

Questions posed by the Transport Safety Commission following representation from RoadPeace.

The commission refers to Our Commitment to Victims and, acknowledging that not all victims of road traffic collisions are victims of crime, asks the following questions with respect to the intentions expressed in Our Commitment to Victims:

To which victims of road traffic accidents the new VIS will be available?

How it is envisaged that the VIS will address the needs of those victims?

Response:

Anyone can access the VIS. For victims of road traffic crime It will signpost to Brake, an organisation in receipt of grant funding from the MoJ for the provision of a telephone helpline for bereaved relatives and seriously injured victims of road traffic crime, and also for an information pack that is available through the Brake website and which is also distributed in hard copy by police Family Liaison Officers. Although MoJ funding is for the support of victims of road traffic crime, Brake also offer support to victims of road traffic collision/incidents not resulting from crime.

The VIS will also signpost to support commissioned at the local level by Police and Crime Commissioners. From 1st April PCCs are fully responsible for the provision of local support to victims in their communities, including victims of road traffic crime. Local provision is to be based on and targeted to meet local needs.

Which victims of road traffic accidents will be included in ways to measure and publish victim satisfaction with the service they receive and in the publication by criminal justice agencies of information to demonstrate how they have improved services to victims

Response:

We have asked criminal justice agencies to publish by April 2015 information on how they have improved services to victims of crime. It is up to the agencies to decide what information to publish but we have not asked them to publish information on how they have improved services for specific types of victim or for victims of specific types of crime.

The government has also committed to develop ways to measure and publish victims' satisfaction with the service they receive by April 2015. Similarly, we are not intending to focus on specific types of victim or on victims of specific types of crime.

How victims of road traffic accidents will be covered by legislation in the next parliament to enshrine the rights of victims in law?

Response:

In preparing the legislation for the next Parliament to ensure new statutory weight for key entitlements in the Victims' Code, we will carefully consider which elements to include. In order to

do this we will assess which victims would be affected and the impact on agencies' ability to deliver a high quality service.

How victims of road traffic accidents will be included in consultation on options for paying compensation to victims upfront?

Response:

The views of victims of road traffic offending are extremely important as regards compensation and other victim issues and we will always bear this constituency in mind. We are currently considering next steps as regards payment of compensation upfront.

Background on the accusations in the RoadPeace letter

Victims of road crime go uncounted. There are no statistics collected on the number of people killed or injured by law breaking on our roads.

There are no published statistics that explicitly count the numbers of victims of road traffic crime. The Department of Transport publishes figures on the numbers of victims that have been killed or seriously injured by road traffic accidents. These figures do not explicitly identify which are victims of road traffic crime, but they are a subset of this data.

The Ministry of Justice publishes data on the numbers of offenders convicted of:

- Causing death by dangerous driving
- Causing death by careless driving when under the influence of drink or drugs
- Causing death by careless or inconsiderate driving
- Causing death by driving unlicensed, disqualified or uninsured drivers
- Causing death by aggravated vehicle taking

And

- Causing serious injury by dangerous driving
- Other driving offences that may have caused serious injury

Victims of road crime go unsupported. A national support service is provided to families bereaved by homicide but not to those bereaved by law breaking drivers.

Whilst it is correct that the national Homicide Service is not available to families bereaved by road traffic crime they are not unsupported. On a national level the MoJ currently provides grant funding to the organisation Brake for the provision of a telephone helpline for bereaved relatives and seriously injured victims of road traffic crime, and also for an information pack that police Family Liaison Officer provide to families in fatal cases or where a life altering injury is sustained. At the local level Police and Crime Commissioners are (from 1st April) fully responsible for the provision of

local support to victims in their communities, including victims of road traffic crime. The MoJ is working with PCCs to understand what the local offer to victims of road traffic crime will be in each PCC area.

Support services for those bereaved in culpable crashes is to be determined at the local level, with inconsistency of provision inevitable.

Following the 2012 public consultation “Getting it Right for Victims and Witnesses” the Ministry of Justice has been moving to a model for the commissioning of support services for victims of crime where the majority of support is commissioned at the local level by democratically elected and publically accountable Police and Crime Commissioners. Local provision is to be based on and targeted to meet local needs. We are working with PCCs to understand what the local offer to victims of road traffic crime will be in each PCC area. National support continues to be provided by Brake through the telephone helpline and information pack.

Victims of road crime are not kept informed. Those injured by summary motoring offences do not qualify for services under the Code.

Victims of road crime are neglected. Whilst the government has put improving the experiences of victims and witnesses at the heart of its strategy for the CJS this does not include road crime victims.

For the purposes of the Victims’ Code, a “victim” is:

- A person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by criminal conduct (where criminal conduct is described as behaviour constituting a criminal offence under the National Crime Recording Standard (NCRS));
- Close relatives (this refers to the spouse, the partner, the relatives in direct line, the siblings and the dependants of the victim. Other family members, including guardians and carers, may be considered close relatives at the discretion of the service provider) of a person whose death was directly caused by criminal conduct.

In our response to the consultation on “Improving the Code of Practice for Victims’ of Crime,” we recognised the serious difficulty victims of road traffic crime face and therefore decided to include additional discretion to enable the police to provide information and services to victims of non-NCRS cases in line with the Code. Non-NCRS offences include most summary offences such as drink driving or careless driving. This reflects existing practice amongst regional police forces. For example, most police forces allocate a Family Liaison Officer (FLO) in fatal cases or where a life altering injury is sustained, regardless of whether the offence falls under the NCRS, and provide information about available support services.

MINISTRY OF JUSTICE

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