



Your reference: n/a

Our reference: FOI_24_0782

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Direct dial: 01452 754304

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Date: 21/05/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0782

On 04/08/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

A copy of your policy/instructions on dealing with damage-only collisions.

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary holds some relevant information.

Please see the attached Road Traffic Collision Reporting, Recording, Attendance and Investigation Policy.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary

Road traffic Collision Reporting, Recording, Attendance and Investigation Policy



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Section 1 – Policy Intentions

The aim of this policy will be to ensure that those persons involved in all collisions receive an appropriate standard of service in relation to the severity of the collision, and that offenders are either educated or prosecuted in the event of their driving standard falling below, or far below, what would be expected of a competent and careful driver.

This policy has two main aims:

- 1 Provide a consistent and effective framework for reporting; categorisation; recording; investigating, and suitable disposal decision for road traffic collisions, so that we understand our business; focussing on quality and do the right thing in every circumstance.
- 2 Provide access to the correct level of support and information for victims and their families, witnesses and other bona fide parties, to ensure we always put the needs of the community first.

Section 2 – Policy wording

The primary objectives are to reduce the numbers of people killed or seriously injured involved in road traffic collisions through effective investigation and wider adoption of structured disposal options for offenders to impact on future driver behaviour. The objectives will be underpinned by:

1. The collection, verification and timely sharing of statistical data with the Department for Transport and Local Authorities under national and local road safety strategies.
2. Improved public confidence and satisfaction with action taken by the police to include response times; follow-up from the police; the investigation and treatment by the police.
3. Increased number of investigations that meet the required standard completed within agreed timescales.

4. Increased number of investigations with a positive disposal outcome.
5. Increased number of offenders dealt with through non-court options to include education and training

All police officers and police staff, including the extended police family and those working voluntarily or under contract to the Gloucestershire Constabulary must be aware of, and are required to comply with, all relevant policy and procedures. This policy document sets out principles to help guide decision making and is in some parts quite prescriptive. However, it is vital that officers and staff have the freedom to innovate, exercise discretion and take risk based decisions centred on the needs of the victim and the merits of each case. Non-statutory policies, including College of Policing APP, provide guidance only. They are 'living documents' and it is recognised that there may be a better way of doing this. Accordingly, if staff depart from a policy but are able to give a good rationale for their actions, and have acted with honesty, integrity and professionalism, to make the best decision for the community we serve, they will be trusted and supported.

Section 3 – Procedural guides

Introduction

The reporting and recording of Road Traffic Collisions is a statutory requirement for the police with over 1000 collisions recorded every year in Gloucestershire.

Definitions

There is a difference between a "Reportable" collision under the Road Traffic Act and a "Recordable" collision as required by the Department for Transport (DfT). The DfT Stats20 manual provides instructions for the completion of Road Accident reports.

'Reportable' (Road Traffic Act 1988): Owing to the presence of a mechanically propelled vehicle on a road or other public place, a collision occurs by which –

- Personal injury is caused to a person other than the driver of that mechanically propelled vehicle or
- Damage is caused to a vehicle other than that mechanically propelled vehicle or a trailer drawn by it
- Damage is caused to an animal other than to an animal on that mechanically propelled vehicle or a trailer drawn by it
- Damage is caused to any other property constructed on, fixed to, growing in or otherwise forming part of the land on which the road is situated.

'Recordable': The Department for Transport (DfT) provide a wider definition of what must be reported to them. The DfT cannot accept this data without an appropriate road traffic collision (RTC) number to reference it; hence all such collisions will be recorded on the national CRASH system. The accumulated data is used by a range of establishments for research into road safety measures, road layout, road safety campaigns, funding etc.

The DfT state the following must be recorded:-All death or injury occurring on the Highway.

'Highway' includes – Footpaths, embankments/land adjacent to highways, Pedestrianised areas with limited access for motor vehicles, rail/tram tracks that cross a highway, cycle lanes if part of a highway, tracks and byways open to traffic, Royal Parks.

Locations that would not require recording include:

Car parks, Petrol stations, Pedestrian malls, Bus stations unless they form part of the highway. Deliberate acts including assaults must be recorded.

