



accidents don't have to happen

Response to

Department for Transport
Consultation Paper

“Reporting Road Accidents to the Police”

24th April 2018



Introduction

This is RoSPA’s draft response to the Department for Transport’s consultation paper, “Reporting Road Accidents to the Police”. It has been written in consultation with RoSPA’s National Road Safety Committee.

Over 140,000 personal injury road traffic accidents are reported to the police each year. Most are recorded by a police officer attending the scene of the accident, and around 20% by drivers at a police station. In addition, approximately 55,000 ‘property damage only’ road traffic collisions in which no one was injured are reported at police stations.

Section 170 of the 1988 Road traffic Act requires drivers who are involved in a road accident that causes personal injury or damage to property, to stop, and if required to do so by any person having reasonable grounds, give his name and address and the name and address of the vehicle owner and the identification marks of the vehicle. If, for any reason, the driver does not provide these details, they must report the accident at a police station as soon as practically possible, and within 24 hours of the accident.

Although section 170 does not specify that the report needs to be made in person, case law (*Wisdom v MacDonald* 1983) shows that reporting an accident by the phone or by any other means is not legally acceptable.

Requiring drivers to report an accident in person, if they were not able to provide the required details at the time of the accident, imposes burdens on drivers, police forces and businesses. For drivers, reporting accidents in person may be inconvenient, time-consuming, and create financial costs, by the driver having to find a police station that is open within the reporting window, travelling to and from the police station and waiting to report the accident.

For the police, recording accidents in person is more expensive than doing so on the telephone or online. It takes around 20 minutes for a member of police staff to record an accident report from a person attending the police station, and increases demand at police station front counters, slowing down the reporting of other crimes.

For businesses, costs include loss of staff time from productive work to make a report at a police station, and the effects on efficiency, productivity or profitability. If drivers use a business vehicle to attend the police station, the business may also incur parking charges, fuel costs and loss of the use of the vehicle for that period.

Therefore, the Government propose to allow police forces to specify other means by which a driver may report an accident. However, there is no intention to remove the police station option, so drivers will be able to continue to report accidents in the existing way (at a police station or to a constable). The aim is to make it simpler and easier for drivers to comply with their legal obligations to report road accidents.

If implemented, the proposals would allow police forces to decide whether to allow reporting by other means and if they do, decide which communication channels they will offer. They will not oblige police forces to offer any specific communication channels. However, police forces will continue to be required to accept reports in person over the counter, even if they do offer alternatives.

RoSPA Response to “Reporting Road Accidents to the Police” consultation

Question 1

What currently available channels of communication do you think need to be considered for reporting road accidents at this time?

RoSPA Response

Reporting methods need to be easy to use, accessible to the majority of people and compliant with the General Data Protection Regulations that come into force on 25th May 2018. Any new communication channel must not be cost-prohibitive, for example, by requiring the use of a premium cost telephone number, and should be accessible for people with differing written and spoken English abilities.

The channels of communication that RoSPA thinks should be considered are:

- Online reporting via either a PC or tablet
- An app via Apple or Android mobile phone
- Telephone
- In person at police station

It would be useful for any new technological channels to incorporate the facility to download photographic evidence of the accident or vehicle(s) involved, but not require this in order to complete a report. As well as identifying those involved, this could be useful where the person(s) ‘at fault’ for causing the accident is disputed or in doubt. It may also speed up the process of settling claims and awarding compensation.

Care should also be taken to ensure that these proposals do not inadvertently encourage drivers to avoid stopping at the scene of an accident and exchanging details with “anyone having reasonable grounds for requiring them” or failing to report the accident to the police if they have not exchanged details. For example, some people may intend to report an accident later by phone or internet but then forgot to do so, or delayed reporting it to alcohol levels decline.

As the law currently stands, if new reporting methods are introduced, reporting an accident at a police station later that day, or online or by phone, may be a criminal offence unless there was a specific reason that made it impracticable to report it immediately (e.g. no phone signal or a dangerous environment). In effect, the driver would have already failed to report it as soon as practicable as they could have done so by phone or internet and so may have committed a criminal offence. “Failing to stop” is rightly regarded seriously by the courts and carries sentences to reflect that. This change may put many people in jeopardy of prosecution without realising that they were doing, or intending to, anything wrong. Therefore, this issue needs to be considered and resolved before the proposed changes are implemented.



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Question 2

What reporting methods do you believe might exist in the future?

RoSPA Response

Technology is advancing rapidly and any data sharing system using 4G technology is likely to be superseded in a fairly short space of time. It is, therefore, essential that the police use systems that are tried and tested and can be future-proofed to accommodate further technological changes.

Many vehicles are already fitted with systems that automatically issue alerts, including geo-location information, to the emergency services when a crash occurs. It would be sensible to incorporate such systems in new reporting methods.

The introduction of highly- and fully-autonomous vehicles might also allow the police to be automatically notified of an accident, perhaps along with vehicle details. For fully-autonomous vehicles, eventually it may even be unnecessary to know who the driver is as there will not be one, although this will be some years distant. The implications of 'driverless' vehicles need to be considered.

Future reporting methods should reflect any changes resulting from the vnuK motor insurance case, and any change in the legal definition of vehicles as a result of the recent [Cycle safety review independent legal report](#), including the suggestion of removing the restriction of "*mechanically propelled vehicles*" for offences of causing death or serious injury by dangerous or careless driving. If implemented, any implications for reporting road accidents would need to be considered.

