

Police and Crime Committee

This document contains the written evidence received by the Committee in response to its Call for Evidence, which formed part of its investigation into and informed the *Police investigation of serious injury collisions* report.

Calls for Evidence are open to anyone to respond to and in November 2023 the Committee published a number of questions it was particularly interested in responses to as part of its work, which can be found on page 2. The Call for Evidence was open from Thursday 16 November to Friday 22 December 2023.

Contents

Police and Crime Committee	1
Contents	1
Questions asked by the Committee	2
Action Vision Zero.....	2
APPGCW	14
Fieldfisher	18
Institute of Traffic Accident Investigators	23
London Cycling Campaign.....	25
Parliamentary Advisory Council for Transport Safety.....	27
RoadPeace	29
Stewarts	36

Questions asked by the Committee

1. Have you been affected by serious injury collisions in London? What impact have you experienced?
2. What is your experience of the Met's investigation of serious injury collisions in London?
3. In your view, are serious injury collisions in London adequately investigated? Why?
4. How do the investigations of serious injury collisions affect road crash victims and their families?
5. What level of support is in place in London for victims of serious injury collisions and their families? What more is needed?
6. How well does the Met communicate its serious injury collision investigation work, including information to victims concerning the investigation process, timeline and charging decisions?
7. In your experience, how easy is it to acquire information from the Met when it is necessary for victims' access to civil compensation following a collision?
8. What more could the Met be doing to increase confidence in the police investigation and charging decision after a serious injury collision?
9. In your view, is the Met sufficiently resourced and trained to carry out investigations into serious injury collisions? Why?
10. How could the Met's serious injury collision investigation work best contribute to achieving the Mayor's Vision Zero target of eliminating deaths and serious injuries from London's roads?

Action Vision Zero

Summary

Action Vision Zero (AVZ) welcomes the London Assembly Police and Crime Committee's inquiry into serious injury collision investigation. Whilst police investigations, in general, are known to be overstretched and under-resourced, we believe there are additional factors that compromise outcomes from serious injury collision investigations. These include the

- Fragmented responsibility with different police units involved in collision investigation.
- Lack of transparency and accountability with no overall responsibility identified.
- Road crime not given sufficient priority by borough police as it rarely involves criminal intent.
- At scene investigation appears the same for serious injury collisions as for slight injury collisions, despite the potential significance of the evidence to civil compensation claims.
- Complications caused by the large numbers of pedestrians and cyclists seriously injured, including by hit and run drivers and the disproportionate online reporting by seriously injured cyclists.

For more information on London, see AVZ blogs on [collision investigation](#), [hit and run](#), and [online reporting](#)

AVZ calls

Our calls listed below are intended to improve investigation so that criminal offending is detected, civil compensation is fair and timely, the suffering of victims mitigated, road danger is reduced and the confidence of the public, especially people walking and cycling is improved.

Improving evidence gathering and investigation practices

1. Updated Standard Operating Procedures (SOPs)

Officers attending the scene of a serious injury collision should be required to conduct a minimum level of investigation. The more serious the injury, the higher the standard of investigation should be. Existing SOPs are not public and the varying quality of investigations suggests they are not being adhered to. The Met should consult on SOPs with victims' groups and solicitors, and they should be made public. Standards should be made available to first response officers as a check-list easily accessible on their tablets. A system should be put in place to ensure that police are held to account on these standards being met.

2. Improved collision investigation training (at-scene and follow-up)

Training should be rolled out to borough officers to train them on obtaining the minimum standards of evidence for serious injury collisions, and the impact of the training measured. Considering the proportion of victims who were walking and cycling, training on investigating collisions with vulnerable road users should be given to all police and police staff involved.

3. Local council support

Lambeth Council has proposed to fund a Met Police officer to ensure adequate resourcing is available for collision investigation. Such investment should be encouraged with other councils.

Ensuring fair and consistent charging decisions

4. Review officers appointed.

To ensure consistent and accurate/fair charging decisions, dedicated officers should be assigned to review serious injury collision investigations (as done within the Serious Collisions Investigation Unit).

5. Independent No Further Action (NFA) review

A review of NFA decisions should be undertaken, starting with collisions involving seriously injured cyclists.

Improving the transparency of procedures and outcomes

6. Investigation outcomes reported, including NFA reasons

There is no data linkage between collision reports and court records. The Met should publish this data, and include reasons for NFA (e.g. lack of evidence, or liability of injured party)

7. Level of satisfaction surveys

The police should be confident enough to survey injured victims on their level of satisfaction with the collision investigation and how well informed they were kept. An annual survey should also be conducted with solicitors (although this could be conducted by campaigners, not police).

8. Impact of not using FCIs for the c.100 life threatening collisions reviewed

Those suffering life-threatening injuries no longer routinely have the expertise of a Forensic Collision Investigator (FCI) investigating their collision. Yet these will include victims in most urgent need of civil compensation to help pay for the care they need. Solicitors report the absence of FCI expertise impacts access to civil compensation. Given that the Forensic Science Regulator has had such a significant impact on the number of collisions the SCIU can attend, a review and report should be commissioned as to whether the planned introduction of regulation is appropriate given the impact it has upon current investigations, but also the requirement that will be placed on in the investigation of any serious road traffic collision.

Improving liaison with victims and their solicitors

9. Self-Administered Interview statement should replace current questionnaire

The paper form seriously injured victims are now required to complete is too generic and contributes to cases being dropped. Better already exists. The Road Safety Trust has funded the development of a [Self-Administered Interview](#) which improves recall.

10. Disclosure procedures and practices improved

All staff and officers should know and adhere to NPCC's guidelines on disclosure. In additions:

- Pre-paid accounts should be set up for solicitors, as is done with the courts system, to mitigate against delays and time taken for individual payments to go through.
- 'Disclosure experts' should be appointed, or a dedicated team set up, to ensure there are people within the organisation that colleagues can refer to if they are unsure about disclosure policies.
- Name of driver and vehicle number should be given out without charge to victims/solicitors
- Police should share a list of all the evidence they have.

11. Guide for seriously injured victims should be published.

A guide for seriously injured victims should be developed so that victims and families know what to expect from police and understand the process of how a serious injury collision is investigated. The guide should be developed in consultation with victims, campaigners, and solicitors.

Ensuring collision investigation contributes to road danger reduction

12. Contributory factors recorded at the end of an investigation

Currently, contributory factors in serious injury collisions are recorded at the scene. This should be done once an investigation is concluded, to ensure that data on the causes of crashes is correct. In 2019, speed was initially reported as a contributory factor in 17.5% of fatal collisions in London. However subsequent analysis of investigation reports by Met found that speed was a contributory factor in 49.2% of fatal collisions. Road safety policy would greatly benefit if the causes of crashes were accurately recorded.

Overarching

To support these changes, AVZ makes two further calls:

13. Collision investigation strategy and action plan

As part of Met' and TfL's commitment to Vision Zero and 'post-collision learning and response', a strategy and action plan should be developed to outline how Met will improve and monitor serious injury collision investigations in London. Given people walking and cycling in London make up over 50% of the serious injuries, ensuring collision investigation is able to detect offending and help ensure fair and timely compensation is key.

14. Serious Injury Collision Investigation Working Group.

A working group with solicitors, campaigners, victim representatives, as well as police, TfL and boroughs, should be established to help develop the strategy and monitor the action plan.

London Serious Injury Collision Investigation Call for Evidence

1 Have you been affected by serious injury collisions in London? What impact have you experienced?

This response is from Action Vision Zero (AVZ). AVZ is a community interest company which is dedicated to ending road danger. Personal responses have been provided separately.

2 What is your experience of the Met's investigation of serious injury collisions in London?

AVZ's response is based on our experience of trying to understand collision investigation by the Met. This included in 2019 under a Trust for London funded project undertaken by RoadPeace where AVZ staff then worked. A baseline review of collision investigation in London was conducted and the final draft shared with the Met and TfL and feedback provided. Following discussions with the Met, the baseline review was not published. Then covid happened and we believe this stopped the improvements in investigation which had been focused on the Met's Roads Transport and Policing Command (RTPC), rather than borough officers.

In 2022, AVZ began inquiring again about collision investigation in London, including how it varied by crash severity, and how it was quality assured. Several meetings were held in 2023 with TfL and the Met participated. This confirmed our fears, that due to the lack of transparency, there was no reason to be confident in how serious injury collisions were being investigated.

3. In your view, are serious injury collisions in London adequately investigated? Why?

We do not believe there is any evidence that shows serious injury collisions are adequately investigated—at least not shared with campaigners or the public. Our response focuses on

the 95% of serious injury collisions which are not investigated by the Met Police Serious Collision Investigation Unit (SCIU). This unit is only involved in fatal and life threatening collisions (subject to the caveats outlined below).

Reasons for our lack of confidence include:

- **Lack of transparency renders it difficult to believe serious injury collisions are well investigated.** Whilst it is mentioned in the Vision Zero Action Plan, no strategy exists for monitoring how serious injuries are investigated in London. No performance indicators are known to exist for police on collision investigation. Nor are the reasons for No Further Action published, nor victims surveyed on their level of satisfaction with the police investigation or communication with them. This means campaigners are left to speaking to road crash victims and solicitors, where bad examples are more likely to be highlighted.
- **Whilst no outcome data exists, court statistics indicate prosecutions are low.** In 2022, there were only 37 convictions for causing serious injury by dangerous driving in London (43 prosecutions). Another 3,212 drivers were convicted of careless driving (3,761 prosecutions) but this charge does not require that an injury is sustained, let alone a serious one (MoJ, 2023). As the new charge of ‘causing serious injury by careless driving’ only came in last year, we do not know how often in London it is being prosecuted. London’s Vision Zero Enforcement Dashboard does not yet include any data on arrests for this new charge.
- **Standard Operating Procedures (SOPs) do not result in sufficient evidence gathering.** Much of the problems with serious injury investigations arise from evidence not being gathered at the scene. This includes witness contact details and statements, CCTV and dashcam/headcam footage, photos of the scene and body-worn camera footage. If this evidence is not gathered immediately, it is often lost – rendering a follow up investigation by Marlowe House impossible and resulting in a ‘No Further Action’ decision. Whilst SOPs exist for the different injury severity types, victims and solicitors report that evidence which existed is not always being captured, which makes criminal prosecutions very unlikely and civil action more difficult. SOPs are not publicly available.
- **The quality of the investigation is a postcode lottery.** Whilst some serious injury collisions investigated by borough officers and Marlow House are investigated well, this is reported to be down to the individual, investigating the case, as there is wide variation in the quality of investigation.

