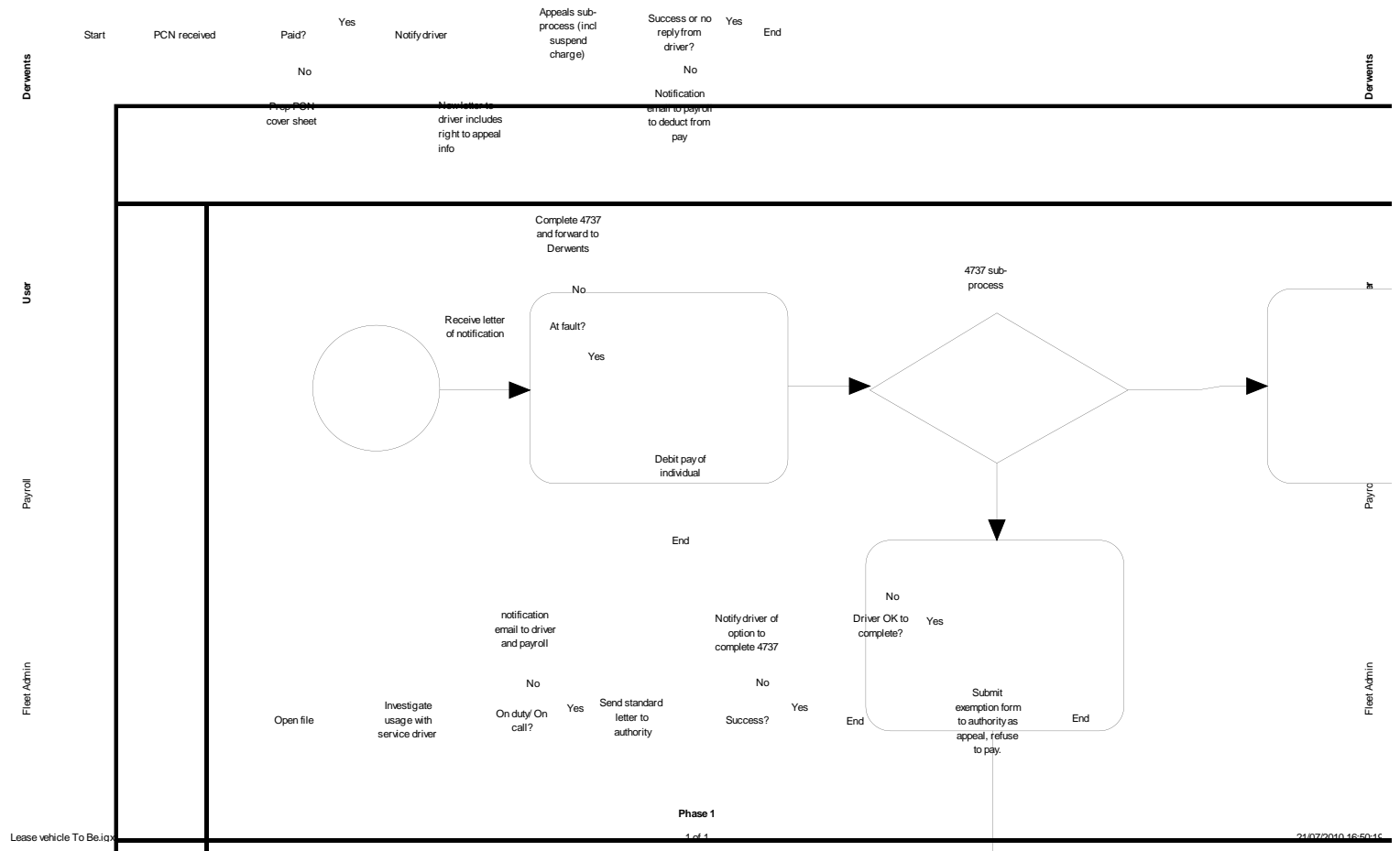
IMPLEMENTATION PLAN				
Intended Audience	All LAS Staff			
Dissemination	Available to all staff on the Pulse and to the public on the LAS website.			
Communications	Revised Policy and Procedure to be announced in the RIB and a link provided to the document. Consideration to be given to appropriate mechanisms for raising awareness amongst staff.			
Training	Guidance within the policy, no training required.			
Monitoring:				
Aspect to be monitored	Frequency of monitoring AND Tool used	Individual/ team responsible for carrying out monitoring AND Committee/ group where results are reported	Committee/ group responsible for monitoring outcomes/ recommendations	How learning will take place
Fleet Admin to monitor frequency of PCN's and NIP's.	Ad hoc when required. Internal records.	Fleet Admin. Local management teams dealing with outcomes.	Fleet Admin & local management teams.	Feedback and remedial action as appropriate via individual staff.

