Title: CREATION OF A ROAD SAFETY INVESTIGATION BRANCH	De Minimis Assessment (DMA)		
Date: 29/06/2022	**Stage**: Final		
DMA No: DfTDMA245	**Source of intervention**: Domestic		
Lead department or agency: Department for Transport	**Type of measure**: Primary		
Other departments or agencies:			
Summary: Rationale and Options	**Contact for enquiries:** RSIB@dft.gov.uk FoTRegReview@dft.gov.uk		
Total Net Present Value	**Business Net Present Value**	**Net cost to business per year** (EANDCB in 2019 prices)	
-£61.3m	-£6.3m	£0.4m	

Rationale for intervention and intended outcomes

Currently, no stand-alone body exists to investigate road traffic collisions and other incidents with the remit of learning and prevention. The establishment of a Road Safety Investigation Branch (RSIB) would create an investigatory branch, independent of government and the police, to investigate road collisions and other incidents (including those involving self-driving vehicles), on a thematic level, but also on an individual level when appropriate. This aims to understand the causes and contributory factors leading to road incidents better. Following an investigation, an RSIB would produce a report making independent safety recommendations to prevent future incidents and reduce their impact when they do occur. The figures used in this DMA are for RSIB at a GB wide-level; however, the territorial extent has not yet been determined and there will be ongoing dialogue with the devolved administrations about the potential for an RSIB to operate on a UK- or GB-wide level.

It is anticipated that an RSIB could encompass the investigatory functions that the Law Commissions of Scotland and England and Wales recommended for the safe and responsible introduction of self-driving vehicles on GB roads (Recommendation 32)[1]. This is particularly important in the context of the huge developments taking place across the transport sector. With automation and technological advances in areas such as digital roads and micro-mobility, the nature of road incidents is likely to change over the next decades, becoming in certain aspects more like those in other transport sectors, where the causes of incidents often relate to the interactions of human operators with a complex control system.

When deciding whether to follow the rules of the road, people consider their private costs and benefits. However, the social costs associated with not following the rules of the road are greater than the private cost (**negative externalities**). In addition, there is **information failure** as drivers often do not understand the risks associated with certain driving environments or behaviours which can result in collisions. Government intervention is the best way to address these market failures.

Describe the policy options considered

Option 0: Do nothing. Without the establishment of an RSIB, there is no accident investigation branch (AIB) to conduct investigations into the causes of road incidents and analyse data to inform road safety interventions and policy. This would not address the problem and would not meet the policy aim of reducing the number of people killed or seriously injured on our roads.

Option 1: Create a standalone RSIB (preferred option). This would allow RSIB to have the same status and independence as the existing AIBs, enabling it to conduct independent investigations and analysis. Establishing an RSIB would enable a better understanding of the causes and contributory factors that lead to road traffic collisions. Following an investigation an RSIB would produce a report and make independent safety recommendations to prevent incidents and reduce their impact when they do occur. Responses to the 2021 consultation show clear support for the proposed branch with over 90% of respondents agreeing or strongly agreeing with the creation of a branch.

Option 2: Extend powers of an existing AIB to include investigative powers over road collisions and other incidents. This would allow another AIB with investigative experience to have the powers to conduct investigations into road incidents. However, due to significant differences in investigations and stakeholders involved, there is not likely to be cross-over with the investigations that the AIB already operate and instead lead to additional bureaucracy and reduced independence to investigations.

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[1] Automated-vehicles-joint-report-cvr-03-02-22.pdf
https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2022/01/Automated-vehicles-joint-report-cvr-03-02-22.pdf

Rationale for DMA rating

The proposed changes are not expected to have a net cost to business of more than £5m per year. The main costs to businesses are expected to be familiarisation costs and data extraction costs, with an Equivalent Annual Net Direct Cost to Business (EANDCB) value of £0.4 million.

A branch for roads is new but not expected to be controversial. The Law Commission of England and Wales, the Scottish Law Commission, and the Accident Investigation Chiefs' Council all advocate an RSIB approach, particularly in respect of self-driving vehicles. A public consultation has also been carried out with responses indicating clear support for creating a branch with over 90% of responses agreeing or strongly agreeing with its establishment.

Will the policy be reviewed? No		If applicable, set review date: n/a		
Are these organisations in scope?	**Micro** Yes	**Small** Yes	**Medium** Yes	**Large** Yes

Senior Policy Sign-off: Date:

Peer Review Sign-off: Date:

Better Regulation Unit Sign-off: Date:

1.0 Policy Rationale

Policy background

Independent bodies are longstanding features of accident investigation practice in the UK. The Air Accident 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 branches have the legal power to investigate accidents in their sector and make recommendations about which interventions could be implemented to prevent the recurrence of those events.

Fatal and serious road traffic incidents are currently investigated by the police, in accordance with the relevant policing guidance. RSIB will not apportion blame or liability and so does not replace police investigation. Roads policing and motoring law enforcement have an important part to play in promoting road safety, improving driving standards, deterring careless and dangerous driving, and reducing deaths and injuries on the road. Roads policing also helps disrupt criminality, counter terrorism, combat anti-social road use and enhance public confidence. An RSIB's investigation will have a separate focus that falls outside the remit of the police – to investigate road incidents, primarily on a thematic level, to enable a holistic analysis of the causes and contributory factors that lead to road traffic incidents with a focus on learning and prevention. Therefore, the role of an RSIB and the role of the police in improving road safety are different but complementary.