Examples of Recordable collisions that do not fit the definition in the Road Traffic Act would be where a person falls on a bus, injuries to cyclists or horse riders with no vehicle involvement.

Non-Recordable accidents are those not involving injury, those in car parks, confirmed suicides or collisions reported to police more than 30 days after they occurred.

Collision Categories

Care needs to be taken to correctly categorise each collision.

The relevant categories are:

- Fatal/Likely to prove/Life Changing
- Serious injury
- Slight injury
- Non-injury (damage only).
- Fail to stop - damage only and those involving injury.

When deciding on the level of injury caution should be taken in cases where elderly persons or pregnant women are involved as health complications may well develop at a later stage.

Fatal / Likely to Prove (LTP)/ Life Changing

A Fatal RTC will be assessed by a Lead Investigating Officer (LIO) and assigned one of the following categories:-

- A Likely to Prove (LTP) collision is one where medical staff expect that the injuries are likely to be un-survivable.
- A life changing injury or condition is where the life-long health and wellbeing of the injured person is drastically affected. It could be a permanent injury which substantially interferes with one's activities of daily life. The injuries are survivable and non-life threatening. Examples would include paralysis, loss of limbs etc.

Serious Injury

This category refers to any injury that involves a change or disruption to the person's ability to carry out their daily activities or routine.

The national criteria includes:

- Fractures (of any description)
- Internal injury
- Severe cuts (4 stitches or more)
- Crushing
- Concussion
- Severe shock requiring hospital treatment

- Burns
- Any injury that results in a period of detention in hospital as an in-patient, either immediately or later, must be classified as a serious injury.

Slight Injury

This category refers to any injury that causes only minimal disruption to the person's daily activities or routine.

The national criteria includes:

- Minor whiplash injuries
- Sprains
- Bruises
- Slight cuts (3 stitches or less)
- Slight shock requiring only roadside attention

Non-Injury (Damage Only)

This category refers to any reportable collision where no person suffers any injury. These RTCs are not "recordable" in line with DfT guidelines and do not require an RTC report.

It is important however, for police attending such collisions, to give early consideration to whether or not the collision needs further investigation and to properly document the incident. Whether or not there is further police investigation this should include the recording of any relevant admissions made by drivers or explanations made by witnesses. The details can be recorded in pocket books and are disclosable for subsequent civil litigation proceedings.

Fail to stop - damage only and those involving injury

This category refers to any reportable collision where one or more driver(s) fails to stop at the scene of the collision or fails to report the collision committing an offence under S170 Road Traffic Act 1988.

Police receipt of Collisions (RTCs):

The vast majority of RTCs are reported to the Police by telephone via the Force Control Room (FCR). This is now supplemented by the Single On-line Home (SOH). These are often the first points of contact that a member of the public has with the Police and it is essential that their level of expectation is handled correctly.

Ongoing Incidents:

The first decision to be made relates to ongoing incidents that may require officer dispatch.

Before a Police Officer (PO)/Special Constable (SC)/Police Community Support Officer (PCSO) is dispatched by FCR to a reported RTC there must be a purpose for their attendance, therefore:

- Staff should consider injuries sustained and the safety of persons involved as well as other road users to assess whether Police attendance is required. Officers should attend ongoing injury collisions wherever possible
- Staff should consider safety of other road users and ongoing disruption to traffic to assess whether police attendance is required for non-injury collisions.
- For phone calls: The 'Storm Log' number must be given to the member of the public and they should be informed to contact their insurance company. SOH entries also to receive a Storm log entry.
- The Storm Log must be updated with sufficient information (please see bullet points in 'investigations' section below for more details)

If this is done, there is no requirement for drivers to report the incident in person at a local police station.

Post Incident reporting:

Injury Collisions

There remains a legal requirement to report injury collisions at a police station. The Chief Constable has authorised for the constabulary to receive reports via the SOH. These can be sent to the CRASH inbox for CJD-Traffic Investigation Unit action.

Injury collisions reported by telephone should be re-directed to report via SOH or at a police station for a collision report (T1) to be completed.

Injury collisions reported at a police station require the completion of a Storm Log and a T1.