Appendix 1

Process1

London Ambulance Service NHS Trust
Lease vehicle To Be.iq

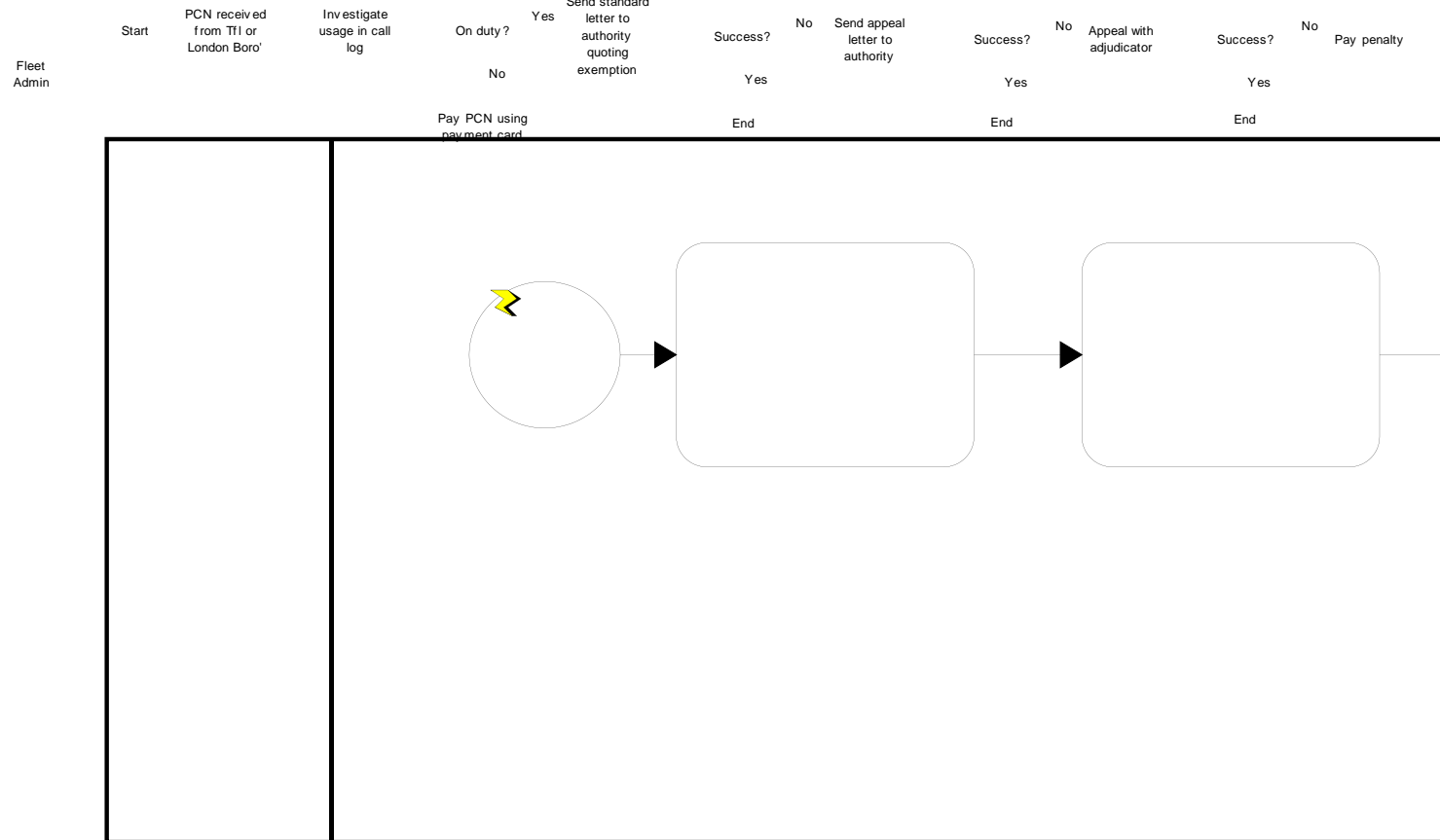
Phase 1



Appendix 2

Process1

London Ambulance Service NHS Trust
Fleet vehicle process To Be.igx



Fleet vehicle process To Be.igx

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