



Department
for Transport

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

Government response



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The name of the Branch

The Branch will be called the Road Safety Investigation Branch (RSIB). This change has been made in response to discussions with stakeholders, and so that we do not exclude from an RSIB's remit incidents which are dangerous to road users, but which would not meet the tight definition of 'collision'. We are not proposing any change in the scope of the Branch's responsibilities from that on which we originally consulted. This document continues to refer to collision and the Road Collision Investigation Branch (RCIB) in some places, so as to reflect the language used in the consultation.

Foreword



The Government is ambitious about improving road safety. Although roads in Great Britain are amongst some of the safest in the world, in 2021 alone there were 127,967 reported casualties, 1,560 of which were fatal and a further 27,300 which were serious injuries¹. Every casualty is one too many, so our aim is simple – to reduce incidents and make our roads safer for all.

Understanding the causes and contributory factors that lead to incidents on our roads is of paramount importance to improving road safety. The evidence we already have at our disposal is valuable, but we know even more can be done to further improve our understanding of which interventions are most effective in eliminating them. That is why, from 28 October to 9 December 2021, we consulted on proposals for the creation of an independent branch to investigate road collisions and their causes.

Hundreds of you got in touch from across the United Kingdom to give your views on these proposals. In this document, we set out what you told us, how this is shaping our approach to creating a Branch, and where we go next from here.

¹ Provisional figures.

[Reported road casualties Great Britain, provisional results: 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/reported-road-casualties-great-britain-provisional-results-2021/reported-road-casualties-great-britain-provisional-results-2021)
<https://www.gov.uk/government/statistics/reported-road-casualties-great-britain-provisional-results-2021/reported-road-casualties-great-britain-provisional-results-2021>

This consultation received an extremely positive response – and I am delighted to say that we intend to establish the Road Safety Investigation Branch as soon as possible. We intend to include the legal provisions needed to set up the Branch in the upcoming Transport Bill.

An independent, safety-focused Branch to investigate collisions and other incidents will provide real insight into what needs to change and help save lives across the country. The creation of a Branch will also provide insight into evolving technologies such as self-driving vehicles, micromobility and electric vehicles (EVs). This will ensure road safety policy keeps pace with new developments as we continue to modernise our road network to ensure better, greener and safer journeys.

Baroness Vere of Norbiton

Executive Summary

From 28 October to 9 December 2021, the Government ran a public consultation on proposals to establish a branch to investigate the causes of road collisions. This document summarises the responses that we received and explains how the Government intends to take forward the proposals outlined in the consultation. The territorial extent of the Branch has not yet been determined and there will be ongoing dialogue with the devolved administrations about the potential for the Road Safety Investigation Branch to operate on a UK- or GB-wide level.

Road collisions and incidents lead to significantly more deaths in Great Britain than those caused by other modes of transport, yet it is the only transport mode that does not have an independent branch to investigate the causes. 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 make recommendations to improve safety in their respective sectors.

The establishment of a dedicated body to investigate the causes of road traffic collisions was raised during the Roads Policing Review Call for Evidence (CfE) process. The CfE was launched in summer 2020, as part of the multi-year review of roads policing promised by the 2019 Road Safety Statement. There have also been repeated calls over the past 20 years from road safety charities and the Accident Investigation Chiefs' Council to establish a body to investigate road collisions and incidents.

In 2018, the Department for Transport (DfT) provided the RAC Foundation (RACF) with £480,000 to undertake the Road Collision Investigation Project (RCIP), jointly funded by National Highways. The project sought to establish whether there was a business case for an independent branch. The final report, published on 29 June, answers this question with an unequivocal 'YES'².

In addition, on behalf of DfT, the Law Commission of England and Wales and the Scottish Law Commission conducted a review of legislation for the safe and responsible introduction of self-driving vehicles on GB roads. The report recommended that an independent collision investigation unit should be given responsibility for investigating

² https://www.racfoundation.org/wp-content/uploads/Gooding-Box-2022-Road-Collision-Investigation-Project-RCIP_Final-project-report.pdf

serious, complex and high-profile collisions involving self-driving vehicles (Recommendation 32)³.

