



accidents don't have to happen



# Coroner service: follow up

PACTS and RoSPA joint response to the Justice Committee's call for evidence

January 2024



Response to Justice Committee's call for evidence: Coroner Service: Follow up

## 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;
- 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. Thank you for giving us the opportunity to respond to this consultation. For further information regarding this response please contact Kumar Niketan, Advocacy Officer PACTS at [kumar.niketan@pacts.org.uk](mailto:kumar.niketan@pacts.org.uk)

## About RoSPA

RoSPA is a not-for-profit organisation that has worked for more than 100 years to help people recognise and reduce their risk of accidents, on the road, at home, at work and at leisure. Our goal is to enable everyone to live their lives to the full, safely.

Everything we do at the Royal Society for the Prevention of Accidents is guided by two core principles – our vision and mission. Our vision is life, free from serious accidental injury and our mission is exchanging life-enhancing skills and knowledge to reduce serious accidental injuries.

RoSPA's vision is drawn from our respect for life and all that it contains – the freedom to enjoy personal choices, health, happiness, wellbeing, relationships, and a huge variety of life-affirming activities. Serious accidental injuries are a burden – a burden which afflicts too many, preventing them from enjoying life to its fullest – and one we are determined to free people from. We want to enable healthy, active lives through our skills and knowledge, while also seeking reasonable limits to potential harms that ensure these lives can be lived unhindered and unburdened by fatal and life-changing accidents.



Response to Justice Committee's call for evidence: Coroner Service: Follow up

## Introduction

This is the joint response from The Parliamentary Advisory Council for Transport Safety (PACTS) and the Royal Society for the Prevention of Accidents (RoSPA) to the Justice Committee's call for evidence on the coroner service. We have no objection to our response being reproduced or attributed. Our response is particularly looking at creating national guidance for coroners for their investigation into road collisions and how could the Road Safety Investigation Branch support them effectively. Furthermore, we are also keen to explore what role can coroners play in preventing future casualties on roads with advice/inputs from road safety researchers and organisations.

## Response

At the conclusion of the investigation, the coroner may make a 'Report on Action to Prevent Future Deaths under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and Regulations 28 and 29 of the Coroners (investigations) Regulations 2013 (normally called PFD reports or Regulation 28 reports). These reports are sent to individuals, organisations, local authorities, or government departments and their agencies and the recipient of the report must respond within 56 days showing how they have made (or will make) changes according to the coroner's recommendations. All reports and responses are sent to the Chief Coroner and are usually published on the Judiciary website.

Coroners in England and Wales have a duty to report and communicate details of deaths when they believe that actions should be taken to prevent future deaths. These reports, named Prevention of Future Deaths reports (PFDs), involve three processes: 1) coroners generate PFDs; 2) addressees respond to concerns raised in PFDs within 56 days, 3) reporting actions taken (or proposed). Our understanding is that there have been around 388 PFD reports published in relation to road safety between August 2013 and December 21, 2023. There were 17,068 people killed on Great Britain's roads from 2013 to 2022 inclusive, so these reports are only published for 2.3 per cent of deaths.

A study looking at a sample of reports published in relation to cycling incidents identified that compliance with regulation 29 of The Coroners (Investigations) Regulation 2013, which mandates a response within 56 days, was poor; 26 reports (49%) sent by coroners had responses posted on the Courts and Tribunals Judiciary website at the time of analysis (July 2021). The problem is that this is underused, as there are around [1,711 road deaths in 2022](#) and they are all considered to be avoidable if the safe system approach to road safety is applied. There are numerous organisations, government bodies, local authorities, and individuals that should be sent a Regulation 28 report after every fatal collision, but this is not happening. There also appears to be a low response rate when these are issued so a means to track, follow up, and publish this data is required to flag where action is and is not being taken.

While coroners have support from experts in the rail, air, and maritime sectors, there is no such support for coroners investigating road deaths. We propose the formation of a panel of road safety experts to provide Coroners with support so that Regulation 28 reports can be used more often and more effectively to reduce the



## Response to Justice Committee's call for evidence: Coroner Service: Follow up

risk of harm on our roads. Where coroners review deaths occurring on roads, the expert panel would support the coroner in understanding the causes of the incident, what suitable measures could be taken to prevent such incidents in future, and which party (or parties) should be required to deliver those measures. We would see this function being picked up by the Road Safety Investigation Branch (there are no plans within the current parliamentary sessions to take this forward and there will be a general election before the next session; which means there is no firm commitment for its delivery).

Expert input into coroner analysis of road deaths and identification of countermeasures to prevent future incidents could enhance the learning achieved from each fatal crash. This would ensure that those responsible for roads and transport services are aware of areas that could be improved and informed about how they could mitigate the risk of similar deaths happening in the future. This learning would be of use to the parties associated with a particular incident but could also be shared with other bodies who have the same issue. For example, if a specific road configuration issue is identified as presenting a risk of future road deaths for one local authority, in addition to that local authority applying the recommended countermeasures, other local authorities can apply the same countermeasures on roads of the same configuration in their region. This coordination of effort and partnership approach will deliver significant safety benefits as road and transport organisations are provided with evidence to support the implementation of road safety measures.

The findings of these reports could also be beneficial to organisations who employ people who are required to drive or ride for work. Examples of collisions involving those driving or riding for work who are fatigued or distracted by mobile devices can be seen regularly in media reports. Findings of these reports could be shared with businesses to help them evolve their approaches to managing driving and riding risk, which could contribute to a reduction in the number of collisions involving those driving or riding for work. Coroners also issue the reports to businesses as they have a role to play in prevent work related road deaths such as retrofitting ISA, undertaking checks on driver health, testing for drink and drugs, and many more interventions.

RoSPA and PACTS have no further comments to make on the consultation process, other than to thank the Justice Committee for the opportunity to comment. We have no objection to our response being reproduced or attributed.