The establishment of a dedicated body to investigate the causes of road traffic incidents 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 (RSS). The Roads Policing Review CfE aimed to identify new ways of strengthening road safety across a range of agencies. The Law Commission of England and Wales, the Scottish Law Commission, and the Accident Investigation Chiefs' Council all advocate an RSIB approach, particularly in respect of self-driving vehicles. In June 2021, Department for Transport (DfT) ministers approved exploring the establishment of a branch and a six-week public consultation ran from 28 October to 9 December 2021.

Primary legislation is needed in order to establish an RSIB. There is no existing legislation that could be amended or powers already in existence that would enable an RSIB to be created nor give an RSIB the powers necessary to discharge its function.

Broadly, the effect of the provisions will be to:

- Enable the Secretary of State for Transport to appoint a Chief Inspector and Inspectors to investigate road traffic collisions and other incidents.
- Confer powers onto an RSIB to enable it to effectively carry out its duties. These would include powers related to the accessing, collection and preservation of evidence, co-operation with other organisations, disclosing evidence and making recommendations and publishing reports.
- Create new offences to support the operation of an RSIB, including offences of providing inaccurate or misleading information, obstructing an inspector during their conduct of an investigation, interference with or failure to preserve evidence relevant to an investigation, and disclosing protected evidence or information.
- Confer powers on the Secretary of State to set out further detail as to the functions and duties of RSIB, and the interactions of other persons with RSIB, in secondary legislation.

Problem under consideration

Great Britain's roads are amongst the safest in the world. Yet, despite this, in 2019[2] there were 153,158 reported road casualties of all severities[3], of which 1,752 were fatal and a further 25,945 led to serious injury[4]. The aim of an RSIB would be to investigate collisions and other incidents, primarily on a thematic level but also on an individual level were appropriate, drawing on all available evidence, to make recommendations to mitigate or prevent incidents in the future.

Although there is already a substantial data landscape on road incidents (including 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) the police and stakeholders across industry have highlighted how this information is not adequate by itself to analyse the causes of, and determine the most effective measures to tackle, incidents.

The establishment of an RSIB will draw together the existing data landscape alongside information from insurance companies, vehicle manufacturers and medical organisations to enable a more concerted and holistic analysis of incidents and the suitability of various interventions. This should, in turn, help to reduce the number of deaths and serious injuries on the roads.

It is particularly important an RSIB is established now due to developments which are taking place across the transport sector, including the roll out of increasingly automated and electric vehicles. Setting up and resourcing this provision is best done within an independent body, in line with other transport modes.

Rationale for intervention

Establishing an RSIB aims to improve understanding of the causes and contributory factors that lead to road incidents and make recommendations to prevent and mitigate future incidents. Without

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[2] 2019 figures have been used as they are representative of journey levels prior to the Covid-19 pandemic.
[3] Reported road casualties in Great Britain: 2019 annual report, Department for Transport, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/922717/reported-road-casualties-annual-report-2019.pdf
[4] Reported road casualties in Great Britain: 2019 annual report, Department for Transport, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/922717/reported-road-casualties-annual-report-2019.pdf

intervention, including establishing an RSIB, the number of killed and seriously injured (KSIs) on the roads would be higher than it should be due to market failures, such as information failure and negative externalities.

There is information failure into the probabilities and risk of incidents. Generally, drivers can have a poor understanding of probabilities and risk of incidents presenting an information failure which is expected to lead to more incidents than the socially optimal level. RSIB could recommend interventions to close the information gap by establishing guidance for drivers or increasing awareness through THINK! campaigns focusing on increasing awareness of the risk of incidents under various circumstances and driving behaviours. By informing drivers of the full extent of the risks of incidents when driving in different ways, this could encourage a change to safer driving behaviours.

There is a negative externality in road incidents. When deciding driving behaviours and the levels of risk in driving, drivers often only consider their private costs and benefits. However, the social cost associated with dangerous driving behaviours is greater than the private costs. For example, if an incident were to occur, this could involve other road users, incur costs on the NHS and increase insurance premiums. Driving behaviours such as speeding, using hand-held mobile phones, and driving under the influence of drugs or alcohol are risky behaviours that may come from considering the private costs and benefits, rather than the full social costs of their decisions. An RSIB may make recommendations to government that will reduce risk taking behaviour and reduce incidents to the socially optimal level. Recommendations may include greater sanctions for risky behaviour to increase the private costs to individuals engaging in dangerous driving.

Policy objective

In the short term, an RSIB would seek to increase understanding of collision causation and trends and make recommendations for improvements in road safety. In the medium term, the aim is that safety learnings identified by the RSIB had been implemented, and there had been an associated reduction in KSIs. In the longer term, RSIB would be successful if a steady reduction in KSIs was observed, alongside a reduction in the cost of KSIs to the economy. However, in implementing recommendations from RSIB, it is expected this could also bring costs from future regulations.

Options considered

Option 0 – Do Nothing. Without the establishment of an RSIB, there is no AIB to conduct investigations into the causes of incidents and analyse this data to better inform road safety interventions. This would not improve road safety or the effectiveness of policies in addressing the causes of road traffic collisions (RTCs).

Option 1 - Create a standalone RSIB (preferred option). This would allow RSIB to have the same status and independence as the existing AIBs, enabling it to conduct independent investigations and analysis. Establishing an RSIB would enable a better understanding of the causes and contributory factors that lead to incidents. Following an investigation an RSIB would produce a report and make independent safety recommendations to prevent future incidents and reduce their impact when they do occur.