In response to the huge developments taking place in the transport sector, the findings from the RCIP, the Law Commissions' review, and the support from road safety groups, the Department launched a public consultation to gather wider views on the proposed establishment of an RCIB.

The Branch will be called the Road Safety Investigation Branch. This change has been made in response to discussions with stakeholders, and so that we do not unduly exclude from an RSIB's remit incidents which are dangerous to road users but would not meet the tight definition of 'collision'. We are not proposing any change in the scope of the Branch from that on which we originally consulted. This document continues to refer to collision and the Road Collision Investigation Branch in some places, as to reflect the language used in the consultation.

³ [Automated-vehicles-joint-report-cvr-03-02-22.pdf](#)

Overview of responses

Responses to the consultation were collected via online survey and email to a dedicated mailbox. The online survey consisted of stated preference questions and free text comment questions. At the end of their response, respondents were also able to provide any additional comments on the proposed branch. Where possible, these comments have been analysed under the most appropriate survey question. Comments that were not related to any survey questions are analysed in the 'additional comments' section at the end of the consultation response.

The Department received a total of 339 responses to the consultation. Of this total, 286 respondents completed the online survey attached to the consultation. The other 53 respondents replied directly to the consultation by email. There were 227 responses to the consultation from individuals, and 112 responses on behalf of organisations.

We received many helpful comments and would like to thank respondents for their time in responding to the consultation. This feedback has been carefully considered and we will continue to refer to it as we establish the Branch.

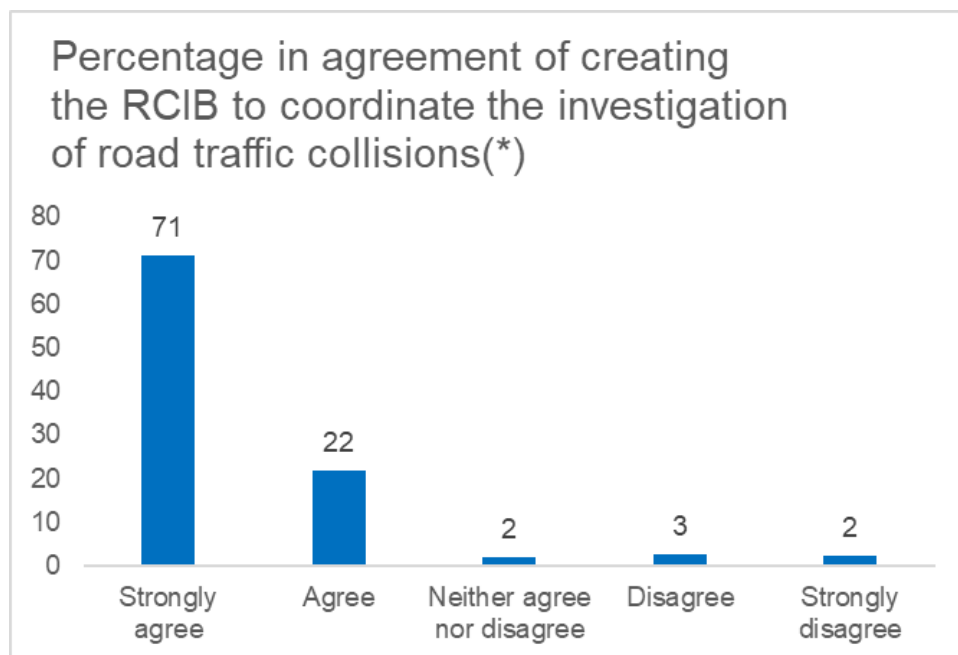
Summary of responses to consultation questions

1. Creating a branch to investigate road collisions

This consultation sought views on creating a Road Collision Investigation Branch (RCIB). It was proposed in the consultation that an RCIB would operate as a dedicated, independent investigation branch, similar to those which already exist for air, marine and rail. The purpose of a branch would be to learn lessons from road incidents, including those involving self-driving vehicles, and make recommendations for interventions and policy changes that could help reduce incidents and improve road safety for all road users.

