



accidents don't have to happen

Creating a road collision investigation branch (RCIB)

RoSPA's response to Department for Transport's consultation

December 2021



Response to Department for Transport's consultation: Creating a road collision investigation branch (RCIB)

Introduction

This is the response of The Royal Society for the Prevention of Accidents (RoSPA) to the Department for Transport's consultation on creating a road collision investigation branch (RCIB). It has been produced following consultation with RoSPA's National Road Safety Committee. We have no objection to our response being reproduced or attributed.

The consultation seeks views on the creation of a dedicated body to investigate the causes of road traffic collisions. An RCIB is suggested to carry out thematic investigations and probe specific incidents of concern to establish the causes of collisions and make independent safety recommendations to help further improve road safety across the country.



Response to Department for Transport's consultation: Creating a road collision investigation branch (RCIB)

About you

Name

Rebecca Needham

Email address

rneedham@rospa.com

Are you responding as an individual or on behalf of an organisation?

On behalf of an organisation.

What is your organisation name?

The Royal Society for the Prevention of Accidents (RoSPA).

What is the purpose of your organisation?

RoSPA is a national accident prevention charity.

What is the size of your organisation?

Up to 250 employees.



Response to Department for Transport's consultation: Creating a road collision investigation branch (RCIB)

We expect an RCIB would request data and information from:

- police forces
- coroners
- other arms length bodies
- insurance companies
- other relevant organisations and individuals involved in the investigation of road traffic collisions

If a RCIB was established, do you think it would need access to data held by your organisation to investigate causes of road collisions?

RoSPA response

No.

Do you think your organisation would need to spend time familiarising itself with working with an RCIB, should a branch be established?

RoSPA response

No.



Response to Department for Transport's consultation: Creating a road collision investigation branch (RCIB)

Road Collision Investigation Branch (RCIB) proposals

We are proposing examining the case for establishing an independent body, the Road Collision Investigation Branch (RCIB), to coordinate and analyse road collision information, investigating in greater depth the causes of selected road traffic collisions (RTCs).

Significantly more people are killed or injured on UK roads than on any other form of transport - with profound human and economic costs. Yet road transport is the only major mode of travel that does not have an independent body to investigate RTCs.

Policymakers and law enforcement agencies are able to draw on a substantive data landscape for their existing investigatory activities in this area – with sources including STATS19, RAIDS, CRASH, Forensic Collision Investigation (FCI) reports, and Prevention of Future Deaths (PFD) reports.

The aim of an RCIB would be to conduct thematic investigations, drawing on all available evidence, to make recommendations to the relevant organisations to mitigate or prevent such incidents in future.

To what extent do you agree or disagree with the creation of a new independent body, the Road Collision Investigation Branch (RCIB), to coordinate the investigation of road traffic collisions?

RoSPA response

RoSPA strongly agrees that a Road Collision Investigation Branch (RCIB) should be created to coordinate the investigation of road traffic collisions. RoSPA believes that this would be beneficial, as the establishment of this body could further improve our understanding of collisions and which interventions are most effective in eliminating them. We expect that the RCIB, if created, will also have significant potential to assist in the arena of emerging technological developments.

It is proposed that an RCIB would have three main responsibilities. These would be to:

1. have a singular focus on analysing the causes of collisions
2. look for patterns emerging from the data, across police and highway authority boundaries where this data is currently only examined locally
3. make independent safety recommendations for action

We anticipate safety recommendations from an RCIB being used to inform decisions made by relevant statutory oversight bodies as to whether enforcement action is required. It is proposed that an RCIB would not, however, apportion blame or liability, unless that was necessary to achieve its objective of improving safety.



Response to Department for Transport's consultation: Creating a road collision investigation branch (RCIB)

To what extent do you agree or disagree with the three suggested responsibilities?

RoSPA response

In 2020, 1,460 people were killed and over 23,500 were seriously injured on Great Britain's roads. This is a significantly higher number of deaths and serious injuries than those caused by other modes of transport. Road traffic collisions cost Great Britain's economy an estimated £28.4 billion a year, including £1.5 billion in emergency treatment costs borne by the NHS. Despite this, currently, there is no independent body to investigate these collisions and their causes.