Option 2 – Extend the powers of existing AIB to include road investigations. This would allow another AIB with investigative experience to have the powers to conduct investigations into road collisions and other incidents. However, due to significant differences in investigations and stakeholders involved, there is not likely to be cross-over with the investigations that the AIB already operate or efficiencies in using an existing AIB. Distinct transport modes require of inspectors specific

skills to undertake high-quality investigations; inspectors for the existing AIBs would likely not have the required skill set.

2.0 Rationale for De Minimis Rating

'De Minimis' is a system whereby policies that have a low impact on business are not required to be independently verified with the Regulatory Policy Committee, to ensure their scrutiny is focused only on the policies that most significantly burden (or benefit) business.

Where the Government can demonstrate the 'equivalent net direct cost to business' (EANDCB) is below £5m per year, it is able to self-certify these impacts, meaning the calculations are not scrutinised by the Regulatory Policy Committee.

This proposal has an EANDCB value of £0.4 million. This is based on the familiarisation costs to road safety consultancies and data requests from RSIB to private businesses. The costs are considered in 2021 prices, a present value (PV) of 2022 and is calculated over 20 years. Therefore, this policy is expected to be within the DMA criteria with net annual direct costs to business expected to be less than £5 million per year. There are some risks that small businesses with fewer staff may face a bigger burden to familiarise with the creation of an RSIB and extract data compared to larger businesses. However, it is unlikely that an RSIB would require data from small businesses.

The rationale for a longer appraisal period than the default 10-years is detailed below. Whilst using this longer appraisal period does have the effect of lowering the EANDCB (as the transition costs are spread over a greater number of years), even if we did use a 10-year appraisal, the size of the impacts remains comfortably below the £5m 'de minimis' threshold.

It should also be noted that even where assumptions are made to estimate the size of these costs, there is little scope for our estimates to be sufficiently incorrect that the EANDCB would go over the £5m/year EANDCB 'de minimis' threshold.

An AIB for roads is new but not expected to be controversial. There are several stakeholders including the Law Commission of England and Wales, the Scottish Law Commission and road safety organisations advocating for the establishment of an RSIB. A public consultation has also been carried out with responses indicating support for creating a branch with over 90% of respondents agreeing or strongly agreeing with its establishment.

Costs and Benefits

Costs and benefits are considered for each option with the do-nothing as the current situation and used as a counterfactual for the impacts of each policy option.

As establishing an operational RSIB is expected to take a number of years and it is expected that any recommendations from RSIB would take longer still, a longer appraisal period of 20 years is used to consider the costs and benefits of each option.

All the values are presented in 2021 prices, and where costs and benefits are expressed in present value (PV) terms, they have been discounted to their PV in 2022 using a discount rate of 3.5% as outlined in the HM Treasury Green Book[5].

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[5] HM Treasury (HMT). (2020). 'The Green Book: Central Government Guidance on Appraisal and Evaluation'. Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938046/The_Green_Book_2020.pdf

The values outlined are based on the central scenario. To consider the sensitivity of assumptions and capture any risk, annex 1 outlines the low, central, and high estimates along with any assumptions used in analysis.

Option 0 – Do Nothing

In this option the status quo would pertain and RSIB would not be established. Therefore, there would be no further investigation into the causes of collisions and incidents, or data collected through an RSIB to better inform road safety interventions. There would be no costs associated with establishing and running an RSIB.

Option 1 – Create a standalone RSIB (preferred)

In this option, an RSIB would be established with the same status and independence as existing AIBs, enabling it to conduct independent investigations and analysis which may support a better understanding of the causes and contributory factors that lead to road incidents. Following an investigation, an RSIB would produce a report and make independent safety recommendations with the aim of improving road safety.

Summary

Monetised Costs
    Familiarisation and co-operation costs (direct)

Unmonetised Costs
    Operational costs (direct)
    Court costs (direct)
    Data requests placed upon public and private organisations (direct)
    Enforcement measures (direct)

Unmonetised Benefits
    Recommendation of effective policies (direct)
    Reduction in Killed and Serious Injuries (KSIs) (indirect)
    Reduction in congestion (indirect)

Costs
Transition Costs

Familiarisation and co-operation costs

In creating a standalone RSIB, it is expected that there will be familiarisation costs to a range of groups, including law enforcement agencies, road safety consultants and local authorities. The following familiarisation costs are assumed to take place when an RSIB is fully operational in 2024. However, in reality, these costs are more likely to be scattered from 2024 onwards with different groups facing familiarisation costs when they work with an RSIB in their investigations.

Law Enforcement

Road collisions and other incidents investigated by RSIB are also expected to be carried out by the police. To work together and understand the role of each in carrying out investigations, law enforcement is expected to face familiarisation costs. Familiarisation includes understanding reporting processes and establishing lines of responsibility.

There are 47 police forces in GB[6] and it is expected that each will face familiarisation costs from creating an AIB to investigate road collisions and other incidents. Using consultation responses, it is estimated that in each police force, there will be 25 staff that will face familiarisation taking approximately 4 hours per staff member. It is estimated that the average hourly wage of police staff familiarising with the changes will be £25.72[7] including a non-wage uplift of 1.265, to factor for the full cost of employing someone, as outlined in Web TAG[8]. Therefore, the total cost to law enforcement and agencies of familiarisation is expected to be £121,000.

Local Government

Local authorities (LAs) are expected to work closely with RSIB as they do for other AIBs and face familiarisation costs in establishing working relationships. From the consultation, local authorities have highlighted the areas that will require familiarisation include how a branch works with current procedures around the investigations of fatal and serious collisions and preventing duplications of resource.