Completed T1s should be scanned and emailed to the CRASH inbox and the original sent to the CJD-Traffic Investigation Unit. The Storm Log number will be given to the member of the public and they should be informed to contact their insurance company.

Non-injury Collisions (including non- stop)

Reported non-injury collisions received via SOH, report at a police station or FCR telephone.

Callers reporting a damage only collision, for insurance purposes only, should be given an SOH or Storm incident number and the incident should be closed.

Callers reporting a damage only collision and offences are alleged such as, but not restricted to:

- no insurance or
- 'crash for cash' fraud or
- callers reporting their car has been involved in an incident,
- where someone has collided with their car/property and left the scene without leaving details.

FCR staff, or police officer/police staff receiving the report, will be responsible for asking the below questions:

1. Does the person have the vehicle registration mark (VRM) of the suspect vehicle?
2. Has the incident occurred within the last 30 days?
3. Is the caller prepared to support a prosecution and provide a statement should a decision be made to prosecute the offending driver?
4. To the callers knowledge are there any independent witness details left at the scene, and do they have their details?
or
Does the caller have any CCTV or dashcam footage of the offence?

If all the answers are 'Yes', then a Storm Log must be created. The FCR should transfer the incident to the local policing team (LPT).

If any of the answers are 'No' then FCR will close Incident, recording it as 'no further action' (NFA) and the caller should be advised to contact their insurance company.

Police attended Collision Investigations

Major Routes

When a RTC occurs on a major route, which necessitates the closure of the road, it is essential that the investigation and evidence gathering process is undertaken expeditiously. Other agencies or companies who assist in dealing with the incident should be encouraged towards a road being closed for as short a time as possible and arrangements made for diversions where appropriate.

Any incident that occurs on a motorway or high-speed road (e.g. M5/A40/A417), the police will attend, where possible, to assess the scene. Police attendance for road safety purposes applies to initial attendance only - a separate assessment will be made for vehicle recovery operations.

On all other roads attendance decisions will always be made after taking into account the circumstances of each individual incident.

The decision to keep a road closed should be subject to constant review by the Police officer in charge of the incident.

Initial Investigations

The initial investigation and reporting of a RTC will normally be the responsibility of the first PO/SC/PCSO to arrive at the scene, or a PO/SC/PCSO accepting of being allocated a report.

It remains essential that the level of investigation, based on suspected offences with corresponding evidence recovery opportunities (e.g. phone records for suspected dangerous driving), should be directed by the lead investigating officer at the scene and reviewed by investigating officer's supervisor as soon as practicable.

As a priority, the PO/SC/PCSO must ensure that public safety is protected.

Once this is done, they must ensure that all evidence available is secured and recorded. It is the responsibility of the attending officer to fully investigate any collision that they attend ensuring all information is recorded accurately, checked and secured such as:

- Details of all vehicles involved (if no VRM then a description of the vehicle)
- Details of all injured parties and their injuries
- Names, address, phone numbers, email addresses preferred means of contact of all parties involved are recorded in full
- PNC checks on drivers
- Confirming driving documents or Issuing a form HORT1

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- Capturing witness details and explanations/observations
- Assessing impairment by applying National and Force guidance to breath-test all drivers involved in a RTC. The 'Field Impairment Test' (FIT) must also be considered as well as the eyesight test, details of which are held on the Tri-Force website
- Checking and securing CCTV evidence
- Establishing if any road traffic offences have occurred
- Identifying offending driver(s)
- Cautioning and interviewing suspects
- Keeping victims and witness's informed

It is essential that consideration of which offences are reasonably suspected is done at an early stage, especially if any distraction of the driver is a possible factor. Reasonable suspicion is key and should not be confused with an officer's view of the likely investigative outcome.

For example: Officers should bear in mind that if a drivers use of a mobile phone is a possible factor, seizure, examination and phone record recovery is different for suspected offences of dangerous driving than that for section 3 due care and attention.

Powers of arrest need to be considered for the seizure of a phone to be a realistic line of enquiry. Phone records can be secured if dangerous driving is a reasonably suspected offence but rarely if section 3 due care is suspected only.