Unless something different is done, it is very hard to see how the stubbornly stable number of deaths occurring year after year on our roads can be reset on the downward trajectory that we all want to see.

RoSPA strongly agrees with these three suggested responsibilities.

Should an RCIB be created, it must have a singular focus on analysing the causes of collisions. As the paper states, the RCIB would go beyond the scope of the focus of police investigations, which is primarily on identifying criminal culpability and where necessary, informing the coronial process. It is vital that the RCIB does not exist to apportion blame or liability, unless that was necessary to achieve its objective of improving safety.

RoSPA also strongly agrees that the RCIB should look for patterns emerging from the data, across police and highway authority boundaries where this data is currently only examined locally to build a fuller picture of the contributory factors and causes of collisions. The establishment of an RCIB will bring together all road safety data to enable consistent analysis and identification of themes. This will enable investigators to explore the bigger picture of what factors led to the collision.

Finally, RoSPA strongly agrees that the RCIB should have the legal power to conduct thematic investigations into serious and fatal accidents, drawing upon all available evidence and make recommendations about which interventions could be implemented to prevent the recurrence of those collisions. These recommendations should be based on best practice evidence collected across the country. This is vital, as without the ability to coordinate and synthesise learnings under a central body, there is a risk that significant issues are missed, and it is difficult to know which interventions are likely to save most lives. By virtue of recommendations being published, industry and policymakers can be held accountable for responding and for their implementation.

RoSPA hopes that the RCIB will be able to reduce the number of incidents through conducting thorough investigations. By adhering to the three responsibilities described, RoSPA hopes that a greater understanding will be developed of how causal and systemic factors combine, resulting in collisions and a deeper understanding of existing weaknesses within the road system and how these might be addressed. The RCIB is also likely to act as an independent and authoritative voice on road safety matters.

Are there any other responsibilities that you believe an RCIB should have?



Response to Department for Transport's consultation: Creating a road collision investigation branch (RCIB)

RoSPA response

No.



Response to Department for Transport's consultation: Creating a road collision investigation branch (RCIB)

Road Collision Investigation Branch powers

Drawing on the provisions of existing accident investigation branches (AIBs) we would expect an RCIB to need the core powers of:

1. notification of fatal and serious collisions
2. carrying out investigations through access to existing records and primary involvement where necessary
3. preservation of evidence
4. co-operation with existing organisations
5. disclosing evidence
6. publication of reports and making recommendations

To what extent do you agree or disagree with the proposal that the RCIB should have the stated investigative powers?

RoSPA response

RoSPA strongly agrees that the RCIB would require all of the above stated investigative powers. As an RCIB could be underpinned by powers necessary to obtain relevant data, we would expect it to enjoy legal protections similar to those afforded to the existing AIBs.

The RCIB will need to be notified of serious and fatal collisions. RoSPA expects that this intelligence would be provided by the police. In the case of thematic investigations, we would expect that the RCIB would make the police aware of the types of incidents they wish to be informed of. Other stakeholders may also wish to make recommendations of the kinds of collisions that could be focussed upon.

RoSPA understands that in order to fulfil its duty, the RCIB will need to obtain data, information, and investigatory reports from police forces, coroners, other AIBs, insurance companies, and any other relevant organisations and individuals involved in the investigation of road traffic collisions.

We would expect that the RCIB will collaborate with other agencies and organisations and would have powers to access incident sites, both while the site is a live incident scene controlled by the police and thereafter, collecting material, documentary and electronic evidence. They should then be able to undertake tests on this evidence. They will also need to be able to interview members of the response services and other investigators. RoSPA believes that it is absolutely vital that the branch undertake direct investigations to fully understand what lies behind the police data and reports, as some of the information that would be required by the RCIB is not collected currently. The role of the body must be to investigate incidents directly, rather than relying on researching records.



Response to Department for Transport's consultation: Creating a road collision investigation branch (RCIB)

As per the recommendations of the RAC Foundation¹ report, RoSPA believes that it is important that the RCIB is granted full data access to the Department for Transport's Personal Injury Accident database (STATS19 data) and other relevant government data sources (e.g. all relevant police IT systems, coroners prevention of future death reports, etc.).