Question: 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?

Respondents demonstrated clear support for the creation of a branch, with 93 per cent of those who replied to the consultation expressing agreement or strong agreement to the creation of an RCIB.



*of 338 complete responses to this question

Of those who supported the creation of an RCIB, recurring themes included:

- the precedent set by existing Accident Investigation Branches (AIBs) and the anomaly in respect of roads; and
- the emergence of new technologies.

Of the very small number of respondents who disagreed with the proposed RCIB, most suggested that the work should be covered by the existing AIBs, or police collision investigation functions and that a further body would therefore be unnecessary and/or ineffective in adding new insights.

Some respondents who disagreed with the proposed RCIB suggested that the funding could be more appropriately spent, including on ensuring appropriate road infrastructure. Another suggestion was that government departments could develop national patterns of the causes of collisions by collating accident reports from individual police forces.

Next Steps

There is clear support across a wide range of groups for the creation of an independent branch to investigate road collisions and other incidents from a safety learning perspective. In response, we intend to bring forward legislation in the upcoming Transport Bill to enable creation of such a branch. The Branch will be called the Road Safety Investigation Branch. This change has been made in response to discussions with stakeholders. We will continue to engage stakeholders throughout the process of designing and establishing the Branch.

2. Responsibilities of an RCIB

The consultation sought views on the responsibilities of an RCIB. The consultation 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.

An RCIB's recommendations would be used to inform decisions made by relevant statutory oversight bodies as to whether enforcement action is required. The consultation proposed that an RCIB would not apportion blame or liability.

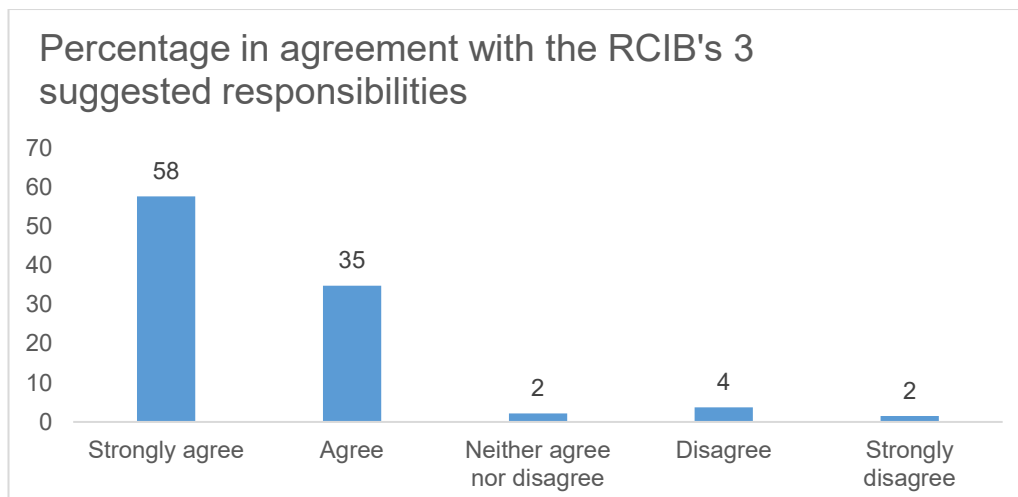
Questions:

To what extent do you agree or disagree with the proposed responsibilities an RCIB would have, as outlined in this document? Please explain the reasons for your answer.

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

Respondents demonstrated clear support for the responsibilities suggested, with 93 per cent of those who replied to the consultation expressing agreement or strong agreement.

- 58% of respondents strongly agreed and 35% of respondents agreed with the 3 suggested responsibilities.
- Only 6% disagreed or strongly disagreed with the 3 suggested responsibilities.



*of 324 complete responses to this question

Within the free-text answers, many respondents highlighted that the RCIB is needed to develop an independent understanding of the causes of road collisions across local authorities. This information can then be used to produce national recommendations that reduce injuries.