There are estimated to be 397 LAs across GB[9] and based on consultation responses, there are expected to be 4 staff at each LA facing familiarisation with establishing an RSIB. Furthermore, based on consultation responses from the LAs, it is anticipated that familiarisation will take an average of 1.5 hours per staff that is required to familiarise. It is estimated that the average hourly wage of local authority personnel is £18.72[10] including a non-wage uplift[11]. Therefore, the total cost of familiarisation to LAs in this option is expected to be £43,500.

Road Safety Consultancies

Based on consultation responses, it is expected that road safety and law enforcement consultancies may face familiarisation costs with establishing an RSIB. The familiarisation costs include time to understand the powers, build working relationships and establish data sharing practices with each other.

Using the list of organisations registered on the Road Safety Knowledge Centre[12] and those who responded to the consultation, there are estimated to be 33 road safety consultancies who are expected to face these familiarisation costs. However, due to some consultancies potentially being missed, this number has been uplifted by 20%. Therefore, it is assumed 40 consultancies will face familiarisation costs. From consultation responses, it is estimated there will be an average of 3 staff at each consultancy that will need to familiarise with a branch and that this will take approximately 5 hours per person. The hourly salary of road safety consultants is estimated at £31.67 in 2021

[6] Brown, J. (2021). 'Policing in the UK'. *UK parliament: House of Commons Library Research Briefing*. Available from: https://commonslibrary.parliament.uk/research-briefings/cbp-8582/#:~:text=There%20are%2048%20civilian%20police,the%20Ministry%20of%20Defence%20Police

[7] Office for National Statistics (ONS). (2019). 'Annual Survey of Hours and Earnings (ASHE): Police officer (sergeant and below)'. Available from: https://www.ons.gov.uk/surveys/informationforbusinesses/businesssurveys/annualsurveyofhoursandearningsashe

[8] Department for Transport (DfT). (2021). 'Transport Analysis Guidance (TAG) Unit A4.1: Social Impact Appraisal'. Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1007447/tag-unit-a-4-1.pdf

[9] Institute for Government. 'Local Government'. Available from: https://www.instituteforgovernment.org.uk/explainers/local-government#:~:text=There%20are%20343%20local%20authorities%20in%20England.%20 . My Gov Scot. 'Organisations'. Available from: https://www.mygov.scot/organisations#:~:text=Scottish%20Local%20Government%20consists%20of,management%2C%20cultural%20services%20and%20planning.%20 . National Assembly for Wales. 'Local Government'. Available from: https://senedd.wales/NAfW%20Documents/tb-07-024.pdf%20-%2028072009/tb-07-024-English.pdf

[10] Office for National Statistics (ONS). (2019). 'Annual Survey of Hours and Earnings (ASHE): Local Government Administrative Occupations'. Available from: https://www.ons.gov.uk/surveys/informationforbusinesses/businesssurveys/annualsurveyofhoursandearningsashe

[11] Department for Transport (DfT). (2021). 'Transport Analysis Guidance (TAG) Unit A4.1: Social Impact Appraisal'. Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1007447/tag-unit-a-4-1.pdf

[12] Road Safety Knowledge Centre. 'Organisations'. Available from: https://www.roadsafetyknowledgecentre.org.uk/organisations/

prices[13] including the non-wage uplift outlined in Web Tag[14]. Therefore, the total costs of familiarisation to GB road safety consultancies are estimated at £18,800 in the central scenario.

Unmonetised Costs

Operational Costs

The operational costs of RSIB are not yet known, however, based on the operational costs of other AIBs, they are expected to include staffing costs, costs of building, consultancy fees and other non-pay expenses such as travel costs and building running costs. Given that the operational costs may be subject to procurement, these have not been estimated.

It is expected that RSIB will be fully operational from year 3 of implementation (2024/25) and the Department intends to appoint a Chief inspector and a small number of inspectors, as well as some administrative staff in year 2 (2023/24). These appointments will be made before the branch is operational, so that these staff can be involved in setting up the Branch, informing how it will operate and the detailed provision that should be included in secondary legislation. It is estimated that the interim Branch will have operational costs of 25% of the total.

Court Costs

There are potential costs to the court system from RSIB investigations and the use of protected evidence. RSIB's investigations rely on information sharing between investigators to enable efficiency and prevent duplication of resources. However, some information and evidence that RSIB obtains needs to be protected from disclosure, for example, record of interviews, statements, and personal information of witnesses. This protection is needed so witnesses can engage with RSIB's investigations and share information that can support RSIB with investigations without fear of self-incrimination if passed on to law enforcement.

However, other bodies and individuals can seek disclosure of protected evidence through an application to the High Court. The High Court is expected to face costs in considering the disclosure applications and based on evidence from other investigation branches, it is expected to cost the High Court £285 per case review in 2021 prices[15]. Due to significant differences between the AAIB and RSIB and the low estimate of costs to the High Court, this cost is not monetised.

There could also be legal costs to RSIB if they make representations against the disclosure of information. However, any legal costs would need to be met from within their operating budget with no additional funding provided to meet these costs. This will mean that any legal fees faced by an RSIB would reduce the remaining funding for investigations. It is unknown how many claims for protected evidence will be made and the number of these in which RSIB will choose to make representations. Based on the Health Service Safety Investigations Body (HSSIB), costs of defending an application for protected evidence could cost RSIB up to £10,000 per case as RSIB would need to pay their own legal costs[16].