Comparison with the life threatening collisions investigated by the SCIU

- **Difference between SCIU and non-SCIU.** Whilst c.100 out of the of 3,873 reported serious injuries (London, 2022) are investigated by the SCIU, the remaining (and vast majority) are investigated by borough officers, police staff at Marlowe House, or a combination of both. Some of the more serious injuries not investigated by SCIU are attended by RTPC officers with some training in investigating collisions, these RTPC officers do not retain the investigation. It is also not known how many they attend, although it will be a small minority. Whilst the SCIU are believed, on the whole, to

investigate collisions to a high standard, victims and solicitors report that many cases not investigated by the SCIU are poorly investigated.

- **But even the most serious injuries investigated by SCIU are no longer routinely being investigated by Forensic Collision Investigators (FCIs).** Whilst fatalities continue to be investigated by FCIs, changes in regulation by the Forensic Science Regulator has meant that involvement of FCIs in cases is much more resource intensive. The Met's SCIU is one of many in England and Wales who now no longer utilise FCIs regularly in serious injury collisions, and many units across the country only attend fatal collisions.

4. *How do investigations of serious injury collisions affect road crash victims and their families?*

A quality investigation is necessary for

- **Civil compensation with victims better able to cope and recover from their injuries.** Unlike the vast majority of European countries who have presumed/strict liability systems, we have a fault-based compensation system in the UK. This means that victims need to prove they were not at fault to access civil compensation. Seriously injured victims often do not know they need to instruct a solicitor, or are too unwell to do so immediately. As such, it is crucial that evidence from the scene is gathered and preserved by police. If witness contact details aren't taken, photographs of the scene captured, and CCTV evidence obtained, the outcome for the victim is that their claim is financially reduced and/or much more delayed. The impact of this on victims and their families is that their settlement to pay for much needed rehabilitation is delayed or not sufficient to cover the costs. This can lead to a number of hardships:
 - Financial difficulties, including loss of home, as victims are often out of work for an extended period of time. This will also impact any of the victim's dependents.
 - Limited recovery from injuries with lifelong impact, as early rehabilitation is essential for maximum recovery
 - Reliance on the NHS for rehabilitation which should be paid for by the insurer of the party who caused the crash. Stretched NHS resources should not be spent when it is not necessary to, and the quality and extent of the rehabilitation on offer in the private sector surpasses that of the NHS in most cases. Both crash victims and the NHS benefit from having their rehabilitation paid for privately.
- **Criminal prosecution.** Without a quality investigation, drivers who cause serious injury will not be detected. Not only does this contribute to a wider failure of deterring criminal driving behaviour, inability to ban drivers who pose a risk, and punish law-breaking, it also leaves victims unable to access justice. Victims report they are left feeling failed by the system if their case is inadequately investigated.
- **Ensuring lessons are learnt to prevent future collisions.** After suffering a serious injury, victims overwhelmingly want to ensure that the circumstances which led to their crash are not repeated and are mitigated against. Without a quality investigation, it is not possible to know what has caused a crash to happen, and road

safety policy or infrastructure changes which could prevent death and injury in the future do not get implemented.

5. *What level of support is in place in London for victims of serious injury collisions and their families? What more is needed?*

No support exists for the vast majority of the over 3800 people seriously injured in London each year.

- **97% of seriously injured Londoners do not qualify for TfL/MOPAC's pilot project supporting crash victims.** Only bereaved families and those with life threatening injuries qualify for this pilot.¹
- **A quality investigation can be much more important than access to support services.** Emotional support does not pay the bills, and the most pressing issues for seriously injured Londoners are often financial support if they are unable to work, and access to rehabilitation to recover from their injuries. Without a quality investigation and improved communication, victims' access to civil compensation is delayed and impaired.

So what is needed is

- better communication with victims and their solicitors
- timely release of information to start compensation claims
- guide for those seriously injured
- online and peer support as the numbers of seriously injured are too large for Family Liaison officers or caseworkers to be assigned.

6. *How well does the Met communicate its serious injury collision investigation work, including information to victims concerning the investigation process, timeline and charging decisions?*

- **Lack of information about investigation procedures means victims often do not know what to expect from police.** Whilst Marlowe House has a leaflet it gives to victims, there is no guide for the seriously injured. Such guides do exist for bereaved families and those with life threatening injuries—these have been funded by MOPAC whilst national guides, funded by central government, also exist.
- **Victims and solicitors report the Met do not adhere to the Victims Code of Practice.** Whilst the Victims Code² outlines particular rights that victims have in terms of being kept informed, victims and their solicitors have reported that this is not always adhered to. Victims have reported having to call 111 from hospital to find out who their investigating officer is, and are not always kept informed on charging decisions and the progress of the investigation.

¹ [TfL and MOPAC announce new victim support service with Brake and RoadPeace to improve support for those affected by road traffic collisions in London - Transport for London](#)

² [MoJ Victims Code 2020 \(publishing.service.gov.uk\)](#)

- **No data is gathered on how well victims are communicated with.** Whilst victims of some crimes in London are surveyed on their level of satisfaction with the investigation,³ including on how well they were kept informed, this is not the case with road crime victims.
- **Questionnaire sent to victims too generic and contributes to cases being dropped.** There is one standard questionnaire that is sent to victims, drivers, and witnesses involved in a collision. The form is far too generic and is only sent out by post. Many seriously injured victims will be in hospital for a long time, or unable to read or write, and there are instances of victims not being able to return the form and the case being dropped as a result. Ideally the questionnaire would be available online and adaptable to different collision types. At a bare minimum it should be able to be sent, completed and returned over email to allow for seriously injured victims to complete it. See our call for the Road Safety Trust funded Self-Administered Interview statement to be used.
- **Reasons for ‘No further action’ not given.** Most serious injury collision investigations by the Met are believed to result in a ‘No Further Action’ (NFA) decision. The reasons for NFA i.e. lack of evidence, evidence not gathered, victim at fault etc. are neither communicated to the victim nor recorded. As such neither victims nor the public know why the police have taken a decision not to prosecute. This not only leaves victims in the dark about the circumstances of the serious injury they sustained, but also makes it difficult to monitor how well the police are investigating collisions.

7. *In your experience, how easy is it acquire information from the Met, when it is necessary for victims’ access to civil compensation following a collision?*

- **Ease in acquiring information varies dramatically.** Solicitors report that whilst some borough officers and staff at Marlowe House are forthcoming in supplying information, many are not. Although this reluctance to share information no doubt is caused by not wanting to jeopardize criminal proceedings, NPCC guidelines exist on disclosure to mitigate this. Unfortunately these guidelines are not always known or are being adhered to.
- **The process is time-consuming and costly.** Unlike any other crime, victims and the solicitors representing them have to pay to get access to evidence on their case. This includes individual fees for the name of the driver, registration number, collision investigation report, witness statements etc.⁴ These costs will need to be paid before a victim knows whether they even have a strong case for a civil claim. The time taken for the information to be released – 12 weeks from when the payment is made – also has a negative impact on the victim in that it can mean access to much needed rehabilitation is delayed whilst liability is contended.
- **Information is often released piecemeal.** Solicitors report that difficulties lie in not knowing what evidence the police have collected, and therefore not knowing to

³ [Victims and Witnesses dashboard – London Datastore](#)

⁴ <https://www.met.police.uk/rqo/request/cr/v1/request-collision-report/>

request it. Equally the piecemeal release of evidence also impacts on the length of time it takes to resolve cases for victims. Without knowing all of the evidence the police has, solicitors do not know what evidence they need to try to get themselves, and the longer it is left the harder it is to get it. For example, delays in releasing witness statements can cause problems in tracking down witnesses the more time has passed following a collision (with people moving addresses etc).

- **The system puts the most seriously injured at a disadvantage.** In some cases, the injured will be able to get the vehicle registration and name of the driver at the collision scene. However more seriously injured people will often be unable to do so due to the gravity of the injuries they have sustained. In these cases, victims will have to pay a fee to Marlowe House to access to this information. Meaning those in most need of civil compensation to cope and recover from their injuries have additional hurdles and costs to access the information they need to start a claim.

8. *What more could the Met be doing to increase confidence in the police investigation and charging decision after a serious injury collision?*

Improving evidence gathering and investigation practices

- **Updated Standard Operating Procedures (SOPs).** Officers attending the scene of a serious injury collision should be required to conduct a minimum level of investigation to allow, if appropriate, both criminal prosecutions and civil proceedings. The more serious the injury, the higher the standard of investigation should be. Existing SOPs are not public and the varying quality of investigations suggests they are not being adhered to. The Met should consult on SOPs with victims' groups and solicitors, and they should be made public. Standards should be made available to first response officers as a check-list easily accessible on their tablets. A system should be put in place to ensure that police are held to account on these standards being met.
- **Improved collision investigation training (at-scene and follow-up).** Whilst the Met provided training for Roads Transport Policing Command (RTPC) officers during 2020/21, the vast majority of serious injury collision scenes are attended by borough officers, not RTPC officers. Training should be rolled out to borough officers to train them on obtaining the minimum standards of evidence for serious injury collisions, and the impact of the training measured. Police staff investigating crashes should also be reminded/trained of the National Police Chief Council's guidance on disclosure following a collision, to ensure victims' early access to rehabilitation. Considering the proportion of victims who were walking and cycling, training on investigating collisions with vulnerable road users should be given to all police
- crime whilst their crash is being investigated under the Victims Code of Practice.
- **Local council support.** Lambeth Council has proposed to fund a Met Police officer to ensure adequate resourcing is available for collision investigation and pursuit of criminal liabilities. It should also help ensure that contributory factors within the borough's control e.g. infrastructure, traffic signals etc are flagged and remedied

more quickly. Such investment should be explored by TfL and the Met and encouraged with other councils.

Ensuring fair and consistent charging decisions

- **Review officers appointed.** To ensure consistent and accurate/fair charging decisions, dedicated officers should be assigned to review serious injury collision investigations (as done within the Serious Collisions Investigation Unit).
- **Independent No Further Action review.** A review of No Further Action (NFA) decisions should be undertaken, starting with collisions involving seriously injured cyclists.