Some respondents suggested additional responsibilities for RCIB, with some common themes including:

- the need for it to have some power to enforce recommendations or inform policy development;
- having a role in setting standards for vehicles and roads;
- having a role in training and education, including providing guidance to other investigators (e.g. police) and sharing best practice;
- sharing findings widely through reports and media engagement;
- collaboration with other relevant bodies, for example coroners or the Health and Safety Executive (HSE); and
- investigating near-misses in addition to actual collisions.

Many respondents expressed the view that an RCIB is needed to develop an unbiased understanding of the causes of road collisions. Respondents suggested that this information can then be used to produce national recommendations that reduce road risk through preventing collisions. A recurring theme was that this is particularly important given the growing prospect of new technology on the roads, including AVs.

“This is long overdue. Such a body may be able to identify patterns of behaviour or in road design which lead to accidents over the entire country as opposed to currently, where each accident is investigated as a single incident.”

“...independent evidence gathering, investigation and reporting is the most trustworthy way to provide quality information.”

Disagreement with the proposed responsibilities was a minority view. There was variation in which of the three responsibilities respondents disagreed with. However, a common theme expressed by respondents in disagreement with this question was that some RCIB responsibilities could duplicate those of other bodies. Some respondents also expressed that safety recommendations need to be affordable or have funding, to ensure bodies can fulfil the recommendations. Some respondents felt that individual collisions should be investigated, particularly fatal collisions or those involving new technologies.

Next Steps

We intend the future Road Safety Investigation Branch to focus on analysing the causes of collisions; to look for patterns emerging from a range of data sources including data from

across police and highway authority boundaries where this data is currently only examined locally. A Branch would then make independent safety recommendations for action.

In line with the existing AIBs, we do not intend for the Branch to have the power to enforce its recommendations. However, we intend for the Branch to be able to make recommendations directed at particular persons, to which there will be a requirement to provide a response.

The themes and types of incidents that the Branch investigates will be at the discretion of the Chief Inspector. However, it is likely that a branch would have some focus on incidents involving new technologies. We envisage that a Branch will work with a wide range of stakeholders to share its findings and disseminate safety learnings and best practice.

3. Investigatory powers of an RCIB

The Department consulted on the powers it proposed an RCIB would need to carry out its duties. We set out the core powers we expected a branch would need as:

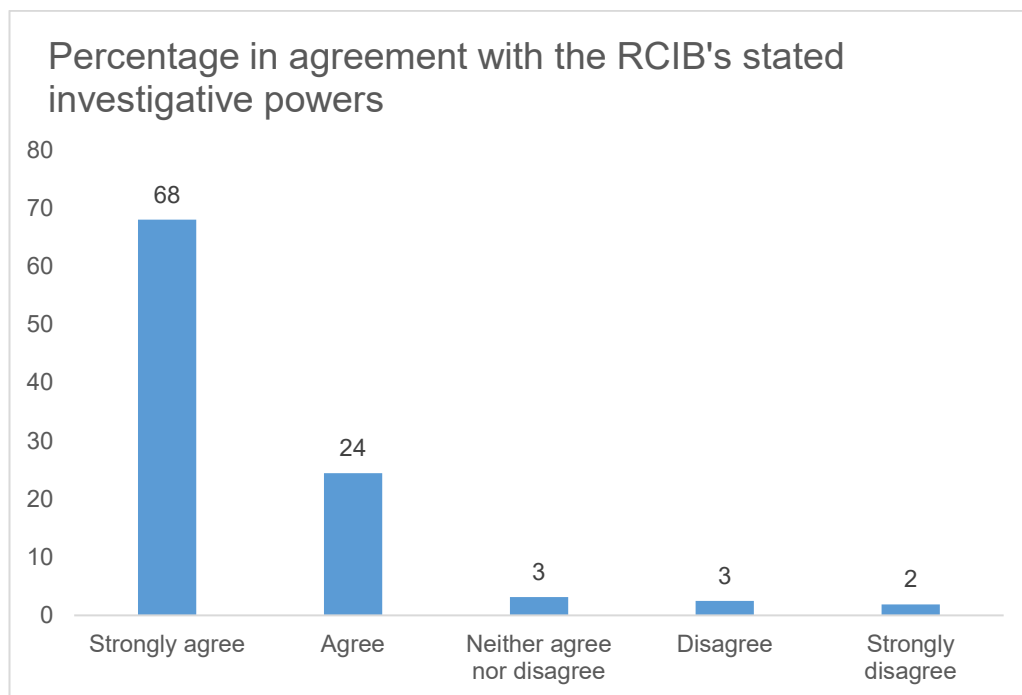
1. Notification of fatal and serious collisions;
2. Powers to carry out investigations through access to existing records and primary involvement where necessary;
3. Powers on preservation of evidence;
4. Powers on co-operation with existing organisations;
5. Powers on disclosing evidence; and
6. Publication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