The attending Officer must not give unrealistic expectations to anyone about prosecution, alternative disposal (driver awareness course) or NFA.

All T1s and/or Pronto collision reports should be submitted to CJD before the end of their shift. Paper T1 should be scanned and emailed to CJD before the end of the shift with the original sent via internal post ASAP.

At the end of the initial investigation any material must be submitted to CJD.

Ownership and subsequent Investigation

The following RTCs will be managed by the Force Collision Investigation Unit for investigation:

- Fatal / Likely to prove incidents.
- Life threatening incident involving the deployment of a Forensic Collision Investigator
- Any RTC deemed to be a 'critical incident'

The CJD Traffic Investigation Unit will (except for the above) assume ownership for:

- Injury RTCs following the submission of a fully completed T1 unless the submitting officer or supervisor requests they retain ownership.
- Any other collision where a local PO/SC/PCSO attends the scene, identifies offences requiring investigation and sufficient evidence from the initial scene investigation, as for an injury collision, is collected and submitted.

The attending Officer retains the investigation for:

- Collisions where an arrest for drink/drug driving has been made following the RTC. The officer will be responsible for submission of any court files.
- Collisions where the TERO has determined the initial investigation and T1 is insufficient for the case to be passed to the CJD-Traffic Investigation Unit.
- Non-injury collisions allocated to the Local Policing Team.

Paper T1's should be scanned and emailed to CJD by the end of the shift. The original should be sent to CJD and a copy retained by the attending Officer until their investigation is complete. PRONTO **collision reports** should be submitted before the end of the shift.

Collisions Involving Police Vehicles

Should an on-duty police officer, PCSO or support staff member be involved in a collision when driving a vehicle owned or hired by the Police Authority, or a privately owned vehicle, the Investigating Officer unless impracticable, will be of a higher rank than the driver and/or other parties involved and will attend the scene. The Investigating Officer will comply with the Force policy [Collisions and other damage involving police vehicles](#) including reporting/recording and considering suspension from driving. Full details of the incident must be recorded (please see bullet points in 'investigations' section above for more details). A form T1 is needed for an injury RTC. The attending Supervisor will retain ownership of all collisions involving Police vehicles -

Administration

Once the initial investigations have taken place it ***is the responsibility of the submitting Officer to submit a PRONTO report or email a copy of the T1(if required) or sufficient information about the incident, to CJD by the end of their shift and send the original documents via internal post or email as soon as possible.***

Requests under Section 154 Road Traffic Act 1988 (subsequent insurance allegations) can only be raised by a solicitor or insurance company, injured party or their representative and will be coordinated by the CJD Civil Litigation Clerk. Officers should not seek to disclose details themselves. Claimants must have carried out all enquiries and provide copies of all correspondence between themselves and the other driver before the Criminal Justice Department will commence proceedings under Section 154. If the driver was covered by insurance then these details can be passed on to the third party without contravening data protection where the insurance certificate has been examined.

Finalising cases Subject to Investigation

The CJD Traffic Investigations Unit will collate all evidence for injury collisions before passing to the Collisions traffic evidence review officer (TERO) to any disposal decision.

The disposals available for finalising RTCs are:

- No Further Action
- Prosecution
- National Driver Offender Retraining Schemes (NDORS)

Note: Proceedings are not normally instituted unless the 'Full Code Test' outlined in the [CPS Full Code test](#) for Crown Prosecutors is met.

Aggravating factors for S3 Due care offences which make the disposal method a prosecution rather than an out of court disposal may include:-

- Fail to conform to a traffic light, pedestrian crossing, solid white line, police officer or traffic warden.
- Disregard at a Give-Way, i.e. no attempt made to give-way or no effort to take care.
- Serious error of judgement, e.g. overtaking when not safe for conditions.
- Significant driver impatience. • RTC caused by aggressive driving, e.g. tailgating.
- Offending vehicle subject of obscured vision with driver at fault.
- Offending driver has committed further offences such as drive otherwise than, disqualified, No insurance, No MOT etc.
- Significant excess speed for the circumstances.
- Defective vehicle part caused the collision.
- Failure to wear prescribed vision correction devices (glasses etc.)
- Failure to declare a notifiable medical condition e.g. epilepsy.
- Offending driver using handheld device or otherwise not in proper control of vehicle.
- Victim is vulnerable person or a vulnerable road user.

