**Department for Transport**

**Consultation on establishing a Road Collision Investigation Branch**

**A response by the Association of Personal Injury Lawyers**

**December 2021**

**Introduction**

APIL welcomes the opportunity to respond to the Department of Transport consultation on establishing a Road Collision Investigation Branch (RCIB). An overarching, nationwide branch which conducts thematic investigations is a sensible step forward in improving road safety. It is vital, however, that the branch is properly resourced and fully operational across the entire road network.

**Q2) 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?**

We strongly agree with the creation of an RCIB. An independent body that has nationwide reach to identify and investigate themes in road traffic collisions, and which can subsequently make recommendations to prevent incidents occurring in the future, is a positive step. Having access to centralised data and being able to identify common themes and issues would help to prevent future occurrences, and because the branch would solely deal with road collisions, this would ensure that all investigations carried out are consistent. It is crucial that the RCIB is well funded to meet its aims, and that there is additional funding for local police forces to ensure that initially, incidents are properly reported. It must also be ensured that the RCIB has true nationwide coverage, and efforts are not focused solely in particular areas e.g. cities, or regions of the country.

**Q3) To what extent do you agree or disagree with the proposed responsibilities an RCIB would have?**

We agree with the proposed responsibilities an RCIB should have. The proposed responsibilities are broad, and would allow the branch the freedom and flexibility to properly investigate themes arising.

**Q4) What other responsibilities should they have?**

We believe that accident data that is collected should also be accessible to representatives of those involved in collisions, such as solicitors and insurers, once the investigation has concluded. The data should also be made available to the coroners’ courts, to ensure a streamlined approach, and we recommend that the RCIB should have an obligation to report emerging patterns e.g. increases in incidents involving mobile phones, or eating at the wheel, to the relevant authorities.

**Q5) To what extent do you agree or disagree with the proposal that an RCIB should have the investigative powers listed above?**

The core powers that the RCIB is expected to have appear reasonable. It is right that the RCIB should not apportion blame, and that police forces, party representatives in civil claims, and judges can interpret the findings themselves.

**Q7) What investigation criteria should an RCIB give weight to when deciding what to base thematic investigations on?**

We believe that the most important criteria for investigations are the risk and scale of harm. Efforts should be focused where the risk of harm is greatest, and where that risk is likely to be fatal or severe. Emerging risks should be criteria considered after the risk and scale of harm.

**Q8) What impact do you think an RCIB would have on victims of road collisions and their families?**

We believe that an RCIB would have a positive impact on victims of road collisions and their families, by allowing them to have closure by providing reassurance and comfort to them that the government is doing something in response to their injury or bereavement, in order to prevent similar incidents from occurring in the future.

We believe that the approach set out in the consultation, that the decision on which incidents to investigate would be for the RCIB Chief Investigator, is the correct one. Families have other routes to finding out what happened to their loved one, such as through an inquest, and it would be unworkable to allow individual families to request that the RCIB should carry out an investigation into the particular incident involving their loved one. If there is a group action which highlights a particular theme or issue in a particular area, this may be one route for individuals to influence the RCIB Chief Investigator’s decision.

Any queries relating to this response should be directed to:

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