

Deepening our understanding of road traffic collisions and how best to address them

Consultation on establishing a Road
Collision Investigation Branch

October 2021



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Foreword



Great Britain's roads are amongst the safest in the world. Yet, despite this, in 2020 alone there were 115,584 casualties from road traffic collisions, 1,460 of which were fatal and a further 22,069 led to serious injury. Every collision is one too many and the traumatic effects of each one is felt by individuals, families and entire communities.

As well as their profound human impact, 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.

Regardless of how we examine the causes of road collisions, be it from the perspective of a safe systems approach or the more traditional examination of education, engineering, and enforcement, understanding the core determinants of road user behaviour remains the central factor to improving road safety.

That is why my Department has funded several in-depth collision investigation studies, data sets and digital systems, including the Road Accident In-Depth Study (RAIDS) programme, STATS19, and the Collision Reporting and Sharing System (CRASH).

These, coupled with information from Forensic Collision Investigation (FCI) reports and Prevention of Future Deaths (PFD) reports, have informed research into the causes of collisions. However, we know more can be done to further improve our understanding of collisions and which interventions are most effective in eliminating them.

In autumn 2018, the government-funded Road Collision Investigation Project (RCIP) was launched. It was designed to examine the causes of collisions and assess whether there is a business case for the creation of a Road Collision Investigation Branch (RCIB).

Through this consultation we are very interested to gather suggestions about which powers an RCIB could possess, as well as how it might operate.

Your answers will play a crucial role in informing our future approach to analysing, addressing, and ultimately eliminating road collisions as we strive to make our roads safer for all.

Baroness Vere of Norbiton

Executive summary

This consultation seeks views on the creation of a dedicated body to investigate the causes of road traffic collisions.

The introduction outlines the background to the consultation.

The first section explains the current state of play regarding accident investigation in Great Britain in respect of other transport modes. While there is much useful data on road collisions, there is no single investigatory body to appraise this in relation to the causation of collisions and to recommend alleviatory measures accordingly.

The second section outlines a broad business case for an RCIB, outlining what statutory basis it would have; the nature of its interactions with other organisations and individuals; and what benefits could be gained from such a body.

The third section looks at the proposed remit of an RCIB and the legal provisions that would be necessary to ensure the effective operation of its investigatory and analytical functions.

Consultation questions can be found at the back of this document, in the section marked “Annex A”.

How to respond

The consultation period began on 28 October 2021 and will run until 9 December 2021. Please ensure that your response reaches us before the closing date. You can contact rcib@dft.gov.uk if you need alternative formats (braille, audio CD, etc.). if you need alternative formats (braille, audio CD, etc.).

You can respond to this consultation:

- online, through a survey; or
- by email, to rcib@dft.gov.uk
- by post, to:

Department for Transport

3rd Floor, Great Minster House
33 Horseferry Road
London, SW1P 4DR

Telephone: 0300 330 3000

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled. If you have any suggestions of others who may wish to be involved in this process, please contact us.

Freedom of Information

Information provided in response to this consultation may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the Data Protection Act 2018 (DPA) and UK GDPR and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Confidentiality and data protection

The Department for Transport (DfT) is carrying out this consultation to help inform our decision on whether a new independent body, a Road Collision Investigation Branch (RCIB), should be created to undertake the independent investigation of road traffic collisions.

In this consultation, we are asking for:

- your name and email address, in case we need to contact you about your responses (you do not have to give us this personal information but, if you do provide it, we will use it only for the purpose of asking follow-up questions)

For organisations, we are also asking for:

- a brief description of your organisation, to better understand the relationship between your organisation's work and the topic
- the size of your organisation to give an understanding of the number of people you represent
- whether your organisation may need to supply data to the RCIB and how much resource and time this will take your organisation, in order to better understand the potential impacts of an RCIB on your organisation
- whether your organisation will need time to adjust to working with an RCIB, including the number of employees affected by this, in order to better understand the potential impacts of an RCIB on your organisation

This consultation and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. If your answers contain any information that allows you to be identified, the Department will, under data protection law, be the Controller for this information.

If responding to this consultation online, your personal data will be processed on behalf of the Department by SmartSurvey, which runs the survey collection software. Your personal data will not be shared with any other third parties, even those employed for the purpose of analysis.

We will not use your name or other personal details that could identify you when we report the results of the consultation. Any information you provide will be kept securely and destroyed within 12 months of the closing date. Any information provided through the online questionnaire will be moved to our internal systems within two months of the consultation period end date.

Introduction

Road collisions lead to significantly more deaths in Great Britain than those caused by other modes of transport, yet there is currently no independent body to investigate road collisions and their causes.