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[13] Office for National Statistics (ONS). (2019). 'Annual Survey of Hours and Earnings (ASHE): 'Management Consultants and Business Analysts'. Available from: https://www.ons.gov.uk/surveys/informationforbusinesses/businesssurveys/annualsurveyofhoursandearningsashe

[14] Department for Transport (DfT). (2021). 'Transport Analysis Guidance (TAG) Unit A4.1: Social Impact Appraisal'. Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1007447/tag-unit-a-4-1.pdf

[15] Department of Health. (2017). 'Health Service Safety Investigations Bill'. *IA No 3136.* Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/644839/HSSIB_impact_assessment.pdf

[16] Departmenet for Health and Social Care. (2021). 'Health Services Safety Investigations Body (HSSIB)'. *IA No 3136.* Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1017152/health-services-safety-investigations-body-impact-assessment.pdf

The costs of applications for disclosure of protected information and legal costs of defending applications are non-monetised costs due to lack of evidence to the numbers of applications and because RSIB legal costs would be expected to be met from within the operational budget outlined.

Enforcement measures.

This proposal will provide RSIB with several powers. This includes making data sharing with RSIB a legal requirement and making it a criminal offence to withhold data from RSIB with sanction in the form of a financial penalty or criminal sentence. Therefore, there are potential costs to enforcement agencies and the criminal justice system to enforce non-compliance.

Other AIBs also have a data sharing requirement, and therefore, the enforcement costs of these AIBs have been used as a proxy. Across the MAIB, RAIB and AAIB, there has been no incidence of non-compliance and all data requested by the AIBs has been provided without any enforcement measures. It is expected this would be the same in establishing an RSIB, and therefore, there to be no enforcement costs.

Data requests placed upon public and private organisations

For RSIB to carry out investigations, it is expected that they will need access to data held by both private and public organisations, such as vehicle manufacturers, insurers, and the police. To enable RSIB to access this data, the proposed measures to establish an RSIB include making data sharing a legal requirement. However, it is expected that fulfilling the data requests may come at an expense to those holding the data.

Private Businesses

Given that the specific themes and nature of RSIB's investigations are not known, it is difficult to estimate the frequency and cost of data requests to private companies. However, to approximate the costs to business, the number of staff and length of time that it is expected to take these staff to extract data for a request has been estimated. In the central scenario, it is estimated that on average it will take 1.5 full-time equivalents (FTE) a working week of 37.5[17] hours to extract data per company that RSIB makes requests from. It is expected that all data requests from RSIB will be for data that the private businesses already have and will be a process of extracting the data, collating, and sending to RSIB. It is assumed that the staff extracting this data would be admin staff with an hourly wage of £18.10 including the non-wage uplift outlined in web TAG.[18] Therefore, the expected cost to business of a data request from RSIB is expected to be £1,018 in the central scenario.

It is difficult to estimate the number of thematic investigations that RSIB will conduct in a year, how many incidents they will examine as part of the thematic investigation, and how many requests for data will come from each investigation. To estimate this, the rate that the MAIB investigates reported incidents has been used as a proxy. The MAIB has been used as there are some similarities between the MAIB and RSIB including:
- Both MAIB and RSIB would have an open transport system in that it is used by a range of users – professionals (HGV driver and ferry operators), those with licences (e.g., driver or boating licences) and those without licences (active travel and leisure purposes).
- There are many reported incidents and accidents but only a small proportion are investigated due to types of investigations and budgetary constraints.

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[17] Office for National Statistics (ONS). (2019). 'Annual Survey of Hours and Earnings (ASHE): Administrative and secretarial occupations. Available from: https://www.ons.gov.uk/surveys/informationforbusinesses/businesssurveys/annualsurveyofhoursandearningsashe (2021).
[18] Department for Transport (DfT). (2021). 'Transport Analysis and Guidance (TAG) Unit A4.1: Social Impact Appraisal'. Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1007447/tag-unit-a-4-1.pdf

- Expected to have similar operating costs and staff numbers.

The below table outlines the number of incidents and investigations that the MAIB carries out and the number of investigations that RSIB would carry out if they investigate the same percentage of adjusted KSIs:

Table 1: Outline of MAIB investigations[19]

Investigative Branch	Number of reported incidents	Number of investigations	Percentage of reported incidents that are investigated
MAIB (average across 2018-2020)	1178	21.3	1.8%
RSIB (Average across 2017-2019)	30,294	551	1.8%

This outlines that if RSIB were to investigate the same proportion of KSIs as the MAIB do reports incidents (1.8%), that RSIB would investigate 551 collisions each year. This is expected to be much higher than what RSIB would be resourced to carry out. Furthermore, RSIB is expected to carry out thematic investigations, so it is unlikely that there would be 551 that are related to the themes that RSIB are investigating. However, given that the number of investigations is unknown, this high estimate is being used for analysis so that the costs to business of data requests are not underestimated.

Of the high estimate of 551 collisions that RSIB may attend, it is unknown how many of these will require data from private organisations such as vehicle manufacturers, as many investigations will involve themes that do not require any private data. However, as previously outlined, as this value is unknown and in the aim of not underestimating the cost to business, the analysis assumes that RSIB will require data from businesses for each of the 551 investigations. Using these assumptions, the total cost of data requests is £560,700 each year in the central scenario, much less than the £5 million DMA threshold.

The cost to business of data requests from RSIB of £560,700 pa is not the expected cost but outlines the highest cost to businesses each year given that these costs should not be underestimated. These costs are estimated to commence from year 3 (2024/25) when RSIB is expected to be fully operational, and investigations being carried out. As a range of assumptions have been used in this analysis, sensitivity analysis has been carried out and is outlined in annex 1.