Improving the transparency of procedures and outcomes

- **Investigation outcomes reported, including NFA reasons.** There is no data linkage between collision reports and court records, so it is not possible to know which collisions (e.g. the number of pedestrians) resulted in a prosecution. The Met should publish this data, and include reasons for NFA (e.g. lack of evidence, or liability of injured party)
- **Level of satisfaction surveys.** The police should be confident enough to survey injured victims on their level of satisfaction with the collision investigation and how well informed they were kept. Level of satisfaction surveys would allow for the impact of investigation policies and procedures to be measured. An annual survey should also be conducted with solicitors (although this could be conducted by campaigners, not police).
- **Impact of not using FCIs for the c.100 life threatening collisions reviewed.** Those suffering life-threatening injuries no longer have the expertise of a Forensic Collision Investigator (FCI) investigating their collision. Yet these will include victims in most urgent need of civil compensation to help pay for the care they need. Solicitors report the absence of FCI expertise impacts access to civil compensation. The SCIU should work with solicitors to identify how this can be mitigated.

Improving liaison with victims and their solicitors

- **Self-Administered Interview statement should replace current questionnaire.** The paper form seriously injured victims are now required to complete is too generic and contributes to cases being dropped. Better already exists. The Road Safety Trust has funded the development of a Self-Administered Interview which improves recall. At present it is only available in hard copy but an online version is being trialled, and this could be extended to London.
- **Disclosure procedures and practices improved.** Current procedures and practices on disclosure contribute to delays and can reduce civil compensation for seriously injured victims. All staff and officers should know and adhere to NPCC's guidelines on disclosure. To ensure this and improve procedures:
- Pre-paid accounts should be set up for solicitors, as is done with the courts system, to mitigate against delays and time taken for individual payments to go through for individual types of evidence.

- ‘Disclosure experts’ should be appointed, or a dedicated team set up, to ensure there are people within the organisation that colleagues can refer to if they are unsure about disclosure policies.
- Name of driver and vehicle number should be given out without charge to victims and their solicitors, to avoid penalising those suffering the most serious injuries.
- Police should share a list of all the evidence they have – currently solicitors receive information piecemeal, as they don’t know what to request.
- **Guide for seriously injured victims should be published.** A guide for seriously injured victims should be developed so that victims and families know what to expect from police and understand the process of how a serious injury collision is investigated. The guide should be developed in consultation with victims, campaigners, and solicitors.

Ensuring collision investigation contributes to road danger reduction

- **Contributory factors recorded at the end of an investigation.** Currently, contributory factors in serious injury collisions are recorded at the scene. This should be done once an investigation is concluded, to ensure that data on the causes of crashes is correct. In 2019, speed was initially reported as a contributory factor in 17.5% of fatal collisions in London. However subsequent analysis of investigation reports by Met found that speed was a contributory factor in 49.2% of fatal collisions. Road safety policy would greatly benefit if the causes of crashes were accurately recorded.

Overarching

To support these changes, AVZ makes two further calls:

- **Collision investigation strategy and action plan.** As part of Met’ and TfL’s commitment to Vision Zero and ‘post-collision learning and response’, a strategy and action plan should be developed to outline how the Met will improve and monitor serious injury collision investigations in London. Given people walking and cycling in London make up over 50% of the serious injuries, ensuring collision investigation is able to detect offending and help ensure fair and timely compensation is key.
- **Serious Injury Collision Investigation Working Group.** A working group with solicitors, campaigners, victim representatives, as well as police, TfL and boroughs, should be established to help develop the strategy and monitor the action plan.

9. In your view, is the Met sufficiently resourced and trained to carry out investigations into serious injury investigations? Why?

- **More training required on evidence gathering.** As outlined in question 3, the key issue impacting the quality of serious injury investigations is a lack of evidence gathering at the scene. Whilst borough officers have access to a system called ‘PRIMROSE’, this does not facilitate better evidence gathering as it is reported that it does not direct officers enough on what evidence they should be gathering. A checklist with minimum standards of evidence e.g. CCTV, witness statements, drink and drug test etc, should instead be implemented, and officers trained on how to

gather that evidence. Outside of London, Roads Transport Policing Command (RTPC) officers are trained in collision investigation through an 'AI Light' course (previously named TRAFFAC), and it is only RTPC officers who attend serious injury collisions (not a borough officer equivalent). This training is not to the extent that Forensic Investigators are, but nonetheless is reported to be sufficient for a level of evidence gathering to support criminal prosecution. In London, serious injury collisions are mostly attended by borough police who have not received this training. Whilst traffic police (those operating out of the four traffic garages, but not SCIU) within London's RTPC are trained in AI light, they are called in by borough officers when a very serious injury is not investigated by SCIU, but the borough officer feels the case warrants more expert investigation. The AI light trained RTPC officers do not retain an investigation, their function is purely at the scene before the case is passed on to Marlowe House. We do not know how many RTPC officers are trained in AI light, how many collisions they attend, nor how it is decided what collisions they will attend. A review should be conducted to answer these questions, and whether the provision of AI light trained RTPC officers is sufficient to delivering quality investigations. From reports by victims and solicitors, we suspect that they attend a very small percentage of serious injury collisions, and as such, barring a huge increase in resourcing, the training focus must remain on borough officers gathering basic evidence for police staff at Marlowe House.

- **More training required on disclosure practices.** As outlined in question 7, the NPCC guidelines on disclosure are not being adhered to in all cases. Police staff at Marlowe House and borough officers should receive regular training on disclosure practices or several key people in the organisation trained on disclosure, who can act as 'experts' within Marlowe House or Borough Command Units.
- **Training required on Victims Code of Practice.** As outlined in question 6, the Victims Code is not being followed when it comes to keeping victims informed on their cases. It is quite possible that police do not think the code applies to road crash victims, however at least whilst a case is being investigated, seriously injured victims qualify under the code.
- **Training required on investigating collisions with people walking and cycling.** Over half of people reported seriously injured in road crashes in London were people walking or cycling. Not only due to their vulnerability are they likely to suffer more serious life-changing injuries, people walking and cycling are also unlikely to have personal injury insurance. Training should be conducted in investigating these collisions to ensure justice is possible for this particular group of Londoners.

10. How could the Met's serious injury collision investigation work best contribute to achieving the Mayor's Vision Zero target of eliminating deaths and serious injuries from London's roads?

To support the delivery of Vision Zero, the following are recommended

- *Contributory factors to be collected at the end of the investigation.* Thanks to the Met pioneering this approach with fatal collisions, we know how much more accurate

these factors can be. Contributory factors in serious injury collisions should also be collected at the end of the investigation.

- *Identify which KSI collisions were caused by human error (mistakes) and which were result of risk taking.* This should be required for Safe Systems approach which expects the former to be designed out as humans are fallible.
- *Lorry and bus KSI collisions should have annual review to see what more TfL could be doing to prevent repeat occurrences.*

Key for instilling confidence in active road users includes:

- *Identify and meet best practice and publish investigation outcomes and NFA reviews.* Transparency is critical to road user confidence in the police investigation and charging decision—justice needs to be seen to be believed.
- *Ensure consistent and fair charging of careless driving.* Lower level careless driving can be difficult to determine but without this, offenders are let off.
- Improve information sharing with solicitors and victims for insurance claims .
- *Include RDR training in police (RTPC as well as borough police).* This is so they can better understand the importance of the evidence they collect at scene and the priority given to tackling danger at source.

APPGCW

Introduction

In 2023, the All-Party Parliamentary Group for Cycling and Walking (APPGCW) launched an inquiry into *road justice*. This reported in September (All Party Parliamentary Group for Cycling & Walking, 2023), making ten recommendations, several of which pertain to the theme of the PCC's investigation.

This submission has the following structure:

- The APPGCW is introduced
- Its interest in justice is explained
- The inquiry process is described
- The recommendations are presented in brief
- Further detail is provided concerning the three recommendations of greatest relevance to the PCC's investigation

The APPGCW

The APPGCW is one of 772 so-called all-party parliamentary groups (APPGs) in the UK (House of Commons, 2023a). Such groups draw members from all the major political parties and from both the House of Commons and the House of Lords, and so stand in contrast with the adversarial nature of much of UK politics.

APPGs differ in their activities as well as in the intensity of their activity, but it is typical for groups to hold events and to conduct occasional inquiries on matters of relevance to the group. Whilst they constitute an interface between the UK Parliament and wider society, much of their activity is aimed at the community of parliamentarians (Keaveney, 2020). The APPGCW was dedicated to cycling when it was founded in the 1970s but it absorbed

walking in 2019. According to the register of APPGs, its purpose is “to champion cycling and walking in the context of the growing importance of all forms of active travel. Our main aim is to get more people cycling and walking in the UK, more often and more safely” (House of Commons, 2023b). It has two co-chairs, one each from the Conservative and Labour parties.

The APPGCW and justice

A perennial concern of the APPGCW is the experience of those who walk, wheel and cycle with the justice system. This is for the obvious reason that a good experience of the justice system is preferable to a bad one. It also is motivated as follows: there is a compelling need for massive growth in levels of walking, wheeling and cycling, for reasons of public health, climate change etc. A major deterrent to all these forms of travel, particularly cycling, is perceived danger. The perception that travelling by these modes is unacceptably risky is a function of various factors, including the widely held view that the justice system in the UK is too lenient towards drivers, and wont to “victim blame” so-called vulnerable road users (Cunningham, 2008). That is, it is too risky to cycle, say, because road users who pose the greatest threats to those cycling believe, with some justification, that they can impose danger on other roads users with impunity. Hence the APPGCW’s periodic investigation of the state of the justice system as it affects those walking, wheeling and cycling.

Inquiry process

This inquiry followed on from a 2017 inquiry called Cycling and the Justice System (Peck, 2017). That inquiry was somewhat eclipsed by a general election called around the time of its launch. In the intervening years, the APPG expanded to cover walking as well as cycling. And, in 2022, significant revisions had been included in the Highway Code regarding the responsibilities of various road users. These were considered good grounds for revisiting the 2017 work.

This inquiry was characterised as “light touch” because of the 2017 inquiry, and a single evidence session was planned to inform the development of recommendations. (APPGCW inquiries would typically involve three or more such sessions.)