Questions

To what extent do you agree or disagree with the proposal that an RCIB should have the investigative powers listed above? Please explain the reasons for your answer.

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

Respondents demonstrated clear support for the six proposed investigatory powers, with 92 percent of those who responded expressing agreement or strong agreement. Disagreement with the proposed powers was rare (5%).



*of 319 complete responses to this question

A recurring theme was that the proposed powers would give the new branch the authority to operate effectively and with sufficient independence. The need for data and information gathering to inform recommendations was noted. Some respondents said that similar powers work effectively for the existing AIBs.

A consistent view amongst respondents that agreed with the proposed powers was that an RCIB could benefit from additional powers. Recurring themes included the power to:

- access data from a range of sources, including medical and insurance records, in-vehicle data, and CCTV, in support of investigations;
- compel individuals to provide evidence or testimony, and to seize evidence;
- investigate incidents in a timely way, in co-operation with police, coroners and other stakeholders;
- scrutinise the work of highway authorities and manufacturers in relation to road and vehicle design, and compel them to implement recommendations; and
- enforce recommendations made, including contributing to legislation.

“Without these powers they would not be able to function efficiently or effectively, and would become a side line, reliant on others for data, which would slow, delay findings and recommendations.”

“I’ve witnessed the work of the MAIB and know it follows industry best-practice for investigating and dealing with all kinds of incidents, so following this template

makes sense (as well as it being sensible to align across the various accident investigation teams to allow sharing of development and best-practices)."

Disagreement was a minority view and of those that disagreed, several respondents felt that the investigative powers were already held by other bodies, including the police. There was a range of views regarding early investigation of collisions, particularly at the scene of the collision. A number of respondents felt that it would be challenging for the RCIB to have early investigatory involvement following collisions. Additionally, other respondents suggested that, without early primary involvement, the RCIB could not be truly independent. Some respondents also highlighted that involvement at the scene of the collision would require the deployment of RCIB investigators to a wide geographical area, and notification would have to occur in a timely manner to avoid severe delays associated with road closures.

Some respondents suggested that RCIB should not only have powers to be notified about serious and fatal collisions but that notification powers should also include non-serious and near-miss incidents. It was suggested that non-serious or near-miss incidents may be of importance for developing safety recommendations. Some respondents mentioned that these powers may need to be reviewed at a later date or following further expert opinions.

Next Steps

We read with keen interest the comments that were made in response to the proposed powers, and the concerns that were raised. We intend to give the Branch through legislation the powers it will need to effectively investigate collisions and other incidents. The powers we intend to give the Branch include powers around the accessing, collection and preservation of evidence, co-operation with other organisations, disclosing evidence, making recommendations and publishing reports.

In addition to ensuring the Branch has sufficient powers to enable it to carry out its investigations effectively, we will:

- continue to consider how these investigatory powers can be appropriately exercised in a way that enables the Branch to work alongside existing enforcement and investigation bodies;
- work with police forces to put in place Memoranda of Understanding to ensure effective and cooperative working, and to design operating procedures that will enable both the police and the Branch to carry out their respective duties without compromising the remit, independence or efficiency of either party; and
- enshrine in legislation the powers needed, supported by creating corresponding offences to ensure RCIB inspectors can access evidence in a timely and unimpeded manner.