<u>Public Organisations</u>

It is also expected that RSIB will require data from LAs in carrying out investigations (for example on signage, road infrastructure or how often LAs are maintaining the road), however, there are not expected to be any new burdens to local authorities. This is because the majority of information that an RSIB may need from local authorities is contained in the DfT Street Manager system, which an RSIB could have direct access to. The Association of Directors of Environment, Economy, Planning and Transport (ADEPT), Local Government Association (LGA) and DLUHC have been consulted on the policy proposal and agree that LAs should not face any disproportionate burdens.

RSIB will also require data from police forces. When RSIB is carrying out thematic investigations, they will notify police forces of these themes and police will be required to notify RSIB of any relevant collisions and send RSIB any data requested. The same method outlined above for private companies is used to estimate the costs on police for RSIB data requests.

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[19] Marine Accident Investigation Branch (MAIB). (2021). 'MAIB Annual Report 2020'. Available from: https://www.gov.uk/government/publications/maib-annual-report-2020

As many police forces already use systems for recording data relating to accidents such as CRASH, it is expected that the time for police forces to extract and provide this data to RSIB will be lower than for private businesses, where information may need to be collated. It is estimated that it will take 1.5 FTEs 1 working day (8 hours) to extract data for RSIB for each request. It is assumed that the staff extracting this data would be police officers at sergeant level and below with an hourly wage of £25.72, including the non-wage uplift outlined in web TAG[20,21]. Therefore, the expected cost to forces of a data request from RSIB is expected to be £308.6 in the central scenario.

As outlined above, if RSIB investigates that same percentage of reported KSIs as MAIB does incidents (1.8%), RSIB will conduct 551 investigations per year. This is expected to be a high estimate, however with a lack of evidence and aiming not to underestimate impacts, this frequency of investigations is used in this analysis. As police will continue to investigate and collect data and evidence on all reported KSIs, it is expected that RSIB will request data from the police force that carries out that investigation for every incident RSIB examines. Therefore, the total estimated costs of data requests to the police is £170,000 in the central scenario. As with data requests to private businesses, data request costs to law enforcement are expected from year 3 (2024) when RSIB is expected to be fully operational and conducting investigations.

Benefits

Unmonetised Benefits

Recommendation of effective policies

While GB has some of the safest roads in the world, the level of KSIs in GB has plateaued over the last 10 years with the number of KSIs in 2012 being just 2 higher than the number recorded in 2019[22,23]. The establishment of an RSIB will draw together the existing data on contributory factors in road incidents, alongside gaining further information that will support investigations from private businesses. This is expected to enable a greater understanding of the factors contributing to road incidents and the suitability of various interventions. Over time, this is expected to improve the effectiveness of policies in reducing the number of deaths and serious injuries on GB roads.

Reduction in KSIs

The objective of establishing an RSIB is to learn more about the contributory factors in road incidents and collect data that can be used to recommend effective policies to improve road safety, resulting in a reduction in KSIs. However, the recommendations that RSIB will make, how these will be implemented and the impact they will have on KSI levels are unknown. Furthermore, any reduction in KSIs would come from the policies introduced rather than the establishment of RSIB directly. Therefore, the reduction in KSIs from establishing an RSIB cannot be quantified.

It is assumed that KSIs would not be prevented until 2027 given estimations that RSIB would be fully operational in 2024 and an implementation lag to allow for RSIB to conduct investigations, make recommendations and for government to implement any recommendations.

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[20] Department for Transport (DfT). (2021). 'Transport Analysis and Guidance (TAG) Unit A4.1: Social Impact Appraisal'. Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1007447/tag-unit-a-4-1.pdf

[21] Office for National Statistics (ONS). (2019). 'Annual Survey of Hours and Earnings (ASHE): Police Officers (Sergeant and below)'. Available from: https://www.ons.gov.uk/surveys/informationforbusinesses/businesssurveys/annualsurveyofhoursandearningsashe (2021).

[22] 2020 and 2021 are not included in this analysis as the impacts of national lockdowns and other COVID-19 measures makes it difficult to form comparisons of KSIs from previous years as there are other factors that affect road collisions in years 2020-21 and changes in reported KSIs cannot be attributed to the success of policies in road safety.

[23] Department for Transport (DfT). (2020). 'Reported road casualties in Great Britain: 2019 annual report'. Available from: https://www.gov.uk/government/statistics/reported-road-casualties-great-britain-annual-report-2019

Reduction in congestion

The objective of establishing an RSIB is to collect data and learn more about factors contributing to road collisions and other incidents to inform policies to improve road safety. However, preventing road collisions may have wider impacts, such as on congestion and emissions. Studies indicate that road collisions can lead to traffic congestion, increased fuel consumption and environmental pollution[24,25] Therefore, should policy recommendations from RSIB be implemented and reduce the number of road collisions, this may have an indirect positive effect on the environment by reducing congestion and emissions. This would support the government's objectives for both safer roads and net zero emissions.

Option 2 – Extend the powers of an existing AIB to include road collision investigations.

In this option, an existing AIB would be given powers and resources to conduct road investigations. Due to significant differences in investigations and stakeholders involved in roads and other types of accident (e.g., rail, marine or aviation), there is not expected to be cross-over with the investigations that the AIBs already operate. Therefore, there are not expected to be any efficiency gains and instead lead to additional bureaucracy.

Distinct transport modes require specific skills for inspectors to undertake investigations and it is expected that inspectors for the existing AIBs would not have the correct skill set.

