

9 December 2021

Department for Transport
By email to rcib@dft.gov.uk

Consultation response: Creating a Road Collision Investigation Branch (RCIB)

Question 1

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

Organisation

Question 2

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

Please explain the reasons for your answer.

Agree strongly. This could bring road safety benefits, for example if incidents were cross referenced then issues like a poorly performing motorcycle helmet type could be identified.

Question 3

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

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

We anticipate safety recommendations from an RCIB being used to inform decisions made by relevant statutory oversight bodies as to whether enforcement action is required. It is proposed that an RCIB would not, however, apportion blame or liability, unless that was necessary to achieve its objective of improving safety.

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

Please explain the reasons for your answer.

Agree with the responsibilities above for thematic reviews but **disagree** in the case of an individual collision investigation as if the RCIB has access to full collision data and produces expert statements on the cause of the collision, then it would seem relevant that this also leads to establishing cause/ liability.

Question 4

What other responsibilities, if any, do you think the RCIB should have and why?
See question 3 response.

Question 5

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

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

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

Please explain the reasons for your answer.

Agree strongly. In order for the RCIB to conduct its job sufficiently these seem fundamental powers.

Question 6

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

This may be covered within the detail of one of the high-level points above but accessing automated vehicle data from vehicles with automated features involved in collisions would seem relevant. We would advocate that investigative powers must extend to ensure that data can be obtained from vehicle manufacturers (for both automated and non-automated data sets) It is also important to be clear on the full scope of the RCIB, for example - are e-scooters planned to be in scope? They could be involved in serious RTA collisions and therefore we believe the investigative powers should be as wide as scope as possible and should be made clear from the outset.

Specifically for autonomous vehicles, as per our response to the Law Commission's consultation on the regulatory framework for autonomous vehicles, we agree that a specialist collision investigation unit should be established to:

- (1) to analyse data on collisions involving automated vehicles;
- (2) to investigate the most serious, complex or high-profile collisions; and
- (3) to make recommendations to improve safety without allocating blame.

Such anonymised data should also be shared with Thatcham Research and the Road Collision investigation Branch (or the specialist collision investigation unit be a section within the RCIB).

Under the A EVE 2018, insurers will be responsible for responding to claims in the first instance. Where they can subrogate against the ADSE because the accident was clearly the result of ADS failure, sharing accident data collected by the unit will be important.

Question 7

Given the scale of collisions on the roads, we intend for an RCIB to focus primarily on thematic investigations drawing on evidence across multiple cases, rather than on individual incidents.

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

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

- Scale – factors impacting a large number of fatal or serious collisions (as opposed to more minor collisions/near misses)

BIBA answer **1 very important**. This is very important to avoid large scale fatalities in the future.

- Risk of harm – collisions impacting those who might sustain the greatest risk of harm including children, the elderly, pedestrians, cyclists and equestrians

BIBA answer **1 very important**. This is important as more vulnerable people in society could suffer incidents more easily so any steps to help reduce cyclist incidents for example could prevent further similar incidents across the UK.

- Emerging risks – new technology or behaviour without an established evidence base

BIBA answer **2 important**. On emerging risks like e-scooters or autonomous vehicles an RCIB could identify recurring incidents at an earlier stage and prevent further incidents

- Other, please provide detail

Question 8

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

BIBA answer. It could be helpful for some affected families to know that potentially lessons are learned from the incident that affected them and subsequently other families could be prevented from suffering in a similar way.

Question 9

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

Question 10

Please provide your email address

trudgillg@biba.org.uk

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

Yes

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

Question 1

What is the name of your organisation?

British Insurance brokers' Association (BIBA)

Question 2

What is the purpose of your organisation?

The British Insurance Brokers' Association (BIBA) is the UK's leading general insurance intermediary organisation representing the interests of insurance brokers, intermediaries and their customers.

BIBA membership includes around 1800 regulated firms, employing more than 100,000 staff. General insurance brokers contribute 1% of GDP to the UK economy; they arrange 67% of all general insurance with a premium totalling £65.1bn and 81% of all commercial insurance business. Insurance brokers put their customers' interests first, providing advice, access to suitable insurance protection and risk management.

BIBA receives hundreds of thousands of enquiries per year to its Find Insurance Services, online and via the telephone, which are directed to insurance broking firms.

BIBA is the voice of the sector advising members, Government, regulators, consumer bodies and other stakeholders on key insurance issues

Question 3

How many people work for your organisation?

- Less than 250 employees
- More than 250 employees

25 work for our trade association but we represent over 100,000 people working in insurance broker offices

Question 4

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

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

Please explain why/why not.

BIBA answer Yes

Some insurance brokers already provide data to the Police. Some insurance brokers run schemes for insurers and so hold the data.

It is important that we know what data sets will be requested, otherwise there is a risk of a 'data dump' occurring, which is never easy for anyone to translate.

We will need to ensure insurance IT systems are adapted accordingly in order to provide relevant data and to ensure we have sufficient time to make any changes to systems as well as resource accordingly.

It would be also helpful to know roughly in what percentage of collisions data may be requested so we can form an understanding of the frequency of requests. This may make it easier to answer questions 5,6,7 and 8.

We would like to know if, once the data has been submitted to the RCIB, would we receive information on the outcome once the investigation has concluded.

Finally, RCIB officials will need suitable training to ensure they have the expertise to interrogate the data so as not to lead to any incorrect outcomes.

Question 5

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

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

BIBA answer. This depends on the format and quantity of data required – please see response to 4.

Question 6

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

Please explain why/why not.

BIBA answer **Yes**. It will take time to adapt IT systems to the reporting standards.

Question 7

If you answered yes to question 6:

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


BIBA answer. See response to question 4

Question 8

If you answered yes to question 6:

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

BIBA answer. See response to question 4



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