An oral evidence session took place at the House of Commons in May 2023. The witnesses were:

- A barrister and recorder with extensive experience of the conduct of cases relating to traffic offences
- A solicitor who spends much of their time assisting victims of road collisions in obtaining compensation
- An academic specialising in traffic law
- A senior police officer with a long-standing interest in road safety
- Representatives of organisations campaigning for improved conditions for walking, wheeling and cycling

Wide-ranging questions were posed, covering the nature of traffic offences, the sentencing guidelines, the process of dealing with suspected offences and the extent to which road justice is currently a reality for those walking, wheeling and cycling.

The comments made by witnesses provided a rich set of potential recommendations. These were expanded and refined through informal conversations and correspondence with a range of expert stakeholders including the witnesses themselves, leading to the final set that

appears in the inquiry report. We note that this inquiry took the UK as its frame of reference, so recommendations were not developed with London specifically in mind.

Inquiry recommendations

We set out the ten recommendations in brief before providing fuller detail concerning those most pertinent to this investigation.

Recommendations were put in two categories:

Group A were seen as ambitious (but feasible) proposals that had the potential to bring large benefits. They would tend to require legislative change.

A1 Escalating penalties for repeated offences

A2 Compulsory re-testing

A3 Increased maximum sentence for dangerous driving; fuller use of Police bail powers

A4 Exceptional hardship to be truly exceptional

A5 Removal of tolerances in speed enforcement

Group B were *relatively* uncontroversial and would be relatively rapid to implement (given the necessary political will).

B1 Consistently thorough investigation of serious collisions

B2 Standardising third-party reporting systems

B3 A UK Commissioner for Road-Danger Reduction

B4 Treating crash victims as victims of crime

B5 Widen understanding of the Highway Code

Consistently thorough investigation of serious collisions (Recommendation B1)

Text from the inquiry report:

The variability of crash investigation was mentioned extensively by stakeholders. Issues include the threshold for the involvement of serious collision investigation units (and their equivalents), and the wide range of rigour and professionalism of investigation both between and within Police forces. This seems a function of policy, leadership, resourcing and individual aptitude. How an investigation is conducted is hugely important, not simply because a good investigation is likelier to result in safer roads and a fairer deal for victims.

Also, the way victims and their families are themselves treated during an investigation has a major impact on their well-being. So there is a compelling case for promoting best practice.

We therefore recommend the development of guidance based on best practice, with the intention that it is adopted as widely as possible by Police forces.

Existing guidance by the College of Policing (College of Policing, 2023) represents a sensible starting point. We recommend an interdisciplinary working group is convened under the leadership of the NPCC, including voices from road-safety and active-travel campaign organisations. The group would review the existing guidance to ensure that it represents best practice, especially with respect to those walking, wheeling or cycling. On completion of the review, the NPCC would commend the revised guidance to all forces for adoption. We note that recent announcements concerning the investigation of rape allegations provide an example of the scope for change (Ministry of Justice and Home Office, 2023).

Standardising third-party reporting systems (Recommendation B2)

Whilst practice in London is comparatively good, the relationship between the submission of third-party evidence and the conduct (or not) of a subsequent investigation could be clearer and more consistent.

Text from the inquiry report:

The Police cannot be everywhere, and evidence collected by citizens can make a major contribution to reducing road danger. In some parts of the UK, it is straightforward to submit evidence from helmet- and dashboard-cameras, and large numbers of prosecutions result. For example, over 12,000 notices of intended prosecution were issued in London in 2022 on the basis of public report.⁵ In other areas, the process is unwieldy or worse. And Police Scotland does not have a reporting portal at all. **We therefore recommend the implementation of a standardised system across police forces for submission and processing of third-party reporting, based on best practice and supported by adequate resourcing.** Submission would be made simple and easy; there would be standard rules for assessing and acting on evidence (as prosecution rates currently vary widely across forces), and for the ongoing provision of information to witnesses.

The NPCC released useful guidance on this matter² which would be a good starting point. We are aware that police forces argue resource shortages prevent them from taking action on third-party reporting, so we place responsibility for this recommendation with the Home Office (and its equivalents in the devolved administrations). It can provide the necessary funds, exploit the economies of scale that would come from co-ordinated activity, and require forces either to adopt the system or to explain their reasons for not doing so.⁶

Treating crash victims as victims of crime (Recommendation B4)

Text from the inquiry report:

The Victims' Code accords victims certain standard rights relating to submitting and receiving information, receiving support etc. Whilst not perfect, it provides a useful performance baseline for the organisations involved. In principle, a victim is well defined: "a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence...[or] a close relative...of a person whose death was directly caused by a criminal offence" (Ministry of Justice, 2020, p. 3). In practice, crash victims are rarely granted the status of victims (as defined in the Code), despite the large number of people emotionally harmed, physically injured or killed as the result of an offence. As with the previous recommendation, according crash victims basic rights would help them to process the trauma and distress of their experience. **We therefore recommend that Police and Crime Commissioners should consider all crash victims as victims of crime** (except where there is clear evidence to the contrary).

Police and Crime Commissioners head the list of organisations required to deliver the Rights under the Victims' Code, so it is appropriate to remit this recommendation to them on the assumption that they will liaise on the matter with their Chief Constables. They are best placed to delegate duties to other relevant organisations and stakeholders as necessary. Equivalent arrangements would be required in Scotland and Northern Ireland.

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⁵ Figures taken from <https://tinyurl.com/mss3ucun>

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Fieldfisher

Fieldfisher LLP

We are a leading firm of personal injury solicitors, based in the City of London, but with a national presence. We work on behalf of those seriously injured in a range of public and private settings, with a high proportion of our clients being injured in the course of accidents on London roads.

All of our clients have suffered life changing injuries, including amputations; spinal cord injuries and brain injuries. We are determined and compassionate in our approach to our clients. Our solicitors work tirelessly to get the best expert medical care and rehabilitation in place for our clients as early as possible to ensure a brighter future for our clients and their families. In helping victims of serious road accidents, our efforts and the needs of our clients are intrinsically linked the quality of the Police investigation done at the scene and in the aftermath. To help our clients we need high quality evidence.

Put simply: High quality Police investigations following road accidents means that we can do more, and more earlier, to help our seriously injured clients.

Responses to Key Questions:

1. Have you been affected by serious injury collisions in London? What impact have you experienced?

At Fieldfisher LLP, all of our clients have suffered life changing injuries, including amputations; spinal cord injuries and brain injuries. Very often our clients will need specialist equipment and the care of others for even the most basic of daily tasks; they may require adapted accommodation; have future requirements for surgery and therapies, and usually, our clients' injuries will prevent them from returning to work. Serious injuries change the lives of those around the injured person too.

Whatever our clients' level of need, our aim is to use the litigation process to afford the best care, equipment, and independence as possible in their life after injury.

2. What is your experience of the Met's investigation of serious injury collisions in London?

Our experience is that there is a lack of consistency in the thoroughness of investigations, including the manner in which data arising from an investigation is shared even when a lawful reason for the provision of that data is provided.

A frustrating challenge for those acting on behalf of seriously injured clients who are pursuing claims against defendant drivers and their insurers can be the reluctance from police to share evidence collected to support any criminal proceedings.

Some Collision Investigators understand the importance of providing critical, largely basic, information at an early stage in to assist those acting for victims, however, again, we see an inconsistent approach. Upon submitting a written request for third party data (e.g. VRN) a common first response is that the Police will only provide documents pertinent to the civil claim once criminal proceedings are finalised. For many claimants that is simply too late.

At a recent event at Fieldfisher's London office, with an audience predominantly of police officers, forensic investigator and former police officer [personal information redacted for publication] delivered the important takeaway that 'civil doesn't start at the end of the criminal case, civil starts day one.' This is an important message and one that the NPCC guidance on the provision of evidence covers, however from our experience, we know that adherence to this guidance is inconsistent.

3. In your view, are serious injury collisions in London adequately investigated? Why?

We see an inconsistent approach and note that specific examples have been requested as part of the next module/phase of this process. Fieldfisher has contributed to the AVZ response on this issue. From that, we note that:

- (i) According to data collected by AVZ, 95% of serious injury collisions which are not investigated by the Met Police Serious Collision Investigation Unit (SCIU). This unit is only involved in fatal and life threatening collisions.
- (ii) We are not aware of a strategy that exists for monitoring how serious injuries are investigated in London. No performance indicators are known to exist for police on collision investigation. Nor are the reasons for No Further Action published nor are victims surveyed on their level of satisfaction with the police investigation or communication with them.
- (iii) Prosecutions are relatively low: Whereas there is a multiplicity of reasons why this might be the case (and not all will be related to the investigation), we note that in 2022,

there were only 37 convictions for causing serious by dangerous driving in London (43 prosecutions). Another 3,212 drivers were convicted of careless driving (3,761 prosecutions) but this charge does not require that an injury is sustained, let alone a serious one (MoJ, 2023). As the new charge of 'causing serious injury by careless driving' only came in last year, we do not know how often it is being prosecuted in London.

- (iv) We see in practice that evidence is not being gathered at the scene and is missing from Collision Reports. This includes witness contact details and statements, CCTV and dashcam/headcam footage, photos of the scene and body-worn camera footage. If this evidence is not gathered immediately, it is often lost. This has significant implications on both the criminal and civil process with victims put at risk.

4. How do the investigations of serious injury collisions affect road crash victims and their families?

(i) Treatment/Recovery & Life after injury:

It is common knowledge now that early rehabilitation, particularly for those **brain injured**, is vital to getting a claimant back as far as possible to their previous life. It can make the difference between living a fulfilling life and not, and that life pretty much depends on accessing funds for private rehabilitation after the NHS has done the early trauma recovery work.

This is particularly true for brain injury where intense multidisciplinary rehabilitation support is often required as early as possible to maximise any potential recovery.

The problem is that however brilliantly the NHS trauma teams perform the emergency medicine - fixing the broken bits, stopping the bleeding, basically saving someone's life - the last piece of care, the months and months of intense rehabilitation, isn't available in the NHS because of lack of resources.

At the event we held in September 2023, a speaker at the event, [personal information redacted for publication], left no doubt that without the intensity of private rehabilitation, he cannot get his patients back to their families in any way resembling who they were before the incident.