The main differences between options 1 and 2 are who has the powers over road collision investigations – a standalone RSIB or an existing AIB. The impacts analysed in option 1 are based on the powers that a body investigating road collisions and other incidents would have on various groups in society. These powers, outlined in annex 1, are expected to be the same in options 1 and 2 so the impacts of options are also expected to be the same. This is because groups in society are expected to face the same costs regardless of who has powers over road incident investigations, for example:

- Familiarisation costs – law enforcement, local government and road safety consultancies are expected to face familiarisation costs of working with those with investigative powers. They will face these familiarisation costs to organise data sharing and lines of responsibility in investigations. The cost of familiarisation is expected to be the same whether this is an existing AIB or a standalone RSIB.
- Operational costs – to carry out investigations into road collisions and other incidents, it is expected that due to minimal cross over between road investigations and investigations for other types of accidents, the same number of staff will need to be recruited as in option 1 with a standalone RSIB. RSIB inspectors will be recruited for their specific skillset to conduct investigations into road incidents. It is also expected that building and equipment costs would be similar between the 2 options as existing AIB are not expected to have the space or equipment needed for to conduct road incident investigations. Therefore, the operational costs are expected to be the same in each option.
- Data requests – To conduct investigations, an existing AIB will also need to request information from public and private organisations with the frequency and cost of this expected to be the same as a standalone RSIB.

Therefore, the analysis outlined in option 1 is also applicable to option 2.

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[24] Zeng, J. Qian, Y. Wang, B. Wang, T. Wei, X. (2019). 'The impact of Traffic Crashed on Urban Network Traffic Flow'. *Sustainability, 11, 3956.*

Business Impact Target Calculations

From the costs and benefits outlined, the main impacts expected to be faced by businesses are the familiarisation costs to road safety consultancies and the data requests to businesses, such as vehicle manufacturers. These impacts have been considered in a Business Impact Target score, Equivalent Annual Net Direct Cost to Business (EANDCB) and Net Present Business Values calculations. As the costs to business are expected to be the same in both options, the business impact calculations below are for both options:

Table 3: Values of business impact measures

Business Net Present Social Value (£m)	Net direct cost to business per year (£m)	BIT score (£m)
-£6.3	£0.4	£2.1

The above values in table 3 are based in 2019 prices with 2020 present value. It is important to note that due to a lack of evidence on the frequency of data requests to businesses, the costs of data requests are expected to be overestimated.

Sensitivity Analysis

Sensitivity analysis has been carried out for all assumptions used in this analysis and is outlines in annex 1.

There are some sensitivities affecting the cost of business. Given that the cost to business is considered in the DMA rating, they are explored here. As discussed, the main costs to business are expected to be from familiarisation costs to road safety consultancies and data requests to business. The low, central, and high estimates of these costs are highlighted in the below table with the assumptions used outlined in Annex 1:

Table 4: Sensitivity analysis for impacts expected to affect businesses.

Impact	Low estimate	Central estimate	High estimate
Familiarisation costs to road safety consultancies	£948.73 (expected in 2024)	£18,811.28 (expected in 2024)	£116,529.98 (expected in 2024)
Data requests to business	£143,337.74 pa from 2024	£560,749.45 pa from 2024	£1,674,703.36 pa from 2024

Therefore, the highest costs to business are expected to be in 2024 with undiscounted costs of £144,300 in the low scenario, £579,600 in the central scenario and £1.8 million in the high scenario. All these estimates are below the DMA criteria of net costs to business of £5 million per year. The data request costs are also not the estimated costs to business but the maximum they could be and therefore, are likely to be an overestimation of costs to business.

Risks and unintended consequences
Risks and unintended consequences for this policy are expected to be minimal.

There is a risk that recommendations made by RSIB are not acted upon or are put in place but then fail to achieve their intended aim, for example reducing KSIs. RSIB will not have the power to enforce their recommendations so relevant organisations may not implement them and they would therefore not have their intended impact. However, in this case RSIB would still have been effective in analysing the causes of incidents and making recommendations, so would still have increased knowledge of road safety.

If KSIs reduced after RSIB had become operational, it would be difficult to attribute this reduction in KSIs to the introduction of RSIB as many factors could have contributed to this reduction. However, in this case RSIB would still be deemed successful as it would be reasonable to assume its investigations and recommendations could have contributed to the reduction in KSIs.

There is also a risk that there could be unintended consequences of disappointment to victims and families of incidents not investigated by an RSIB. In the baseline where an RSIB is not established, the investigation into incidents is consistent across all types with investigations carried out by police. However, RSIB is expected to investigate incidents on a thematic basis to learn about contributory factors. This creates inconsistencies amongst the incidents that are investigated by RSIB and those that are not. This may impact the wellbeing of victims and families of incidents not investigated by RSIB and create an issue of equality.

Wider impacts

Equalities Impact Assessment

An Equalities Impact Assessment has been completed for the policy. The principal positive outcome from establishing an RSIB is that its investigations and analyses can be used to better tailor policymaking to the needs of groups with protected characteristics. No negative outcomes are assessed to be generated by the proposed measure. As such, no specific mitigations are necessary to protect people with protected characteristics.

Justice Impact Test

To ensure an RSIB can collect the evidence and data needed for high-quality investigations new criminal offences are needed in primary legislation to penalise those that fail to comply with an RSIB's investigations, this would be in line with the existing investigation branches for air, marine and rail incidents.

The offences being created for an RSIB are new and the RSIB is not yet operational which makes change to caseload difficult to estimate. However, it is considered that the volume of cases going through the courts is likely to be negligible. This is supported by the fact there have been no prosecutions under for the existing AIBs and the criminal penalties attached to offences for the existing AIBs act as a strong encouragement for people to comply and cooperate with investigations.

