

## Department of Justice and Transport for NSW - TOIP Review

The Traffic Offender Intervention Program (TOIP) has been regulated as an intervention program under the *Criminal Procedure Act 1986* since 2007. The Department of Justice and Transport for NSW decided to review TOIP to:

1. examine the operation of Part 8 of the Criminal Procedure Regulation 2010 (the Regulation) as it applies to TOIP as part of its required scheduled review
2. ensure that current TOIP requirements, in particular the program structure, processes, course content and delivery under the Regulation and the Operating Guidelines support the best operation of the TOIP.

Existing TOIP providers, Magistrates and Registrars were consulted as part of the review. A literature review further considered best practice in driver education and conducted a gap analysis between best practice and how TOIP was delivered.

The review resulted in some changes to the Regulation and Operating Guidelines. The key findings which influenced the changes to the Operating Guidelines are outlined below.

### **1. TOIP is a valued program that should continue to be delivered across NSW, but it could better align with best practice in driver education materials and delivery**

- a. The program has strong stakeholder support, and receives referrals in excess of 10,000 each year.
- b. TOIP referrals are expected to increase to over 20,000 by 2020.
- c. The literature review identified best practice principles which can be applied to intervention programs in the areas of program development, pre-attendance factors and session delivery. The gap analysis identified some enhancements which can be made to further align TOIP with best practice. The gap analysis also noted that providers are doing a good job and should be commended for the courses they are providing. TOIP providers and presenters are an asset to the TOIP.

**Action:** Upon review, it was determined that not all principles were suitable for TOIP given the objectives of the program and its availability as a pre-sentence and post penalty program. The Operating Guidelines have been revised to embed the relevant best practice principles into the existing program structure.

- i. The principles which have been adopted into the Operating Guidelines include:
  - Programs should be held over a period of weeks with minimum session lengths
  - Programs should be small in size
  - Programs should be delivered consistently with detailed course content
  - Programs should be evaluated

- Programs should target behaviours rather than attitudes and factors associated with offending
  - Programs should have a sound theoretical framework
  - Presenters should be suitably qualified
  - Sessions where there are speakers who have experienced road trauma could be enhanced by addressing factors relevant to the target behaviours and outcomes
  - Presentations should incorporate education and therapeutic elements and facilitate discussions rather than lecture style approach
  - Take home messages should be strong
  - Participants should receive a certificate.
- ii. The principles which will not be adopted at this stage include:
- Programs should target one problem rather than have a generalist approach
  - Participants should be assessed for suitability before attending a program
  - Programs should have standard criteria for attendance to TOIP and attendance should be mandatory.
- iii. The principles TOIP already complies with are:
- Programs should complement rather than replace countermeasures
  - Programs should charge participants a fee
  - Participants should commence the program soon after their offence (*this occurs where practical*)
  - Programs should adopt a multifaceted approach, e.g. fines, disqualification and educational components
  - Individuals should have an incentive to attend but that programs that lead to reduction in penalty are not as effective as those where such an incentive does not exist (*TOIP is a pre-sentence program*)
  - A code of conduct should apply.

## **2. The Operating Guidelines are out-dated and could better define operational standards**

A number of recommendations were considered, including:

- a) Redefined standards for course design and content that align with the best practice principles, such as:
- i. Revised core program topics relevant to demonstrated key road safety issues and offences (such as speeding, drink driving, drug driving and distraction)
  - ii. More specific guidelines around the content and key messages to be delivered within each topic based on road safety research to assist in achieving greater consistency in learning outcomes across programs

- iii. Promotion of more interactive sessions to enhance opportunity for behaviour change e.g. facilitated discussions / group activities, self-reflection tasks, development of personal plans and goal-setting
  - iv. Revised course duration requirements to ensure that participants are receiving similar levels of intervention across providers.
- b) Changes to administrative practice, such as:
- i. the inclusion of both the court and Increased Traffic Offender Penalties (ITOP) referral procedures and reporting requirements
  - ii. amendments to the approval process such as:
    - checklists for panel members and applicants
    - the process for submitting and receiving applications
    - timeframes for approval
    - procedures for panel assessments
    - simplified procedure for existing providers to add new locations or vary programs.
  - iii. additional quality assurance processes such as participant surveys
  - iv. revised data collection requirements for providers to achieve consistency for reporting
  - v. revised guidelines for reports to the court on compliance.

**Action:** The Operating Guidelines have been revised to adopt the recommendations in consultation with existing TOIP providers, the Chief Magistrate's Office and Courts and Tribunal Services.