In addition, the RCIB should be provided with access to police road traffic collision files, including their reports, findings, notes, measurements, plans, test results and interview transcripts, etc. This access may be required some years after incidents have occurred and potentially also some years after all judicial and/or coronial investigations have been completed. Therefore, police investigation teams will need to be trained and made aware of the fact they will be collecting evidence for use by RCIB investigations, as well as the judicial process. This means that elements that may previously have been considered insignificant from a judicial process perspective will now need to be taken into account.

What other investigative powers, if any, do you think an RCIB should have and why?

RoSPA response

A RAC Foundation report² found that different existing bodies for investigating accidents have various legal powers. Those organisations with powers to seize evidence and compel witness cooperation if required, generally reported that these powers were a great asset, even if they were not always actually applied.

Therefore, RoSPA believes that in addition to the above, the RCIB should have powers to seize evidence and compel witness cooperation. Witnesses should be compelled by law to answer questions put to them in interview with the RCIB, as is already the case with the other investigation branches for other modes.

¹ Jeavons, S. and Runacres, A. (2020) 'International Review of Road Collision Investigation Approaches' https://www.racfoundation.org/wp-content/uploads/International_review_of_road_collision_investigation_approaches_Jeavons_Runacres_December_2020.pdf

² Jeavons, S. and Runacres, A. (2020) 'International Review of Road Collision Investigation Approaches' https://www.racfoundation.org/wp-content/uploads/International_review_of_road_collision_investigation_approaches_Jeavons_Runacres_December_2020.pdf



Response to Department for Transport's consultation: Creating a road collision investigation branch (RCIB)

Investigative criteria

Given the scale of collisions on the roads, we intend for an RCIB to focus primarily on thematic investigations drawing on evidence across multiple cases, rather than on individual incidents. We propose that an RCIB would base its investigation on the following criteria of:

- scale – factors impacting a large number of fatal or serious collisions (as opposed to more minor collisions and near misses)
- risk of harm – collisions impacting those who might sustain the greatest risk of harm including children, the elderly, pedestrians, cyclists and equestrians
- emerging risks – new technology or behaviour without an established evidence base

In your view how important is it that an RCIB base investigation criteria on the:

	Very important	Important	Neither important nor unimportant	Unimportant	Very unimportant
Scale?	X				
Risk of harm?	X				
Emerging risks?	X				

Why?

RoSPA response

There are too many road collisions for each collision to be investigated by the RCIB. Therefore, RoSPA believes that scale, risk of harm and emerging risks will be crucial to consider when deciding which incidents should be investigated by the RCIB. The remit may be limited to considering incidents which can be used to reduce the risk of death and injury from road collisions or, alternatively and as with the NHTSA in the USA, it could also consider incidents and incident types that may have a large impact on the economy. This would mean that investigations may include those incidents that cause the greatest congestion, or cause the greatest loss of economic output due to the age demographic of the casualties involved, as well as on those which cause the highest levels of death



Response to Department for Transport's consultation: Creating a road collision investigation branch (RCIB)

and injury³.

In terms of scale, the RAC Foundation⁴ recommends that the RCIB investigates 'major' incidents (i.e. those of significant economic impact, as well as those involving injury and death). However, while a primary trigger for investigations must of course be fatal or serious injuries that must not mean that collisions resulting minor injury are excluded from an investigation. The same driver error, fault in vehicle or infrastructure etc. results in different levels of injury, if any, depending on the complete set of circumstances.

RoSPA's understanding is that investigations are likely to be thematic. Road deaths tend to occur in smaller numbers in each incident but in greater numbers overall. For this reason, there is also a clear benefit to thematic investigations, where an incident type may be looked at in depth, including all severities of casualty, to understand where the issues lie⁵. Key considerations for thematic investigations should include selecting themes and/or collisions for investigation based on the importance of potential safety learnings. Where new technologies are emerging, such as increasingly autonomous vehicles, there will need to be a focus on extracting important new safety learnings.

As the paper states, it is vital that the RCIB covers all manner of road vehicles, to prevent any barriers to investigating collisions across vehicle types, and to keep pace with the changing technological landscape on our roads. A specialist investigation branch for automated vehicles could be desirable to ensure lessons are learnt to improve the overall safety of this innovative technology.

Are there other criteria you think should be included?

RoSPA response

No.