For the 3,187 trauma patients [personal information redacted for publication] and team treated at the [personal information redacted for publication] in 2017 there were eight rehab beds available, despite each patient needing roughly six to eight weeks of immediate rehabilitation.

So, the only option, once their life threatening injuries are fixed, is to repatriate them back to their local hospital or trauma unit where there are often fewer specialist resources available.

According to [personal information redacted for publication], what happens when you don't access acute rehab early is that mobility falls. You spend longer in hospital and complications start to build. Muscles waste, infections and blood clots, become more likely and overall the length of stay increases, which further impacts the NHS.

Our role as Claimant solicitors is to access funds through the litigation process (usually the driver's insurer) as quickly as possible to provide for the rehabilitation needs of our clients. This lifts the NHS burden and makes an enormous difference to the outcomes seen in cases involving even the most seriously injured clients.

(ii) Criminal Prosecution:

Without a quality investigation, it is not possible to prosecute drivers who kill and injure. Not only does this contribute to a wider failure of deterring criminal driving behaviour, inability to ban drivers who pose a risk, and punish law-breaking, it also leaves victims unable to access justice. Victims report they are left feeling failed by the system if their case is inadequately investigated.

(iii) Lessons need to be learnt:

After suffering a serious injury, victims overwhelmingly want to ensure that the circumstances which led to their crash are not repeated and are mitigated against. A coroner can formally report on matters which might give rise to further deaths; but clearly it would be preferable if it did not take the death of a road victim for this action to be taken. Without a quality investigation, it is not possible to know what has caused a crash to happen, and road safety policy or infrastructure changes which could prevent death and injury in the future do not get implemented.

5. What level of support is in place in London for victims of serious injury collisions and their families? What more is needed?

We note that 97% of seriously injured Londoners do not qualify for TfL/MOPAC's pilot project supporting crash victims. Only bereaved families and those with life threatening injuries qualify for this pilot. Those victims and families who benefit from a dedicated FLO once again speak of inconsistencies in contact and not all are kept as informed as they should be.

Beyond the investigation, there are lawyers like those at Fieldfisher LLP who work to improve the lives of those seriously injured. We have access to sophisticated and highly specialist private rehabilitation providers which is all funded through the litigation process.

6. How well does the Met communicate its serious injury collision investigation work, including information to victims concerning the investigation process, timeline and charging decisions?

Fieldfisher has provided information and comment to AVZ on this issue. The main issues from our experience include:

- (i) Lack of information about investigation procedures means victims often do not know what to expect from police.
- (ii) Victims and solicitors report MPS do not adhere to the Victims Code of Practice.
- (iii) We note that no data is gathered on how well victims are communicated with.
- (iv) Questionnaire sent to victims too generic and contributes to cases being dropped.

7. In your experience, how easy is it to acquire information from the Met when it is necessary for victims' access to civil compensation following a collision?

- (i) Ease in acquiring information varies dramatically. Some borough officers and staff at Marlowe House are forthcoming in supplying information, many are not. NPCC guidelines exist on disclosure to mitigate this. Unfortunately, these guidelines are not always known or are being adhered to.

- (ii) The process is time-consuming and costly. Unlike any other crime, victims, though solicitors like Fieldfisher, must pay to access critical data which includes a fee for the name of the driver that injured them (!), registration number, collision investigation report, witness statements etc. These costs will need to be paid before a victim knows whether they even have a strong case for a civil claim. These costs can run into the hundreds of pounds and can be in excess of £1,500 in the event that the file includes plans and photographs.

The time taken for the information to be released – 12 weeks from when the payment is made – also has a negative impact on the victim in that it can mean access to much needed rehabilitation is delayed whilst liability is contended.

- (iii) Information is often released piecemeal. Despite it being a 'paid service' there are issues with regard to even finding out what data the police has in its possession. There are no minimum basic standards for evidence gathering and as such, it is not always true that we know precisely what to request.
- (iv) The system puts the most seriously injured at a disadvantage. Some serious injuries will not be so serious that the victim is unable to get the vehicle registration and name of the driver, which would be freely available at the scene. However more seriously injured people will often be unable to do so due to the gravity of the injuries they have sustained. In these cases, victims will have to pay a fee to Marlowe House to get access to this information. Meaning those in most need of civil compensation to cope and recover from their injuries have additional hurdles and costs to access the information they need to start a claim.

8. What more could the Met be doing to increase confidence in the police investigation and charging decision after a serious injury collision?

Fieldfisher notes and aligns itself with the response of AVZ as follows:

- A) improving evidence gathering and investigation practices*
- B) ensuring fair and consistent charging decisions*
- C) improving the transparency of procedures and outcomes*
- D) improving liaison with victims and their solicitors*
- E) ensuring collision investigation contributes to Road Danger Reduction*

9. In your view, is the Met sufficiently resourced and trained to carry out investigations into serious injury collisions? Why?

- (i) More training required on evidence gathering and the imposition of a minimum standard for evidence gathering.

The key issue impacting the quality of serious injury investigations is a lack of evidence gathering at the scene. Whilst borough officers have access to a system called 'PRIMROSE', this does not facilitate better evidence gathering as it is reported that it does not direct officers enough on what evidence they should be gathering. A checklist with minimum standards of evidence e.g. CCTV, witness statements, drink and drug test etc, should instead be implemented, and officers trained on how to gather that evidence.

- (ii) More training required on disclosure practices. NPCC guidelines on disclosure are not being adhered to in all cases. Police staff at Marlowe House and borough officers should receive regular training on disclosure practices or several key people in the

organisation trained on disclosure, who can act as ‘experts’ within Marlowe House or Borough Command Units.

- (iii) Training required on Victims Code of Practice. As outlined in question 6, the Victims Code is not being followed when it comes to keeping victims informed on their cases. It is quite possible that police do not think the code applies to road crash victims, however at least whilst a case is being investigated, seriously injured victims qualify under the code.
- (iv) Training required on investigating collisions with people walking and cycling. Over half of people reported seriously injured in road crashes in London were people walking or cycling. Not only due to their vulnerability are they likely to suffer more serious life-changing injuries, people walking and cycling are also unlikely to have personal injury insurance. Training should be conducted in investigating these collisions to ensure justice is possible for this particular group of Londoners.

10. How could the Met’s serious injury collision investigation work best contribute to achieving the Mayor’s Vision Zero target of eliminating deaths and serious injuries from London’s roads?

- (i) Improve information sharing with civil litigators, such as Fieldfisher LLP.
- (ii) Assess, track and record contributory factors as part of the investigation of all road collisions. This data can be used to prevent repeat occurrences.
- (iii) Speed up the process behind the making of charging decisions with consistent and fair decisions on all road crime.
- (iv) Improve information gathering at the scene. ‘No stone unturned’ will assist with prosecutions and with the civil litigation assisting injured road victims access rehabilitation and justice.

Institute of Traffic Accident Investigators

By way of introduction, the Institute of Traffic Accident Investigators (ITAI), is the body based in the UK that represents over 600 Forensic Collision Investigators (both UK based and internationally). The majority of our Members are either current serving Police Forensic Collision Investigators (FCIs) or have been in that role for a large portion of their career. As such we are heavily involved in the work of collision investigations both in the criminal and civil forums (i.e., fatal collisions or serious personal injury collisions). It is on behalf of our members that I am responding to your call for evidence. It is intended, and indeed hoped, that this will provide a unique insight into the investigation of such collisions, the current position and, from our perspective, the causes.

It is perhaps pertinent to also note that, whilst this is a call for evidence surrounding the Metropolitan Police’s investigation of serious injury collisions, the situation is similar in nearly every Police Service in England and Wales

In response to the 10 key questions you have asked:

1. Have you been affected by serious injury collisions in London? What impact have you experienced?

We are the UK body that represents the majority of FCIs in the UK. Our involvement is that of the scientific analysts that are instructed to provide the forensic reconstruction of the events.

2. What is your experience of the Met's investigation of serious injury collisions in London?

A number of our members are, or have been, FCIs within the specialist forensic collision investigation units within the Metropolitan Police. Furthermore, our members are routinely instructed to review/critique any Collision Investigation analysis performed by the Metropolitan Police either by way of the criminal process, or as a result of civil proceedings. We encounter a number collisions (serious personal injury) where there has been an FCI attendance.

3. In your view, are serious injury collisions in London adequately investigated? Why?

There appear to be two 'levels' of investigation of road traffic collisions: For collisions where the Forensic Collision Investigation Unit attend, there is usually, a vast amount of detailed forensic information captured at the collision scene, for example (but not limited to), photographs, scene measurements/survey, vehicle brake tests and recovery of CCTV (to a forensic standard).

When there is not a FCI in attendance there is little information gathered. Rarely are photographs taken, nor body worn camera footage available. Scene measurements are not taken, and since the introduction of an electronic Collision Report Book/Form a sketch plan is not drawn. CCTV is often not recovered, and where it is, it is often a mobile device screen recording which makes any forensic analysis of such footage extremely challenging.

Therefore, in summary, if a FCI attends there is a good standard of information obtained that allows for a reconstruction of events, either by the Police themselves or by an external agency (in the case of Civil proceedings).

The question is, therefore, about *when* an FCI will attend. Historically, an FCI would attend all fatal *and* Serious Personal Injury (SPI) collisions. Therefore, an FCI would normally attend those collisions that had, or were likely to result in a death, a loss of limb, paralysis, or traumatic brain injury. Whilst of course there were occasions where a collision is later discovered to be serious that had not initially resulted in an FCI deployment, but these are in the minority.

It is now the case, that FCIs are almost exclusively attending fatal collisions only or collisions deemed life threatening (or on occasion seriously life changing) by a hospital Doctor. This is the position that has been adopted within the last 2 years approximately. The reason behind this is almost exclusively due to the Forensic Science Regulator wishing to bring the discipline of FCI 'into scope' of the Codes of Conduct, deeming that ISO17020 and ISO17025 are the appropriate international standards to apply to FCI. Whilst, as of today, FCI is not 'in scope' it is clear that it will be soon, and therefore forensic units are working towards obtaining these standards. Of note, the analysis of video (which a large number of collisions in London are captured on) *is* 'in-scope' currently meaning that either FCIs are not conducting an analysis of video or are making a statement of non-compliance with the codes within their report.