Independent bodies are longstanding features of accident investigation practice in the UK. The Air Accidents Investigation Branch (AAIB) has been operating since 1915, while the Marine Accident Investigation Branch (MAIB) and Rail Accident Investigation Branch (RAIB) have operated since 1989 and 2005, respectively. All three bodies have the legal power to investigate accidents (and less serious incidents) in their sector and make recommendations about which interventions could be implemented to prevent the recurrence of those events. These recommendations are not binding, but for the Government to consider in the context of its wider priorities.

In 2018, the Department for Transport (DfT) funded the RAC Foundation (RACF) with £480,000 to undertake the Road Collision Investigation Project (RCIP)¹ which seeks to establish whether there is a business case for an independent Road Collision Investigation Branch (RCIB). While the final project report is expected to be published by summer 2022, the substantial volume of RCIP work to date, which has been shared with Ministers, firmly supports establishing an RCIB.

¹ This project was jointly funded by National Highways, who provided £300,000 to the RAC Foundation.

Investigating road traffic collisions – the current landscape, challenges, and opportunities

Roads policing in England and Wales is provided by 43 independent police forces. In Scotland and Northern Ireland, this is provided by national police services (Police Scotland and the Police Service of Northern Ireland). In England and Wales, fatal and serious road traffic collisions are currently investigated by the police, in accordance with guidance issued by College of Policing Authorised Professional Practice. An 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.

Currently, no stand-alone body exists to investigate road traffic collisions with the remit of learning and prevention. 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. There is already a substantive data landscape for policymakers to utilise, including the Road Accident In-Depth Study (RAIDS) programme, STATS19, the Collision Reporting and Sharing System (CRASH), Forensic Collision Investigation (FCI) reports and Prevention of Future Deaths (PFD) reports. However, the police and stakeholders across industry have highlighted how this information, although rich and varied, is not adequate by itself to analyse the causes of, and determine the most effective measures to tackle, road traffic collisions - a theme raised in the Call for Evidence on Roads Policing.

In addition, on behalf of DfT, the Law Commission of England and Wales and the Scottish Law Commission have been conducting a review of driving legislation for the safe and lawful introduction of automated vehicles (AVs) on GB roads. Automated vehicles are defined in the Automated and Electric Vehicles Act 2018 as vehicles that can drive themselves in at least some circumstances without monitoring or control by the driver. The [Commissions' consultation paper](#) highlighted that a specialist investigation branch for AVs could be desirable to ensure lessons are learnt to improve the overall safety of this innovative technology. Their final recommendations are due in the final quarter of 2021.

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. An RCIB would look to utilise the data sources outlined above, alongside that from insurance companies, the Motor Insurers' Bureau (MIB), vehicle manufacturers, the emergency services, and the NHS to deepen the body of evidence on collision causes and improve road safety interventions. We believe it is vital that an 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.

Creating a Road Collision Investigation Branch – the business case

The Government is considering the case for the creation of a body to investigate road traffic collisions. No final decision has been made on the establishment of such a body, and all evidence pertaining to its need and benefits will need to be fully considered before such a decision is made. We intend to have an ongoing dialogue with the devolved administrations about the potential for an RCIB to operate on a UK- or GB-wide level.

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

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

We acknowledge the need for any new body to interact with a wide range of individuals and organisations, including relevant road safety-related databases held by them, as part of its routine investigation activities. We expect such a body will take 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.

Some of these will be frequent and would apply to every or most investigations; others would be less frequent or even rare. The non-exhaustive lists below are intended to demonstrate the range of interactions.

Routine interactions (all or most investigations)

- police forces
- emergency services (fire and ambulance)
- members of the public
- bereaved families and victims
- highway agencies
- the Driver and Vehicle Licensing Agency (DVLA)
- the Driver and Vehicle Standards Agency (DVSA)
- insurers
- vehicle manufacturers and designers, parts manufacturers, and designers
- vehicle maintainers/modifiers

- infrastructure maintainers
- local authorities
- government departments
- coroners
- general practitioners (doctors), pathologists, and other medical experts

Occasional interactions (some investigations)

- traffic commissioners
- employers
- national and international standard-setting organisations
- EuroNCAP
- automotive testing establishments
- researchers and consultants
- hospital staff
- relevant Non-Governmental Organisations and road safety charities
- other UK AIBs for assistance, and in cases of collisions where transport modes interact
- other international road AIBs
- international experts

International experience has shown that functional independence is vital to the effective conduct of investigations and greatly enhances the credibility of safety recommendations. Any suspicion of interference by government, prosecuting bodies or industry would undermine the ability of investigators to influence positive change.

Without intruding on or impeding the independence of an RCIB's Chief Investigator, the Secretary of State, where it is deemed appropriate, would have the power to request investigations into particular cases or themes.