Question 3

What are your views about giving each separate police force the power to decide which communication channels they offer for reporting road accidents?

RoSPA Response

RoSPA understands why this is proposed as it follows the approach already taken by the National Police Chiefs Council and reflects the individualism of police forces and the different resources they have available to implement these changes. However, RoSPA believes there is an important benefit in maintaining consistent, single national communication channels for reporting road accidents. It could make use of the national non-emergency 101 number, and have an advantage for drivers who have an accident outside their normal area and where it is not necessarily easy to find a local police force accident reporting number/email/website.

The changes proposed in the consultation do not seek to mandate any technologies that police forces must use, which may mean that a single national system or phone number is less likely to be created and each Chief Constable would decide on the approach and methodology they will use.

There are 45 territorial Police forces in Great Britain (including Northern Ireland who are excluded from this proposed legislative change) and it is highly likely that most, if not all, will use an electronic medium such as an 'internet page' or an 'app'. It does not seem very cost effective for each force to develop their own system and have to make individual adaptations as technology advances. This might also make it more difficult to maintain a single campaign to promote the new reporting methods.

For this reasons, RoSPA would like to see the provision of a national electronic reporting system, although it could be up to each Chief Constable to decide whether to introduce it into their force area.



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Question 4

What is your opinion of allowing the use of automated processes for the reporting of road accidents?

RoSPA Response

RoSPA strongly supports the proposal to allow alternative reporting arrangements in addition to attending a police station. This would benefit both drivers and police forces, many of whom now have digital systems that identify the registered keeper of vehicles and proof of insurance, and systems that allow people to report instances of bad driving. Such automated systems which people use to supply information (such as when applying for a passport) or provide information to a third party, are now widely used.

However, the anomaly we mentioned in our response to question 1 needs to be addressed first.

Using automated processes may increase the accuracy of information provided.

Data encryption allows the safe storage of personal data, in a format that is quick and easy to use. Automated systems also have the advantage that certain data fields can be made mandatory thus, ensuring that all the necessary information is provided in the correct format and reducing human error that can occur when information is provided over the counter.

Consideration should be given to any new reporting method(s) being able to operate in different languages so they can be used by people whose first language is not English.

Any automated system must provide the driver with a unique reference number that allows them to submit further information; for example, the driver may wish to submit some of the accident details at the scene and other documents later as these were not available at the time.

If police forces are allowed to develop their own communication channels, agreed standards should be developed to ensure some level of consistency.

Whatever new communication channels are developed, it will need to be clear who can make reports and able to clearly link reports to the appropriate accident. For example, if it will be possible for different people (e.g., driver of vehicle A, driver of Vehicle B, passengers, witnesses) to report the same accident, clear, cost-effective and reliable methods of validating information from different sources and correctly allocating them to the appropriate accident will be needed.

Appropriate support systems for any new reporting method will need to be considered, to ensure that the accuracy and reliability of reports are confirmed and that there are sufficient administrative staffing levels to ensure that reports are allocated for further investigation where required. It would also be useful for reporting systems to communicate with motor insurance databases.

Those submitting a report should receive an acknowledgement of receipt, which could be an automatic reply.

Any changes to reporting methods and procedures will need to be widely promoted, and reflected in updates to the Highway Code.

Effective methods of ensuring that new reporting systems cannot be abused (for example, delaying reporting an accident to allow alcohol or drugs to leave a driver's system or to avoid a police officer attending the scene of a crash) will also be necessary.



RoSPA Response to "Reporting Road Accidents to the Police" consultation

Question 5

Do you agree that using new methods of reporting road accidents would deliver benefits to drivers? Why?

RoSPA Response

New reporting methods would provide considerable benefits to drivers. Attending a police station can be a daunting and upsetting process, as well as inconvenient. If their vehicle has sustained damage that makes it non-driveable, this creates practicable issues of getting to the station within the 24-hour period. Depending on where the driver lives, they may have a considerable journey to their nearest open police station, possibly in an area with poor public transport.

Being able to report the accident remotely via a mobile app, telephone or online will save drivers' time and money, whilst not diminishing the quality of data provided.

Question 6

Do you agree that using new methods of reporting road accidents would deliver benefits to the police? Why?

RoSPA agrees that using new methods of reporting road accidents would deliver very tangible real benefits to the police.

Around 20% of accidents are reported at police stations, which has considerable implications on police time. Allowing other reporting methods would free up police time and allow valuable resources to be used for other purposes.

An automated reporting system would allow the police to filter information. It could identify the type of accident a driver is trying to report by asking a small set of questions. Such a system could then provide feedback. The system could flag up accidents that need to be investigated. Accidents which are reported but do not need to be, such as damage only, could be logged and a reference number issued automatically and stored without using any police officer or back-office resources.

The Department for Transport and the National Police Chiefs Council should consider the implications of new reporting methods on the collation and reporting of Stats19 statistics by police forces.

New reporting methods may also help the Motor Insurance Bureau (MIB) in recording and responding to accidents involving uninsured drivers and hit-and-run incidents.

RoSPA thanks the Department for Transport for the opportunity to comment on the proposals. We have no objection to our response being reproduced or attributed.

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