Returning to the FSRs requirement for FCIs to comply with the ISO standards, this places a considerable additional requirement on FCIs with respect to administration, equipment

checks etc. (in the same way a laboratory-based analysis does).⁷ In short, this additional time requirement to fulfil the standard required of the FSR/ISO means that there is not the capacity for any SPI collisions to be attended by an FCI.

This has a further detrimental effect to the investigation of serious injury collisions. The FSR requirements increase the burden on fewer FCIs. The knock-on effect of trainee (new) FCIs attending fewer collisions is their experience is significantly reduced. An expert witness, which FCIs are at any court of law, is required to be experienced and trained within their field. With FCIs attending fewer collisions, experience is lessening, FCIs are taking longer to become qualified and, therefore, natural wastage through retirement or movement from the role takes longer to fill. This results in far greater inexperience within the role, a self-perpetuating circle of departing experienced FCIs being replaced by new FCIs who cannot gain the experience their predecessors historically did and a lessening service to those involved in serious injury collisions within London. It is our view, considering the FSR requirements that this is unlikely to change.

London Cycling Campaign

About LCC

London Cycling Campaign (LCC) is a charity with more than 20,000 supporters, of whom more than 11,000 are fully paid-up members. We speak up on behalf of everyone who cycles or wants to cycle in Greater London; and we speak up for a greener, healthier, happier and better-connected capital.

Action Vision Zero response to the call for evidence

We note and commend the Action Vision Zero response to the call for evidence (copy enclosed). LCC works closely with AVZ and Living Streets in London and we share their aims of reduced road danger, effective enforcement against road crime and thorough investigation of road incidents and adequate victim support.

In this response to the consultation we draw on that of AVZ highlighting some points pertinent to cycle users and expanding where relevant.

Introduction

LCC's mission is to improve conditions for cycling in London so that everyone who wants to, including children, older people and those who use adapted cycles, has the opportunity to enjoy comfortable and convenient cycle riding without exposure to road danger.

It is very well established that fear of road danger is the prime deterrent for people who wish to cycle but do not currently do so. Every survey relating to cycling, carried out by TfL, and others, finds that a quarter or more of Londoners would like to cycle or cycle more. Yet, even with the welcome recent increases in cycle use to 1.26m trips per day, the modal share of cycling is still below 5% of trips compared to third in Amsterdam and a quarter in Cambridge.

Prevention of future collisions

Investigating serious injuries, as well as fatalities, thoroughly can not only help the victims, as explained in detail in the AVZ response, but can also contribute to the prevention of future incidents whether through better enforcement, improved infrastructure design, changes in

⁷ We would be able to expand on this in more detail should the Committee require it

vehicle design, changes in Highway Code guidance, reduced speed limits or changes in driver behaviour.

Examples of all these factors that can contribute to the prevention of collisions can be easily found:

- The TfL Direct Vision Standard is contributing to safer lorry designs
- The TfL Strategic Cycle network and Infrastructure Quality Standards are delivering more and better designed cycle lanes
- Camera and third-party enforcement is deterring bad driving
- Changes in the Highway Code are encouraging drivers to give way to pedestrians and cyclists at junctions
- Most speed limits in Inner London have been reduced from 30 mph to 20 mph
- Stricter sentencing acts as a deterrent to poor driving

Whereas fatal injuries are routinely investigated thoroughly and Prevention of Future Death reports are issued by coroners and, in rare cases, by the police, this is not the case with the vast majority of the 3,800 annual serious injuries on London's roads. Our understanding is that only 100 serious injuries are fully investigated and the learnings, in terms of preventing future deaths, of those investigations are not made public or shared with stakeholders.

To quote the AVZ response:

“Ensuring lessons are learnt to prevent future collisions. After suffering a serious injury, victims overwhelmingly want to ensure that the circumstances which led to their crash are not repeated and are mitigated against. Without a quality investigation, it is not possible to know what has caused a crash to happen, and road safety policy or infrastructure changes which could prevent death and injury in the future do not get implemented.”

Collision clusters and transparency

AVZ lists the following key reasons for their ‘lack of confidence’ in the serious injury investigations process (headlines only cited):

- “Lack of transparency renders it difficult to believe serious injury collisions are well investigated.
- Whilst no outcome data exists, court statistics indicate prosecutions are low. Standard Operating Procedures (SOPs) are not resulting in sufficient evidence gathering.
- The quality of the investigation is a postcode lottery. “

The indications, then, are that data that could be gathered and shared to the benefit of victims and the prevention of future collision is either absent or not accessible.

LCC's recent work on Dangerous Junctions resulted in a London-wide map of Killed and Seriously Injured (KSI) collisions over the past five years. This data shows clusters of serious collisions at locations such as Tooting High St but full investigations of these collisions, if they were conducted, are not, as far as we know, in the public domain.

If there has (or had) been a full investigation of one of the Tooting serious injuries then it may have drawn conclusions about vehicle turning movements, rat-running traffic, presence or absence of raised road surfaces, signage and other factors which could have been addressed by the highway authority.

We suggest that the Met in collaboration with TfL and the local highway authority conducts full investigations where there is a pattern of collisions and shares relevant information with highway authorities and stakeholders.

Enforcement and road design

Cameras and third party reporting (dash-cam and helmet cam) are increasingly emerging as effective enforcement tools and potential deterrents to offending. Commercial firms also offer sensor data and remote camera analysis that can identify close passes and other hazardous vehicle movements which can lead to serious injuries.

Data gathering at serious injury locations, especially those where there are patterns of collisions, must gather and make best use of such camera and digital-based information even if a full investigation is not being conducted. Conclusions from such data need to be shared with relevant parties to prevent future incidents.

Where road design is believed to be a contributor to collisions this must be notified promptly to both highway authorities and stakeholders.

Vision Zero

The Mayor's target is to have zero fatal and serious injuries on our roads by 2041. To achieve that target we need to enforce against offending; learn from the collisions that take place; and take consequent action to improve road conditions, vehicle design and driver behaviour.

Parliamentary Advisory Council for Transport Safety

The Parliamentary Advisory Council for Transport Safety (PACTS) welcomes this investigation to learn from serious collisions within London.

The Mayor has been very clear of his intention in his Vision Zero objective for all deaths and serious injuries from road collisions to be eliminated from London's streets by 2041. Safe System, the internationally recognised best practice approach for preventing deaths and serious injuries on roads, is often represented as a circle of elements. This indicates the need for both collaboration of multiple players as well as cyclical feedback from elements of the system.

One element of the Safe System, which is as critical as each of the rest, is post-collision response. It is well established, across transport modes, that by learning from collisions, authorities are better able to understand their causes and therefore reduce, and ideally eliminate, the number of serious injuries suffered. The effectiveness of investigations carried out to build understanding will determine the speed and effectiveness of any learning gained from them. Therefore strengthening the investigation capacity within London is a key element to achieving the Mayor's vision.

In considering how the Met's serious injury collision investigation work could best contribute to achieving the Mayor's Vision Zero target of eliminating deaths and serious injuries from London's roads PACTS recommends that the Committee consider the following: improving the means of recording the number of people seriously injured; and, focusing on safety when carrying out investigations.

Improving the means of recording the number of people seriously injured

It is well known that official data captures the vast majority of fatal collisions but does not include all people seriously injured in road collisions. At a national level, and in the case of those who are most severely injured, studies published in 2022 and 2023 found that 43% of Trauma Audit Research Network (TARN) records for all road users were linked to STATS19.^{8 9} Notably, the study in 2023 found that only a quarter of the most seriously injured bicycle casualties matched police data.

The Met's serious injury collision investigation work should give a clear definition of their remit related to a specific casualty injury severity. Once defined, there should be action taken to gain the fullest picture of the number of casualties injured. Achieving this will require collaboration with others based at the capital's hospitals.

Focusing on safety when carrying out investigations.

An international review of road collision investigations found, in 2020, that:

police led accident investigations inevitably focus on determining the course of events with a primary consideration of identifying any offences/offenders. There is the risk that, once evidence has been gathered to a point where it becomes apparent that no offences or offenders can be prosecuted, the investigation will be halted or may have difficulty in securing adequate resources and focus to continue.¹⁰

In order for the investigations to contribute most to the Mayor's objectives safety issues must be the focus for the police's remit. This will require appropriate resourcing so that safety learning opportunities are not missed.

About PACTS

The Parliamentary Advisory Council for Transport Safety (PACTS) was formed in 1982 by parliamentarians and experts from a range of disciplines who had amended what became the Transport Act 1981 to make seat belt wearing compulsory.

Today, PACTS is the only NGO which:

- addresses transport safety (road, rail and air) across the UK;
- focuses on parliament, government and key stakeholders;
- has a wide membership base across the modes and the public, private and third sectors;

⁸ [Linking STATS19 and TARN: an initial feasibility study - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/81442/Linking_STATS19_and_TARN_-_an_initial_feasibility_study_-_GOV.UK.pdf)

⁹ [Linking STATS19 and TARN: an initial feasibility study - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/81442/Linking_STATS19_and_TARN_-_an_initial_feasibility_study_-_GOV.UK.pdf)

¹⁰ [Microsoft PowerPoint - ROSAT_JM_20070327 English \(dacota-project.eu\)](https://rosat-jm-20070327.dacota-project.eu/)

- has no commercial or sectional interests.
It provides the secretariat to the All-Party Parliamentary Group for Transport Safety.

PACTS is a founder member of the European Transport Safety Council (ETSC) and continues to be one of its most active members.

More details about PACTS can be found on our website [here](#).

RoadPeace

Q 1 - Have you been affected by serious injury collisions in London? What impact have you experienced?

RoadPeace is the national charity for road crash victims. We have contacted our members and asked them to respond directly to this inquiry to share their experiences of serious injury collision investigation in London.

Q 3 - In your view, are serious injury collisions in London adequately investigated? Why?

RoadPeace believes there is not enough evidence to give a definitive answer on whether investigations are adequately investigated because of the lack of qualitative data from those that have suffered a serious injury collision.

The Lack of transparency renders it difficult to say how well serious injury collisions are investigated. Without level of satisfaction surveys of seriously injured victims, and without the reasons for No Further Action recorded, understanding whether serious injury collisions are adequately investigated can only be done qualitatively. No KPIs exist for police, and whilst it is mentioned in the Vision Zero Action Plan, no strategy exists for monitoring and improving how serious injuries are investigated in London.