4. RCIB investigation criteria

The consultation proposed that, given the number of road collisions, an RCIB would focus primarily on thematic investigations, drawing on evidence across multiple cases, rather than on individual incidents.

Questions

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

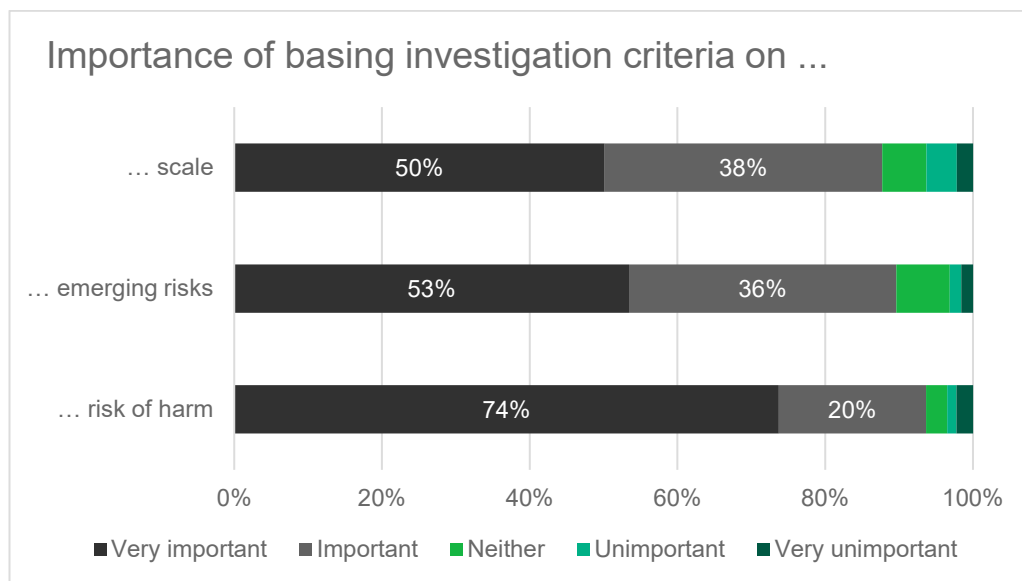
- Scale – factors impacting a large number of fatal or serious collisions (as opposed to more minor collisions/near misses)
- Risk of harm – collisions impacting those who might sustain the greatest risk of harm including children, the elderly, pedestrians, cyclists, and equestrians
- Emerging risks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

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

A large majority of respondents felt that each of the three proposed investigation criteria was important or very important – over 88% in each case. Disagreement with the proposed criteria was rare. The majority of respondents felt that these criteria are complementary. However, a minority of respondents expressed concern about how scale and risk of harm interacted together.

The support for specific criterion broke down as follows:

- scale – (88 per cent important or very important)
- risk of harm – (94 per cent important or very important)
- emerging risks – (89 per cent important or very important)



*The number of complete responses to these questions were 317, 318, and 316 for scale, emerging risks, and risk of harm respectively

Risk of harm was viewed as important to protect vulnerable road users who are less able to protect themselves than motorists. Some respondents mentioned that if roads become safer for vulnerable users, more individuals may be inclined to participate in active travel, potentially further reducing harm by increasing physical activity.

There were some different opinions from respondents regarding emerging risks. Some felt that investigating emerging risks was of lesser importance than investigating current, long-standing risks. Meanwhile, others felt that investigating emerging risks was important, as new technology may need further testing.

There was concern that the scale criterion may lead to overlooking near-misses, less serious or damage-only collisions, despite these potentially suggesting safety concerns, particularly if where repeated or where new technologies were involved.

Some respondents suggested additional criteria. Further proposed criteria were wide ranging, but included:

- Human behaviour or inexperience associated with the collision. For example, negligence, negative intent, historical driving test and motoring offences records;
- Geographical areas with the most collisions, including non-serious collisions or near-misses;
- Roads or vehicles that have the largest risk of collisions;
- Risks that may reduce uptake of active travel; and
- Scope for learning and/or change.