Out of Court Disposal

Where a National Drivers Offender Retraining Scheme course is being considered as an alternative to prosecution, sufficient evidence of an offence must be gathered to support the prosecution of an offender. This is needed because if the driver fails to attend a suitable course when offered and accepted; proceedings may be instigated.

The TERO will make the final decision of driver suitability for a NDORS course

In the event of the evidential test being complete for the offence of S3 Driving without due care and attention, but the public interest test isn't complete due to a number of mitigating factors, then an out of court disposal may be more suitable.

In the event of a low level collision, in order to change driver behaviour research shows drivers often respond better to education than prosecution. If it is deemed more suitable for an out of court disposal in the form of education then a course can be offered if the offender is eligible for such a course.

The decision to offer a place on a course should be based on an objective assessment of the individuals driving which led to the offence such as minor lapses of concentration, judgment or mistake rather than the consequences of a collision.

In considering a course disposal, consideration should be given to whether the manner of driving was high risk or had the potential to cause high harm levels.

Civil Proceedings

Disclosure of Information.

Officers attending and investigating RTCs should familiarise themselves with the College of Policing guidelines for disclosure to third parties in RTC's. Disclosure is, however, managed by the constabulary's CJD civil litigation team.

Remedies sought via civil litigation are of profound importance to the wellbeing of victims and their families and the Gloucestershire Constabulary will support this in line with NPCC guidance. It is expected that the officer will inform and encourage any witnesses that their statement can be used in any possible criminal or civil proceeding.

Officers should be aware that the information they gather at scene such as plans, photographs, PNB entries, Body Cam footage etc. can be released for civil proceedings. Similarly lack of obtaining such information during the course of the investigation could affect civil proceedings and the victim's perception of Gloucestershire Constabulary.

This includes where officers have attended non-injury collisions for which no T1 is required. Officers must still record any relevant comments or admissions of culpability as these are disclosable under civil litigation arrangements and may assist potential victims in resolving their insurance case.

Data Protection.

In situations where vehicles or persons fail to stop it is permissible for officers in their course of enquiries to obtain details from PNC in order to identify an offender however, these details cannot be disclosed to any other party involved. Any information gathered from the offending driver in confirmation of PNC information may be passed on to a third party.

It is a criminal offence to supply information from the Police National Computer.

Requests from Solicitors to interview Police Officers.

Requests from solicitors will be made via the Civil Litigation Unit. They will task such requests to the officer's supervisor. An interview will be agreed in all cases, it is irrelevant if criminal proceedings have commenced however, advice from the Crown Prosecution Services may be required for active cases.

The exception will be where the officer has no information to provide. For example, if they took a report of the collision and/or only have hearsay evidence of the incident. A letter must be sent to the solicitor stating this and refusing the interview. Any letters requesting interviews received by individual officers or departments must be forwarded to the Civil Litigation Unit in the first instance for an initial response. A supervisory officer must be present for the interview or take sufficient steps to ensure that the interview is confined purely to facts; opinion is not to be discussed.

Section 4 - Relevant Legislation: (*Human rights/diversity/Health & Safety/any other specifics*)

- Road traffic Act 1988
- Policy when dealing with the disclosure of information held by the police to third parties in road traffic collisions.

Royal College of Policing: national Policing Guidance 2016

Section 5 - Related References;

Guidance on receipt of Damage only Collision allegations

Gloucestershire Police investigate collisions to identify if offences have been committed, NOT to allocate blame or recover loss/damages, this is dealt with by insurance provider or through a civil claim.

Damage only to vehicles involved: on a road or other public place and no offences are alleged.

Action:

- The person reporting will be advised that there is no requirement to report the collision to the police and should be dealt with between the drivers and their insurance companies.
- The incident will be recorded Gloucestershire Police's Incident Management System (STORM) or via SOH referral.

Damage only to vehicles involved or roadside property: on a road or other public place and no offences alleged.