The difference between investigations by the SCIU and non-SCIU is an issue. Whilst c.100 out of the of 3,852 reported serious injuries (London, 2022) are investigated by the Serious Collisions Investigation Unit (SCIU), the remaining (and vast majority) are investigated by borough officers, police staff at Marlow House, or a combination of both. Whilst the SCIU overall investigates collisions to a high standard, victims and the solicitors representing them report that many cases not investigated by the SCIU are poorly investigated.

Even the most serious injuries investigated by SCIU are no longer investigated by Forensic Collision Investigators (FCIs). Whilst fatalities continue to be investigated by FCIs, changes in regulation by the Forensic Science Regulator has meant that involvement of FCIs in cases is much more resource intensive. The Metropolitan Police Service's SCIU is one of many in England and Wales who have implemented a policy to no longer utilise FCIs in serious injury collisions.

The quality of the investigation is also a postcode lottery. Whilst some serious injury collisions investigated by borough officers and Marlow House are investigated well, this is reported to be down to the individual investigating the case, as there is wide variation in the quality of investigations.

Standard Operating Procedures (SOPs) are not resulting in sufficient evidence gathering. Most of the problems with serious injury investigations arise from evidence not being gathered at the scene. This includes witness contact details and statements, CCTV and dashcam/headcam footage, pictures of the scene and body-worn camera footage. It is also very unlikely that a mobile phone will be seized in a serious injury collision.

If this evidence is not gathered immediately, it is often lost – rendering a follow up investigation by Marlow House impossible and resulting in a ‘No Further Action’ decision. Whilst SOPs exist for the different injury severity types, victims and solicitors report that evidence which existed was not captured in some cases – rendering criminal prosecutions impossible and civil action more difficult. SOPs are not publicly available. There is also an issue with the lack of Prevention of Future Death reports. These are only issued by a coroner, are restricted to only being provided for fatal crashes and in most cases are only issued very rarely, currently only for 3% of fatal crashes.

Q 4 - How do investigations of serious injury collisions affect road crash victims and their families?

RoadPeace has encouraged its London-based members who have had experience of a crash to share their evidence with the consultation. We hope this will provide a specific understanding of the reality of what this means for those suffering post-crash.

To give an overall perspective on what our members have reported experiencing in investigations, these are some key themes that we hear while providing support services to victims and families:

A quality investigation is necessary for:

Civil compensation with victims better able to cope and recover from their injuries.

Unlike the vast majority of European countries who have presumed or strict liability systems, we have a fault-based compensation system in the UK. This means that victims need to prove they were not at fault to access civil compensation. Seriously injured victims often do not know they need to instruct a solicitor, or are too unwell to do so immediately. As such, it is crucial that evidence from the scene is gathered and preserved by police. If witness contact details aren't taken, photographs of the scene captured, and CCTV evidence obtained, the outcome for the victim is that their claim is financially reduced and/or much lengthier. The impact of this on victims and their families is that their settlement to pay for much needed rehabilitation is delayed or not sufficient to cover the costs. This can lead to a number of hardships:

- Financial difficulties, including loss of home, as victims are often out of work for an extended period of time. This will also impact any of the victim's dependents.
- Limited recovery from injuries with lifelong impact, as early rehabilitation is essential for maximum recovery
- Reliance on the NHS for rehabilitation which should be paid for by the insurer of the party who caused the crash. Stretched NHS resources should not be spent when it is not necessary to, and the quality and extent of the rehabilitation on offer in the private sector surpasses that of the NHS in most cases. Both crash victims and the NHS benefit from having their rehabilitation paid for privately.

Criminal prosecution. Without a quality investigation, it is not possible to prosecute drivers who kill and injure. Not only does this contribute to a wider failure of deterring criminal driving behaviour, inability to ban drivers who pose a risk, and punish law-breaking, it also leaves victims unable to access justice. Victims report they are left feeling failed by the system if their case is inadequately investigated.

Ensuring lessons are learnt to prevent future collisions. After suffering a serious injury, victims overwhelmingly want to ensure that the circumstances which led to their crash are not repeated and are mitigated against. Without a quality investigation, it is not possible to know what has caused a crash to happen, and road safety policy or infrastructure changes which could prevent death and injury in the future do not get implemented.

Q 5 - What level of support is in place in London for victims of serious injury collisions and their families? What more is needed?

This depends on how the support is defined, and, also how the serious injury is defined, for life changing injury there is support available but accessing this is difficult. It could be possible for information and signposting to be provided as default for all injury collisions.

Support for serious injury should include a commitment to 'serious injury investigation charter' which outlines a standard of quality of investigation and a commitment to provide information and support. To show commitment to the improvement of support to victims, a channel of feedback could be implemented, as well as signing up to the Serious Injury Guide to support swift access to civil compensation. Improving the processes of obtaining compensation would be of great use to the phenomenal numbers of people waiting to access it.

A quality investigation is much more important than access to support services. Emotional support does not pay the bills, and typically the most pressing issues for seriously injured Londoners are financial support if they are unable to work, and access to rehabilitation to recover from their injuries. Without a quality investigation, victims cannot access civil compensation.

Q 6 - How well does the Met communicate its serious injury collision investigation work, including information to victims concerning the investigation process, timeline and charging decisions?

Lack of information about investigation procedures means victims often do not know what to expect from police. Whilst Marlowe House has a leaflet it gives to victims, there is no guide for the seriously injured guides. Such guides do exist for bereaved families and those with life threatening injuries—these have been funded by MOPAC whilst national guides, funded by central government, also exist.

Victims and solicitors report MPS do not adhere to the Victims Code of Practice.

Whilst the Victims Code outlines particular rights that victims have in terms of being kept informed, victims and their solicitors have reported that this is not always adhered to. Victims have reported having to call 111 from hospital to find out who their investigating officer is and are not always kept informed on charging decisions and the progress of the investigation.

No data is gathered on how well victims are communicated with. Whilst victims of some crimes in London are surveyed on their level of satisfaction with the investigation, including on how well they were kept informed, this is not the case with road crime victims.

Questionnaire sent to victims too generic and contributes to cases being dropped.

There is one standard questionnaire that is sent to victims, drivers, and witnesses involved in a collision. The form is far too generic and is only sent out by post. Many seriously injured victims will be in hospital for a long time, or unable to read or write, and there are instances of victims not being able to return the form and the case being dropped as a result. Ideally the questionnaire would be available online and adaptable to different collision types. At a bare minimum it should be able to be sent, completed and returned over email to allow for seriously injured victims to complete it.

Reasons for ‘No further action’ not given. Most serious injury collision investigations by the Met are believed to result in a ‘No Further Action’ (NFA) decision. The reasons for NFA i.e. lack of evidence, evidence not gathered, victim at fault etc. are neither communicated to the victim nor recorded. As such neither victims nor the public know why the police have taken a decision to not take the case to the CPS. This not only leaves victims in the dark about the circumstances of the serious injury they sustained, but also makes it difficult to monitor how well the police are investigating collisions.

Q 7 - In your experience, how easy is it acquire information from the Met, when it is necessary for victims’ access to civil compensation following a collision?

Our Legal Panel partners tell us it is not easy. There is national guidance from the NPCC that should be followed, but not all staff are aware of this or are as trained on the guidance

as they should be. This causes delays to the compensation process and results in further aggravated trauma and stress for victims.

There is inconsistency around what information is shared with victims, as it can come in a piecemeal fashion when all information is needed together, and when more time has passed it can mean pieces of required information go missing or do not get sent.

Q 8 - What more could the Met be doing to increase confidence in the police investigation and charging decision after a serious injury collision?

Confidence in the investigations conducted by the Met would be increased by:

- a) improving procedures and practices
- b) ensuring officers and staff have the appropriate resources and training
- c) investigations are supervised, and police held to account on their quality
- d) improving transparency of how investigations are conducted and their outcomes
- e) improving the way police communicate with victims
- F) monitoring of consistency of investigation procedures

Improving procedures and practices

1. Standard Operating Procedures (SOPs) made public and adhered to by MPS.

Officers attending the scene of a serious injury collision should be required to conduct a minimum level of investigation, so that both a criminal prosecution by the Traffic Prosecutions team, and civil proceedings are possible. The more serious the injury, the higher the standard should be. Whilst SOPs exist, these are not public and the varying quality of investigations indicates they are not being adhered to. MPS should consult on SOPs with victims and solicitors, and they should be made public. Standards should be made available to first response officers as a check-list easily accessible on their systems. A system should be put in place to ensure that police are held to account on these standards being met.

2. SCIU should review and report on the impact of not utilising FCIs for the c.100 serious injury collisions they investigate

The serious injuries investigated by SCIU are the most serious injuries sustained by victims, and will definitely be life-changing and/or life-limiting. These are the victims in most urgent need of civil compensation to help pay for the care they need. Whilst solicitors report the absence of FCI expertise impacts access to civil compensation, SCIU should review whether this is the case.

3. Questionnaire for seriously injured victims revised and available online

The form seriously injured victims are required to fill in on paper and send in within a set period of time contributes to cases being dropped, and is too generic. An online questionnaire should be developed, and should be designed to adapt for different collision types. In the meantime, hard copies should be updated to better

4. Contributory factors recorded at the end of an investigation

Contributory factors in serious injury collisions should be recorded once an investigation is concluded, to ensure that data on the causes of crashes is correct. In 2019, speed was initially reported as a contributory factor in 17.5% of fatal collisions in London. However subsequent analysis of investigation reports by MPS found that speed was a contributory factor in 49.2% of fatal collisions. Road safety policy would greatly benefit if the causes of crashes were accurately recorded.

5. Collision investigation training for officers attending the scene and police staff conducting investigations

Whilst MPS provided training for Roads Transport Policing Command (RTPC) officers during 2020/21, the majority of serious injury collisions are first attended by borough officers, not RTPC officers. Training should be rolled out to all borough officers to train them on obtaining the minimum standards of evidence for serious injury collisions, and the impact of the training measured. Police staff investigating crashes should also be reminded/trained of the National Police Chief Council's guidance on disclosure following a collision, to ensure victims' early access to rehabilitation. Considering the proportion of victims who were walking and cycling, training on investigating collisions with vulnerable road users should be given to all police and police staff involved.