³ Jeavons, S. and Runacres, A. (2020) 'International Review of Road Collision Investigation Approaches' https://www.racfoundation.org/wp-content/uploads/International_review_of_road_collision_investigation_approaches_Jeavons_Runacres_December_2020.pdf

⁴ Jeavons, S. and Runacres, A. (2020) 'International Review of Road Collision Investigation Approaches' https://www.racfoundation.org/wp-content/uploads/International_review_of_road_collision_investigation_approaches_Jeavons_Runacres_December_2020.pdf

⁵ Jeavons, S. and Runacres, A. (2020) 'International Review of Road Collision Investigation Approaches' https://www.racfoundation.org/wp-content/uploads/International_review_of_road_collision_investigation_approaches_Jeavons_Runacres_December_2020.pdf



Response to Department for Transport's consultation: Creating a road collision investigation branch (RCIB)

Impact on people

**What impact, if any, do you think an RCIB would have on victims of road collisions and their families?
Respond with as much detail as possible.**

RoSPA response

Part of the RCIB's key enquiries and contacts is likely to include speaking victims of the road collision and/or their bereaved families. Although we recognise that the investigation of the incident is likely to be very upsetting for victims and their families, we believe that the creation of such a body would act as a demonstration to those involved in road collisions, those affected, the wider industry and the public that action is being taken and lessons will be learnt.

Supply any other comments on the potential creation of an RCIB you wish to make.

RoSPA response

RoSPA has noted that there is no mention of the Health and Safety Executive (HSE) being involved in the proposed RCIB. We would expect that the body will be aware of the HSE's role in road safety and will investigate driving for work incidents, involving HSE where necessary.

HSE⁶ take an interest in work-related road traffic incidents in the following situations:

- where work vehicles are engaged in specific work activities (other than travelling) on the public highway, e.g., hedge-cutting, refuse collection, unloading, construction, traffic management, gritting etc;
- where workers (not in vehicles) are engaged in specific work activities (other than travelling) on the public highway, eg construction work, traffic management, repairs to street furniture, refuse collection, street cleaning, etc;
- where vehicles connected with particular work premises are manoeuvring into, out of, or in close proximity to those work premises and

⁶ HSE (undated) 'HSE's role in the investigation of work-related road accidents and advice on responding to enquiries on managing work-related road safety'

<https://www.hse.gov.uk/foi/internalops/oms/002.htm>

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Response to Department for Transport's consultation: Creating a road collision investigation branch (RCIB)

- where persons are involved in roadside vehicle repair, recovery or rescue and where there is prima facie evidence that suitable arrangements for the safety of those persons and/or vehicle were not implemented.

RoSPA has a particular interest in learnings from work related road accidents, as hosts of the Scottish Occupational Road Safety Alliance (ScORSA) and as part of our work on the management of occupational road risk (MORR). The ScORSA project is a long term Government funded initiative to raise national standards of driving and the reduction of road related deaths in Scotland. This in-depth project will provide insight and evidential outcomes that will help inform national road safety strategies around the world.

We also seek clarity on the extent of scope to employers and through the vehicle and road supply chain, given that in some investigations, there are likely to be lessons to be learned by employers as well as the driver involved in the incident. For RoSPA, the paper does not make clear whether and how this is covered.

We would also note that the consultation paper lists a group of vulnerable road users, which does not include motorcyclists. RoSPA would consider motorcyclists a vulnerable road user group, given that per billion vehicle miles, in 2020, 2.1 car drivers are killed, in comparison to 112 motorcycle riders. Given this high casualty rate, we hope that a RCIB can help us to learn a lot about accidents involving motorcyclists and how we can prevent these collisions in future.

Finally, we welcome the acknowledgement of children as being among those at the greatest risk of harm from collisions. Multiple evidence sources also point to the inequalities gradient and the heightened of risk of death and injury in areas of greatest deprivation. Although the document makes reference to coroner's reports, we would suggest that there should also be explicit reference to the National Child Mortality Database (NCMD)⁷.

Any other comments?

RoSPA response

RoSPA has no further comments to make on the consultation process, other than to thank Department for Transport for the opportunity to comment. We have no objection to our response being reproduced or attributed.

⁷ National Child Mortality Database: <https://www.ncmd.info/>