Small and Micro Business Assessment

The main costs to business outlined in the Business Impact Target calculations are familiarisation costs to road safety consultancies and the costs to data requests from RSIB. The impact of these impacts on small and micro businesses is outlined below:

- **Familiarisation costs to road safety consultancies** – The size of road safety consultancies is not known but it is assumed that many are small businesses with fewer than 50 employees. It is expected that the admin time may be particularly difficult for smaller businesses who may have to dedicate a considerable amount of their resources to familiarisation.
- **Data requests from RSIB** – It is expected that the majority of data requests from RSIB will be to large organisations with more than 50 employees, such as vehicle manufacturers. However, there may be some data requests to smaller businesses. It is expected that the cost of data request to businesses would be disproportionately felt by smaller businesses who may struggle to resource the data extraction. However, the data requests are expected to be proportionate to the systems a business has, with smaller businesses expected to have smaller data systems and lower costs to extract data compared to larger businesses.

Exemptions for costs to small businesses are not expected for this policy as they are not appropriate and could undermine the success of an RSIB. The only way to exempt smaller businesses from familiarisation costs is for this policy to not be implemented and no RSIB established. Furthermore, exempting smaller businesses from providing data to an RSIB and the associated costs is expected to undermine an RSIBs role by limiting investigations and, therefore, the recommendations to government.

3.0 Post implementation review

1. **Review status:** Please classify with an 'x' and provide any explanations below.

	Sunset clause		Other review clause		Political commitment		Other reason	x	No plan to review

2. **Expected review date** (month and year, xx/xx):

		/		

3. **Rationale for PIR approach:**

Rationale for not conducting a PIR:

Road safety improvements are a key aim of the DfT and the proposal to establish a Road Safety Investigation Branch is expected to meet this objective.

We do not think it would be proportionate to conduct a formal Post Implementation Review given it would be hard to gather the appropriate level of evidence within the standard 5-year period. For example, the key benefits are expected to be realised in the longer term. However, reviews will consider whether the policy is being implemented as intended, including whether the powers are enabling full collision investigations to take place, to understand their causes and leading contributory factors and whether the RSIB is delivering recommendations to improve safety following investigations.

Additionally, the net impacts on business because of these legislative changes are expected to be less than £5m per year. Therefore, it is considered a low impact policy with minimal risk of contentious issues.

Annexes

Annex 1 – Sensitivity and Assumptions Table

Assumption	Source	Further information	Scenario		
			Low	Central	High
Familiarisation - Number of individuals expected to familiarise	Consultation Data responses	The high scenario figure is highest from consultation, low is the lowest estimate from consultation and central is mean.	Police: 10 at each force Consultation Staff: 1 Local Govt: 3	Police: 25 at each force Consultation Staff: 3 Local Govt: 4	Police: 40 at each force Consultation Staff: 6 Local Govt: 6
Familiarisation - Average number of hours for familiarisation	Consultation Data	Mean is the average from consultation data and 20% sensitivity applied to this central estimate (police) High and low estimates are based on the highest and lowest responses from the consultation while the central is the mean (consultants, local government).	Police: 3.2 Consultation Staff: 2 Local Govt: 1.13	Police: 4 Consultation Staff: 5 Local Govt: 1.5	Police: 4.8 Consultation Staff: 8 Local Govt: 1.88
Familiarisation - Hourly wage	ONS ASHE (Annual Survey of Hours and Earnings) Database	High estimate is wages in the 90th percentile for that category, low estimate is 10th percentile and mean is the central estimate.	Police (sergeant and below): £13.81 Management Consultants: £13.53 Local Govt: £10.6	Police (sergeant and below): £20.33 Management Consultants: £25.03 Local Govt: £14.8	Police (sergeant and below): £22.83 Management Consultants: £37.28 Local Govt: £18.96
Familiarisation - Number of groups facing familiarisation	Road Safety Knowledge Centre	Central estimate is organisations on road safety knowledge centre with 20% sensitivity for those not on list. High and low scenarios have an additional 30% sensitivity due to uncertainty.	Consultancies: 28	Consultancies: 39.6	Consultancies: 51
Data request - Applying MAIB investigation frequency to KSIs		Assumed that RSIB will investigate the same percentage of reported collisions as MAIB. Sensitivity of 20% is applied to the number of accidents the RSIB would investigate.	Number of investigations per year: 441	Number of investigations per year: 551	Number of investigations per year: 661
Data request - Number of staff required for data extractions		Estimations based on the types of data required and workload of extracting this. 33% sensitivity applied for high and low scenarios	Business admin staff: 1 Police: 1	Business admin staff: 1.5 Police: 1.5	Business admin staff: 2 Police: 2
Data request - Number of hours per staff to extract data for RSIB	Average actual weekly hours of work	For businesses, the central estimate is the average number of working hours in a week from 1992 to 2020. Sensitivity of 25% applied for scenarios that it takes more or less than a working week to extract data. As police have reporting systems (e.g., CRASH), the central scenario is 1 working day with 25% sensitivity.	Businesses: 28.1 Police: 6	Businesses: 37.5 Police: 8	Businesses: 46.9 Police: 10
Data request - Average hourly wage	ONS ASHE Database	The central estimate is the mean of hourly wages and low and high scenarios are the 10th and 90th percentile respectively	Admin staff: £9.14 Police (sergeant and below): £13.81	Admin staff: £14.31 Police (sergeant and below): £20.33	Admin staff: £21.36 Police (sergeant and below): £24.41