Action:

- The incident will be recorded Gloucestershire Police's Incident Management System.
- Any damage to roadside property will be reported to the local authority or other owner by the Force Control Room

Damage only to vehicles or roadside property: on a road or other public place with suspected offences:

Criteria:

- Offences appear to have been committed or there are allegations of an offence and
- It appears likely that sufficient evidence would exist upon which a prosecution would rely and
- It is likely that a prosecution would be in the public interest.

Action:

- An incident report will be completed and the matter subjected to a proportionate investigation.

Damage only collision on a road where the driver failed to stop with no lines of enquiry:

Where, in the opinion of a police officer or authorised member of police staff receiving the report, there are no viable lines of enquiry.

Action:

- The incident will be recorded Gloucestershire Police's Incident Management System. The person reporting the incident will be advised that in the absence of any realistic lines of enquiry the police will not be taking any further action. This decision will be reviewed should further information come to light.

Damage only collision anywhere, where the driver failed to stop with lines of enquiry:

There are proportionate lines of enquiry, e.g. identifiable and contactable third party witnesses, registration number of offending vehicle recorded, known existence of CCTV which will only be considered viable if the complainant can provide the contact details of the person authorised to provide the CCTV to police.

Action:

- Ask the complainant to make an enquiry with any CCTV providers to establish if a damage only collision is recorded on their system, and that the full Vehicle Registration mark (VRM) of the offending vehicle is clearly visible. If CCTV evidence exists?
- An incident report will be completed and passed to the LPT – as per above to view the CCTV and conduct a proportionate investigation.

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CCTV owners may be reluctant to provide copies of CCTV to members of the public. However it is not unreasonable to expect members of the public to make an initial enquiry. With resources being squeezed it is unreasonable to expect the police service to send staff to view CCTV to find the frames containing a damage only collision.

The member of the public should be asked to try and establish this with the CCTV Operator by getting them to identify the time on the recording when the collision happened and provide CCTV. If the CCTV owner does not do this then CCTV will not be seen as a viable line of enquiry.

Damage only collision not on a road or highway and driver fails to stop (e.g. in a car park) no lines of enquiry:

Where, in the opinion of a police officer or an authorised member of police staff receiving the report, there are no viable lines of enquiry.

Action:

- The incident will be recorded Gloucestershire Police's Incident Management System.
- The person making the report will be advised that police will not be making further enquires unless additional evidence comes to light.

Section 6 - Identification, Monitoring and Review

The Policy should enable consistent and effective decision making. Where operational or managerial circumstances

require any decision making that would adversely affect adherence to the policy or procedure, in line with the 'Statement of Intent' of the constabulary and the police service 'Code of Ethics', if an officer/ police staff member believes that they need to make a decision that steps outside of policy and procedure they should do so, provided that:

- The officer/ police staff member raises the matter at the earliest opportunity (and ideally before any such decision is made) with their line manager declaring their intended (or actual) course of action if notification is made after the decision is taken,
- produces, in a timely manner, a signed and dated written explanation of why it is/ was deemed necessary to step outside of policy and procedure, and
- maintain an adequate record of this written rationale for audit purposes appropriate to the circumstances/ contravention

GSC Security Marking:		OFFICIAL/OFFICIAL-SENSITIVE	
Type		Policy	
Department		URN	Strategic Board 'signed off'
		<i>Obtain from G&C team</i>	<i>IGB – include date signed off</i>
Version	Date	History of changes (ensure public copy amended and uploaded to external website)	
		Complied with Policy Guidance ✓	
Version 1	2015	New template created	
Version 2	Aug 2017	New corporate heading and official marking & decision making wording added	
Formatting and Publication:		Governance and Compliance Team	
Next Document Review Date:			
EIA		EIA Sign Off – name and date	EIA Review – name and date
LOW/MEDIUM/HIGH – Ensure EIA created and reviewed in line with policy creation/review			
Link to EIA – G&C to complete hyperlink action			
SIA – if required		SIA Sign Off	SIA Review
FREEDOM OF INFORMATION - This version will be placed on the public domain website			
If this version <u>CANNOT</u> be placed on the public domain website, please provide a FOI redacted version.			

Previous policies can be found with the Governance and Compliance team.