6. Dedicated collision investigation leads in boroughs

Lead collision investigators should be introduced in boroughs, as has been done by Lambeth Council who "funded a Met Police officer to ensure adequate resourcing is available for collision investigation, and pursuit of and criminal liabilities". As well as improving collision investigations, this will facilitate better communication between police and local authorities. Ensuring that contributory factors within the borough's control e.g. infrastructure, traffic signals etc are flagged and remedied more quickly.

7. Review officers appointed.

To ensure consistent and accurate/fair charging decisions, dedicated officers should be assigned to review serious injury collision investigations (as done within the Serious Collisions Investigation Unit).

8. Independent review conducted

MPS should commission a university or researcher to conduct a review of how well serious injury collisions are being investigated, with particular focus on No Further Action decisions. If such a review were conducted every couple of years, improvements in serious injury investigations could be monitored.

9. Investigation outcomes should be reported, including reasons for No Further Action

There is no data linkage between collision reports and court records, so it is not possible to know which collisions (e.g. the number of pedestrians) resulted in a prosecution. MPS

should publish this data, and include reasons for No Further Action (e.g. lack of evidence, or liability of injured party)

10. Level of satisfaction surveys conducted

The police should be confident enough to survey injured victims on their level of satisfaction with the collision investigation and how well informed they were kept. Level of satisfaction surveys would allow for the impact of investigation policies and procedures to be measured. An annual survey should also be conducted with solicitors (although this could be conducted by campaigners, not police).

11. Strategy and Action Plan on improving and monitoring serious injury collision investigation to be published by the Metropolitan Police Service (MPS) and Transport for London (TfL).

As part of MPS' and TfL's commitment to Vision Zero and 'post-collision learning and response', a strategy and action plan should be developed to outline how MPS will improve and monitor serious injury collision investigations in London. Given people walking and cycling in London make up over 50% of the serious injuries, improving the post-collision response is key to achieving Vision Zero.

12. Working Group to be established on Serious Injury Collision Investigation.

MPS' Vision Zero Enforcement Group should be replicated, and include representation from victims, solicitors and campaigners. The group would allow MPS to update on delivery of the action plan, and provide a forum for feedback on the impact of investigation policies and procedures.

13. Guide for seriously injured victims should be published.

A guide for seriously injured victims should be developed and published by MPS, so that victims and families know what to expect from police and understand the process of how a serious injury collision is investigated. The guide should be developed in consultation with victims, campaigners, and solicitors.

Q 9 - In your view, is the Met sufficiently resourced and trained to carry out investigations into serious injury investigations? Why?

In our view the Met is not sufficiently resourced to carry out serious injury investigations to the consistent and thorough level that is required to deliver justice to crash victims. There are too few forensic staff to deal with the number of collisions that take place across the city, and we think it is best to be realistic about the lack of resources, instead focusing on what is practical and possible in the circumstances.

Therefore, we believe that borough officers are far better placed to carry out investigations, but this relies on officers being well trained and equipped to gather evidence in the correct way. This would be dependent on an agreed minimum standard of serious injury investigation.

The new head of the SCIU has suggested that officers would need to have a checklist of evidence to be collected, which would include:

- Photos of the scene, including gouge marks on the road and where the victim is
- Photos of vehicles involved (8 minimum of each vehicle, inside and out)
- Scene measurements
- Location of CCTV noted
- Walkaround with a body worn video, to give a 360 perspective of the crash scene
- Witness contact details (initial statements)
- Scene examination notes
- Sketch plans
- Making sure CCTV is checked and seized, or at least videoed by a body worn camera, which would be the absolute minimum
- A confirmation of whether there is any suspicion of phone usage involved in the crash

Q10 - How could the Met's serious injury collision investigation work best contribute to achieving the Mayor's Vision Zero target of eliminating deaths and serious injuries from London's roads?

The Met's work would best contribute to achieving Vision Zero by:

- Making Contributory factors be collected at the end of the investigation and thus more accurate.
- Identifying which KSI collisions were caused by human error (mistakes) and which were result of risk taking—this should be required for Safe Systems approach which expects the former to be designed out.
- Ensuring consistent and fair charging of careless driving—lower-level careless driving can be difficult to determine but without this, offenders are let off and compensation claims reduced, even if accepted.
- Lorry and bus KSI collisions having annual reviews to see what more TfL could be doing to prevent repeat occurrences.
- Identifying and meet best practice and publish investigation outcomes and NFA reviews so road users can have confidence in the police investigation and charging decision—justice needs to be seen to be believed.
- Improving information sharing with solicitors and victims for insurance claims
- Including RDR training in police—RTPC as well as borough police so they can better understand the importance of the evidence they collect at scene.

Stewarts

About Stewarts

Stewarts is a leading litigation firm specialising in complex high value disputes. Our pioneering approach and track record of success for clients has helped us to become one of the UK's leading litigation-only law firms. Our Personal Injury Team has been ranked number

1 in leading legal directories, including Chambers and Partners and The Legal 500, for the past 20 years. We are specialists in catastrophic injury claims, only acting for clients who have suffered life-changing injuries.

Introduction

Stewarts welcomes the opportunity to respond to the London Assembly’s call for evidence as part of an investigation into serious injury collisions in London. We have offices in London and Leeds, with our London office frequently acting for numerous people seriously injured in road traffic collisions in London. Our clients include both UK residents and foreign nationals injured while visiting London. As we deal with serious injuries sustained on London roads, we have frequent communication with the Metropolitan Police (“the Met”), who are frequently the first people we contact at the start of an investigation, and we are therefore well-placed to respond to this call for evidence.

We set out below, our responses to those questions within the consultation that we feel best placed to assist with.

2. What is your experience of the Met’s investigation of serious injury collisions in London?

The Met is usually the first organisation we contact after having been instructed by a seriously injured claimant. In our experience, the Met is usually receptive to our contact and willing to information share (within the limits of what they can disclose during an active investigation). Investigations of serious injury collisions in London are thorough and detailed but, as a result, they can take a long time. Unfortunately, this can have an impact on victims who have claims in which liability is denied. The absence of information and length of the investigation can mean our clients do not have access to any interim funding for immediate needs and rehabilitation from their injuries because we cannot obtain the evidence that would persuade the defendant of the strength of our client’s case.

As is recognised in the College of Policing’s National Policing Guidance relating to disclosure in road traffic collisions¹¹ the remedies that can be obtained through civil litigation can have profound effects, particularly where the victim has lost the means to work, requires extensive rehabilitation or, in very sad cases, has lost their life and was the main breadwinner. The importance of rehabilitation to seriously injured people is also recognised by the Crown Prosecution Service (CPS) in their guidance on disclosure (Disclosure of Material to Third Parties)¹²

If any action can be taken to improve the speed with which an investigation can be completed and/or information disclosed, this would be very welcome to victims and their families. We recognise, however, the importance of the investigations and that any improvements in timescale must not come at the cost of compromising the investigation itself or the prospects of ultimately securing the conviction of any responsible party.

¹¹ [Microsoft Word - Barry_Road Traffic Collisions and Third Party Disclosure_+1_9 5 16 \(002\) \(seriousinjuryguide.co.uk\)](#)

¹² [Disclosure of Material to Third Parties | The Crown Prosecution Service \(cps.gov.uk\)](#)

6. How well does the Met communicate its serious injury collision investigation work, including information to victims concerning the investigation process, timeline and charging decisions?

In our experience, the Met is very responsive to requests for information about the stage of their investigation and when charging decisions have been made/presented to the CPS. However, we do find this information has to be requested on a regular basis and is not necessarily volunteered. This can be a problem when it comes to court hearings as it is often necessary for us to attend but we and the victims are not always given much or any notice of when these are listed.

It would be helpful if there was a way in which victims' representatives (and/or victims) could be recorded as interested parties and information automatically provided when it becomes available, such as the completion of an investigation report and/or the fixing of a hearing date or trial in the criminal proceedings. The concern is that, without such alerts, some victims and/or their representatives may not be able to access information promptly and may miss the opportunity to attend the criminal trial when evidence and/or information which would be helpful in the civil proceedings is often aired.

7. In your experience, how easy is it to acquire information from the Met when it is necessary for victims' access to civil compensation following a collision?

The Met is usually willing to share sufficient information at an early stage to enable us to identify the likely defendant and/or insurer. This is vital to ensuring, where possible, the victims of serious injury collisions can gain access to early interim funding and rehabilitation. This in turn facilitates their discharge from hospital.

The information is not provided centrally so it is necessary to obtain details of the investigating officer in the first instance, which can delay matters. Although the Met is usually responsive to our requests for updates, in cases where liability is in dispute the victims of serious injury collisions require access to the evidence sooner rather than later but are often told to wait until the investigation is concluded before that evidence can be released. This is not in accordance with the CPS guidance¹³, in particular the following points from that guidance:

"Time Frames

1. Requests for disclosure of other documents (i.e. the Police Collision Report, the Forensic Collision Investigators Report together with accompanying photographs, plans, CCTV footage and note book entries of reporting officers) should be dealt with within 4 months and no later than 6 months of the collision/incident.

2. Requests for disclosure of police witness statements as noted in paragraph 2.6 above should be dealt with within 6 months and no later than 9 months of the collision/incident.

¹³ [Disclosure of Material to Third Parties | The Crown Prosecution Service \(cps.gov.uk\)](https://www.cps.gov.uk/disclosure-of-material-to-third-parties)

3. If witness statements are held back due to substantial concern that disclosure may prejudice the criminal trial, those statements should be released to the civil litigator requesting disclosure within 4 weeks of the verdict being returned. Delays should not take place for sentencing. The outcome of any criminal proceedings should also be disclosed to interested parties immediately on request”.

Seriously injured people are more likely to be financially unstable and, in our experience, victims of serious injury collisions, or their instructed solicitors, are often required to pay thousands of pounds to obtain copies of the evidence from the police. Whilst we do not have available evidence about the financial situation of all seriously injured people, government statistics in relation to disability indicate a gap in employment between disabled and able-bodied people¹⁴ as well as pay being less for someone who is disabled.¹⁵

We would welcome any improvements that could be made to the financial burden placed on victims to gather evidence necessary to establish liability and secure any compensation.

¹⁴ [Outcomes for disabled people in the UK - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk)

¹⁵ [Disability pay gaps in the UK - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk)