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## Mobile phone use and driving April 2015

### RoadPeace key calls

- All mobile phone use, including hands free should be banned.
- Collision investigation should include checking mobile phone use.
- Driving licenses should come with the condition that mobile phones will be checked after fatal and serious injury collisions.
- Police, CPS and magistrates/judges should all be trained to know the risk of mobile phone use and how it compares to drink driving.
- Drivers convicted of using a mobile phone and causing a casualty collision should be banned.
- Insurance companies should treat a mobile phone offence as they do a drink drive offence and increase insurance premiums significantly.

### Risk of mobile phone use

TRL research conducted over 13 years ago reported

*Drivers found it easier to drive drunk than to drive while using a phone, even when it was hands free... .. certain aspects of driving performance are impaired more by using a phone than by having a blood alcohol level at the legal limit (80mg/ 100ml). It is concluded that driving behaviour while talking on a phone is not only worse than normal driving, it can also be described as dangerous. (Burns et al, 2002)*

But use of a mobile phone is listed in the CPS guidance under examples of both Dangerous Driving and Careless Driving. It is not treated as a serious offence by our criminal justice system. Use of a mobile phone whilst driving can result in a Fixed Penalty Notice (FPN), unlike a drink driving offence which is always prosecuted at court.

In 2013, the police reported mobile phone use as a contributory factor in only 22 fatal crashes, 73 serious injury collisions and 327 slight injury collisions. But this is not an accurate representation of mobile phone involvement in crashes because the police do not always check for this, even in fatal crashes. Some forces do check for phone use in all fatal crashes but others require a witness to have mentioned a driver on the phone before they will confiscate the phone and have it checked.

### Incidence

A recent study commissioned by the government reported 1.6% of drivers in moving traffic were using a mobile phone. The survey also reported that more drivers were using it to read than to make a phone call. (DfT, 2015). This is likely to be considerably less than the proportion of drivers using their phones at one time or another.

## Prosecution and punishment

Mobile phone use can result in a FPN, attendance on a National Driver Offender Retraining (NDORS) programme or a court prosecution.

### FPNs

In 2013, there were 92,700 FPNs given for use of handheld mobile phone while driving, down substantially from the 123,100 FPNs given for this in 2012. This is believed to be due to the increased use of NDORS.

### NDORS

A specific NDORS course has been developed for the offences of using a mobile phone or driving through a red light. The Whats Driving Us (WDU) programme was attended by 10,724 drivers in 2012, 65,031 in 2013 and 99,668 in 2014. It is not known how many were for mobile phone use as opposed to red light running.

### Court prosecutions

If someone has been seriously injured in a crash, the driver cannot be given an FPN or the option of attending the WDU course. In 2013, 22,532 drivers were prosecuted at court for using their mobile phone whilst driving. Almost all (except for 7), were heard at the Magistrates Court. 19,779 were convicted (88% conviction rate) of the offence, with 94% receiving a fine. None received an immediate or suspended sentence of imprisonment or a community service order. (MoJ, 2014) It is not possible to know how many of these involved an injury collision.

Sentencing guidelines allow for disqualification, but in 2013 this was used for only 65 drivers. This compares to 41,734 (97%) bans for drivers found guilty of drink-driving.

### RoadPeace key calls

- **Hands free phone ban.** At present, hands free phone use is not banned. But it should be.
- **Collision investigation.** Just as drivers in injury collisions are supposed to be breathalysed, so too should their mobile phone be checked.
- **Driving license.** It should be a condition of a driving license that in the event of a fatal or serious injury collision, the police can check your mobile phone for usage.
- **Judiciary training.** Police, CPS and judges/magistrates should be given training on the evidence of the risk involved with mobile phone use, including hands free, and how it compares to drink driving.
- **More driving bans.** Given the danger it creates, mobile phone use should result in many more driving bans. This should start with drivers involved in casualty crashes involving mobile phone use.
- **Insurance companies.** Insurance companies can do more to help deter this risky behaviour. They should penalise drivers using mobile phones as they do drink drivers. Compensation should be reduced and premiums increased.

### References

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