In particular, the conduct of thorough, high-quality investigations by an RCIB is likely to prevent the recurrence of collisions and incidents through:

- the identification of how causal and systemic factors have combined, resulting in collisions;
- a deeper understanding of existing weaknesses in current risk control measures, and how these might best be addressed;
- the bringing together in one place of all road safety data to enable consistent analysis and identification of themes;
- safety findings and recommendations based on best evidence collected from across the country;
- 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;
- an independent and authoritative voice on matters related to road safety; and
- a reduction in the massive economic and social costs of road collisions.

Potential remit, legal protections, and activities of a Road Collision Investigation Branch

Remit

It is proposed that an RCIB would have the remit of investigating the causes and contributory factors which lead to collisions, including collisions involving AVs, and recommending appropriate policy interventions.

The scale of investigations would be a matter to be decided by the Chief Investigator of an RCIB. Clearly, there are too many road collisions for each collision to be investigated by an RCIB. Instead, we envisage its remit being determined in such a way that its scale covers the following principles:

- selecting themes and/or collisions for investigation based on the salience of potential safety learnings; and
- adopting techniques best able to extract important new safety learnings in relation to areas such as new technology, where knowledge gaps exist.

While we acknowledge that there may be instances where victims or victims' families would want an RCIB to investigate specific collisions, whether or not to investigate would be a matter of discretion for the branch's Chief Inspector.

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. 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. These legal protections, whilst broadly the same, vary by AIB, as is outlined below.

Different levels of legal protection given to AIBs

Protected evidence

Witnesses providing evidence to AIB investigations are afforded specific protections. The legislation for each of the AIBs differs in its detail, but AIBs do not have to disclose witness details, statements or declarations unless ordered to do so by the High Court, pursuant to a prescribed balancing test.

Non-protected factual information

The three AIBs may share non-protected factual information obtained during an investigation upon request from other agencies investigating the same event. There

are some differences between the regulations governing each of the AIBs that affect the detail of what technical and other evidence can be shared.

Experts' reports

An AIB may commission reports from experts on technical or other specialist matters relevant to its investigation. AAIB experts' reports cannot be disclosed unless the High Court orders disclosure. The Chief Inspectors of the MAIB and RAIB can exercise discretion in deciding whether and when to share such material (if it has not already been published) with, for example, the police. They will normally do so unless disclosure would be prejudicial to an ongoing safety investigation or future investigations. Each case is considered on an individual basis. The guiding principle that will apply is whether such disclosure is likely to compromise the AIBs' general aims of improving safety and preventing future accidents.

Activities

We anticipate that an RCIB could encompass the investigatory functions that the [Law Commissions' consultation](#) are advocating as a necessary precondition for the deployment of AVs on the public highway. The Law Commissions' note that these investigatory functions would be used to investigate causes of incidents, as opposed to apportion blame, an approach broadly in line with that of the AAIB, the MAIB and the RAIB. The Commissions suggest that this ethos could help develop expertise, promoting a culture of learning and safety.

With automation and technological advances in areas such as digital roads and micro-mobility, the nature of road traffic collisions may change over time, becoming, in certain aspects, more like those in other transport sectors, where the causes often relate to the interactions of human operators with a complex control system. Nonetheless, we recognise that different and distinct skills will be required to investigate road collisions, relative to those needed for air, marine and rail incidents.

Crucially, this would mean that all types of road traffic collision would be subject to scrutiny from a single body and this would avoid artificial and potentially disruptive divisions in investigative practice based on technology.

In addition, an RCIB could complement activity by police forces, coroners, the DVSA, local road safety partnerships (a local partnership involving police and local agencies concerned with delivering road safety) and highways authorities. We envisage it doing so in a way that plugs a significant gap in the current framework of collision investigation by having three main responsibilities:

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

In line with the responsibilities above, we envisage an RCIB undertaking general investigation-related activities for which it would need legal powers such as those outlined in the section “Creating a Road Collision Investigation Branch”, and other general activities, consistent with its purpose. These activities are outlined below.

Investigation activities

- evidence collection on site;
- evidence collection off site, including evidence storage compounds, garages, company offices, test facilities, and private property;
- preservation of evidence;
- co-ordination of investigations when working with police and other statutory bodies, on and off site, including the conduct of parallel investigations into both collisions which involve criminality and those that do not, and the resolution of conflicts;
- conducting interviews of relevant people (for which prompt access is required), including survivors, witnesses, family members and associates, police officers, medical staff, local and central government organisations and agencies, and company staff (for example, manufacturers, maintainers and testers of vehicles and components);
- involving its own experts and experts from other jurisdictions;
- delegation of parts of an investigation to expert organisations (for example, if related to UK or foreign automated vehicle data);
- forensic examination and testing of vehicles and infrastructure involved, including subcomponents where relevant, and the ability to destructively test or alter evidence where necessary;
- downloading of recorded, electronic, and photographic and video data;
- computer modelling/simulation;
- statistical analysis;
- road safety-related research and other studies (internal and commissioned);
- receiving evidence from, and sharing learning with, other countries/bodies/experts, for safety investigation purposes;
- writing and publishing safety investigation reports, safety bulletins/digests/ advice;
- liaison with involved families and victims;
- liaison with coroners; and
- consultation with individuals and organisations involved in a collision or collision themes.

General (non-investigation) activities

- disseminating safety learning (conferences, webinars, publications);
- recruitment and training of investigators;
- development and refinement of collision investigation techniques;

- maintaining awareness of current developments in road safety, vehicle engineering and collision investigation; and
- general liaison with other bodies, domestically and overseas, to obtain and disseminate learning and information to improve road safety.

We envisage an RCIB operating as an independent branch of DfT, as is the case for the existing AIBs in the Marine, Aviation and Rail sectors.

Annex A – consultation questions

The consultation builds on previous work developing our understanding of collisions and interventions to address them. It is being conducted in line with the Government's key consultation principles, which are listed below.

1. Consultations should be clear and concise
2. Consultations should have a purpose
3. Consultations should be informative
4. Consultations are only part of a process of engagement
5. Consultations should last for a proportionate amount of time
6. Consultations should be targeted
7. Consultations should take account of the groups being consulted
8. Consultations should be agreed before publication
9. Consultation should facilitate scrutiny
10. Government responses to consultations should be published in a timely fashion
11. Consultation exercises should not generally be launched during local or national election periods.

Further information is available at

<https://www.gov.uk/government/publications/consultation-principles-guidance>.

Please note that we do not expect you to submit evidence in response to every question listed if not applicable.

These questions can also be completed online via a survey.

Question 1

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

- Organisation
- Individual

Question 2

To what extent do you agree or disagree with the creation of a Road Collision Investigation Branch (RCIB), to independently investigate road traffic collisions to improve road safety?

- Agree strongly
- Agree
- Neither agree nor disagree
- Disagree

- Disagree strongly

Please explain the reasons for your answer.

Question 3

It is proposed that an RCIB would have three main responsibilities:

- to have a singular focus on analysing the causes of collisions;
- to look for patterns emerging from the data, across police and highway authority boundaries where this data is currently only examined locally; and
- to 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.

To what extent do you agree or disagree with the proposed responsibilities an RCIB would have, as outlined in this document?

- Agree strongly
- Agree
- Neither agree nor disagree
- Disagree
- Disagree strongly

Please explain the reasons for your answer.

Question 4

What other responsibilities, if any, do you think the RCIB should have and why?

Question 5

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

1. Notification of fatal and serious collisions
2. Powers to carry out investigations through access to existing records and primary involvement where necessary
3. Powers on preservation of evidence
4. Powers on co-operation with existing organisations
5. Powers on disclosing evidence

6. Publication of reports and making recommendations

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

- Agree strongly
- Agree
- Neither agree nor disagree
- Disagree
- Disagree strongly

Please explain the reasons for your answer.

Question 6

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

Question 7

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.

What investigation criteria should an RCIB give weight to when deciding what to base thematic investigations on? Please rate each criterion on the following five-point scale:

1 – very important; 2 – important; 3 – neither important nor unimportant; 4 – unimportant; 5 very unimportant

- Scale – factors impacting a large number of fatal or serious collisions (as opposed to more minor collisions/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
- Other, please provide detail

Why did you choose to rate the criteria in this way?

Question 8

What impact do you think an RCIB would have on victims of road collisions and their families? Please describe in as much detail as possible.

Question 9

Are there any other comments on the potential creation of an RCIB you wish to make? Please provide detail.

Question 10

Please provide your email address

Please indicate if you are happy to be contacted by email by DfT in relation to your responses to this consultation.

- Yes
- No

Please answer the following questions if you are responding on behalf of an organisation:

Question 1

What is the name of your organisation?

Question 2

What is the purpose of your organisation?

Question 3

How many people work for your organisation?

- Less than 250 employees
- More than 250 employees

Question 4

We expect an RCIB would request data and information from police forces, coroners, other AIBs, insurance companies, and other relevant organisations and individuals involved in the investigation of road traffic collisions.

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

- Yes
- No
- Don't know

Please explain why/why not.

Question 5

If an RCIB is established it may ask organisations to share with it information such as (but not limited to) recorded, electronic, photographic and video data and investigatory reports.

If you answered yes to question 4, how much time do you think it would take your organisation to provide data for an RCIB each year (please estimate the total time in minutes)?

Question 6

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

- Yes
- No
- Don't know

Please explain why/why not.

Question 7

If you answered yes to question 6:

Can you identify the approximate total number of staff within your organisation who would need to spend time familiarising themselves with an RCIB should a branch be established?

Question 8

If you answered yes to question 6:

Can you estimate how many minutes you would expect it to take your organisation to familiarise itself with an RCIB?