Next steps

It is reassuring to see that so many respondents agreed that our proposed criteria would be important in determining the basis for thematic investigations. We were interested to see the other criteria proposed by respondents and will consider these further.

5. Impact on victims of road traffic collisions and their families

The consultation sought views on how an RCIB may impact on victims of road traffic collisions and their families.

Question: 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.

A common view amongst respondents was that the creation of an RCIB would mark an important and much-needed development in respect of victim support – one that could give comfort to victims and their families, especially if its recommendations resulted in positive change.

A recurring query raised by respondents was how best to ensure victims and their families understood that an RCIB's purpose was to act as a no-blame investigator.

Next Steps

We intend for the Branch to work with the police, the existing AIBs and organisations supporting victims of road collisions and other incidents to ensure the Branches approach is consistent with, and complements, the existing networks of support available.

6. Other comments

Respondents were given the opportunity to provide additional views and evidence that they felt would be of relevance to creating an RCIB.

Some respondents raised additional comments at the end of their response. Themes within these comments included:

- The need for the RCIB to be appropriately resourced and funded to work effectively to improve road safety. Several respondents mentioned that improved road safety arising from the RCIB may payback its initial funding investment;

- Consideration of how of the RCIB inspectors are selected – staff need to be chosen on merit, with both wide-ranging geographical location and expertise;
- Collaboration with other bodies, including hospital and trauma networks, road safety experts and other AIBs where appropriate. Collaboration will also be important to reduce duplicated work. Collaboration with existing bodies, including internationally, could also be helpful to learn from their experience;
- Consideration of alternative names for a branch, for example to reflect that collisions do not have to occur for action to be taken, or to match existing AIBs;
- Consideration of delays caused to re-opening the roads and the subsequent impact this can have on poor driver behaviour;
- Potential for regional and/or major city branches of the RCIB;
- Consideration of how to change human behaviour, including nudge theory;
- Discussion of the importance of data to prioritise collisions to investigate and make safety recommendations, including the Stats19 dataset and RAIDS (Road Accident In-Depth Studies);
- Collaboration across all devolved administrations to ensure recommendations are implemented to improve safety throughout;
- The need for the RCIB to produce publicly accessible information, such as publicly releasing reports on safety recommendations;
- Requests for further consideration of how safe systems and vision zero can be implemented within the work of the RCIB; and
- The need for the RCIB to be set up in a time-sensitive manner.

“It should be closely integrated with the other 3 accident investigation branches to share best practices with them... Some investigations should clearly be joint efforts such as level crossing misuse having both RCIB and RAIB input”

“It is important that any new body works constructively and positively with all existing organisations so as to supplement and not duplicate effort. There are also valuable specialist knowledge areas within the NHS, such as trauma teams, that should be engaged to identify themes for action upon”

“...it is imperative that any new investigation unit be funded appropriately and appropriately staffed, to ensure investigations are conducted to a high standard in a timely fashion, particularly if the investigations will be limited to the most serious or complex collisions.”

Next Steps

We welcome all the comments received through the consultation process and are grateful to everyone who took time to respond. Comments on the name of the Branch informed our decision to name the branch the 'Road Safety Investigation Branch'.

We will continue to consider these additional comments as we fine-tune our proposals for the Branch.

7. Questions for organisations

Those responding on behalf of an organisation were also asked questions relating to how they saw their organisation interacting with a branch.

Questions

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? Please explain why/why not

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, 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)?

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? Please explain why/why not.

If you answered yes 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?

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

Next Steps

The data gathered in response to these questions were used to inform our De Minimis Assessment, which is published alongside this document.

Next steps

In response to the strong support for a establishing a branch, the Government intends to bring forward measures to enable the creation of a Road Safety Investigation Branch. We intend that this legislation will be included in the upcoming Transport Bill. The responses we received to this consultation, and evidence gathered through workshops held with stakeholders, will help to inform the detail of this legislation. This will be complemented by secondary legislation setting out how the Branch will operate and how it will work with others to fulfil its duties. A consultation will be carried out before secondary legislation is made.