



AVZ Blog: APPG Road Justice report

September 2023

Key points

- The [APPG Road Justice report's](#) 10 recommendations were chosen to:
 - Bring significant safety benefits (both objective and perceived) to people walking, wheeling and cycling.
 - Span the justice process from detection through to sentencing.
 - Be able to have their progress tracked.
- They are organised into future ambitions (Group A) and those which could be achievable now (Group B).
- Consistently thorough collision investigation was a key recommendation (B1) and would have major impact if applied to all serious injury collisions, with detecting criminal offences and facilitating fair compensation.
- Standardising online reporting was another key recommendation (B2), with the Home Office called on to fund and require police services to adopt best practice (or explain why not).
- Group A longer term recommendations focused on tougher penalties.
- AVZ's summary suggests the key ways to build on these 10 recommendations, with a focus on improved detection as justice depends on offenders being caught.

Overview

This week, the All Party Parliamentary Group (APPG) Cycling and Walking published their [Road Justice report](#). This subject is too rarely reviewed so thanks to British Cycling and Leigh Day for funding this study and the APPG for undertaking it. As with the previous 2017 inquiry, this was to cover enforcement through to sentencing.

AVZ gave oral evidence to the inquiry and followed-up with [submissions on 10 key topics](#). We attended the launch of the report (11th September). There Chris Boardman spoke in a personal capacity, quietly yet passionately, on the need to spare other families the suffering his family had to endure.

Here is our summary of their recommendations, their impact and how to build on them. We start with Group B's five recommendations which were said to be *relatively uncontroversial and could be implemented fairly rapidly, at least in principle, given the necessary political will*.

B1 Consistently thorough investigation of serious collisions

This is key. Without a thorough investigation, injured walkers and cyclists will be denied fair compensation, given that liability must be proved. Thorough investigations are also key to understanding how and why collisions occurred. This is important too, given the well-publicised problems with lack of resources for investigation of crimes, and the low priority assigned to road collisions.

AVZ comment. This recommendation would have much impact if it applies to all serious injury collisions. Serious Collision Investigation Units investigate only fatal and near fatal collisions. Forensic Collision Investigators are assigned to these crashes. But the vast majority of serious injury collisions (95%) are investigated by non-specialist officers with much less investigation involved. Yair Shahar

spoke at the launch and his experience, included in the [report](#), highlights the problems caused when serious injury collision is not thoroughly investigated.

We urge the APPG to ensure that this recommendation applies to all serious injury collisions, even if this requires two sets of best practice standards. Our submission on [Collision Investigation](#) highlighted the progress made with fatal and life changing collision investigations, and the need to ensure thorough investigations of other serious injury collisions. Our calls included dedicated review officers to quality assure investigations, data linkage so outcomes could be tracked, and reviews of No Further Action (NFA) decisions in serious injury collisions involving those cycling or walking.

Collision investigation is a regular topic with our monthly Roads Policing campaigner meetings and AVZ is keen to work with the APPG and others to help widen and deliver this recommendation.

B2 Standardised third-party reporting system

The report called for a standardised online reporting system based on best practice, with the National Police Chiefs' Council (NPCC) guidance updated. The Home Office was to ensure it was resourced properly and require police services to adopt the best practice system or explain why they were not being adopted.

AVZ comment: This too is much needed. Improving the online reporting of road crime is essential, especially for detecting careless driving (which few police services consider a priority offence). And, whilst most police services already use Operation Snap (or similar), there is much variation in practice. The Road Safety Trust funded, Keele University led research project highlighted these problems in June when they shared their findings and draft recommendations (yet to be published).

AVZ's submission focused on [Cyclists and online reporting](#), as many/most of reports come from cyclists. Calls included good practice being agreed with feedback being required, and better coordination with data shared with Safer Neighbourhood Teams. Better transparency is also needed and we have commended [Northamptonshire](#) for the data they publish on their online submissions.

As with investigation, online reporting is a key topic for our Roads Policing campaigners. We compare the experiences with different police services and highlight good practice. And whilst the NPCC already have a dedicated dashcam working group, this does not include campaigners. It would be useful if the APPG could help facilitate wider engagement.

And lastly on this recommendation, words matter. It is not third party when a cyclist is reporting, especially with close passes. This does not do justice to the fear and intimidation they have endured. Better terminology is needed.

B3 A UK Commissioner for Road-Danger Reduction

Given the many different organisations involved in making roads safer and delivering justice, the recommendations included the establishment of a Road Danger Reduction Commissioner.

AVZ comment: We were surprised that this made it into the top 10. The [Victims' Commissioner](#) resigned last year in frustration at the lack of progress and commitment by government, and the [Anti-Slavery Commissioner](#) post has been left empty for over a year. If a Road Danger Reduction Commissioner is appointed, their remit should extend beyond reducing road casualties, and include improving the perception of safety, as well as ensuring the wider traffic harms of air pollution and carbon emissions are considered.

In our submission on [Good practice and better coordination](#), AVZ advocated the re-establishment by the Department for Transport (DfT) (or Active Travel England (ATE)) of the Justice for Vulnerable Road Users working group which brought together all the key organisations over 10 years ago for a limited

time. This could function in the short term and provide an information base for any RDR Commissioner appointed. This could start with recommending how road danger should be measured, and include perception of safety, a key indicator for Healthy Streets.

B4 Treating crash victims as victims of crime

This could have real impact. Crash victims need access to information and support from the start and not have to wait for an arrest or conviction.

AVZ comment: This was a key call in our [2021 PCC Manifesto](#), which urged PCCs *“to err on the side of compassion and commit to treating crash victims as crime victims, until the contrary is proven. This is the approach taken with other reported victims of crime. And this would mean no delay in victims receiving information, including on support services.* See AVZ’s submission on [Better Treatment of Victims](#) for other ways in which treatment of crash victims should be improved.

B5 Widen understanding of the Highway Code

This is another important recommendation, with the road user hierarchy a big improvement in tackling danger at source. But it is well-recognised that there is low public awareness of the changes. This recommendation, while overdue, should be easy for the DfT to deliver.

AVZ Comment: In addition to the DfT, all highway authorities should have this action in their road safety strategies. This should also include statistics showing the vulnerability of those walking and cycling in collisions with motor vehicles, e.g. [*in collisions with cars, a pedestrian was almost 300 times more likely to be killed or seriously injured \(KSI\) than the car occupant\(s\). When a cyclist has a collision with a car, they are almost 200 times more likely to be KSI than the car occupant\(s\) \(DfT, 2020\).*](#)

Now for the longer term Group A recommendations, which were stated to *“have large potential benefits, though they may depend on significant enabling action, such as legislative change.”* Four of the five recommendations in this group are calls for tougher penalties.

A1 Escalating penalties for repeated offences

This sensible recommendation called for sanctions to increase with repeat offences. It is already established practice to increase the disqualification period for repeat drink/drug drivers, but this does not apply to all offences.

AVZ comment: This could have major impact, if applied to out of court offences, where the majority of motoring offences are sanctioned. This is especially true with speeding, the most common repeat offence. At present, a driver can commit five speeding offences before they risk losing their license. The first can result in a driver retraining course and the following three will result in a Fixed Penalty Notice (FPN) and the same number of penalty points each time. AVZ’s submission on [Tackling speeding](#) supported increasing penalties for repeat offences.

Further reform is needed. In addition to escalating penalties, the minimum FPN amount for all motoring offences, including speeding, should be doubled to £200 (the FPN for a mobile phone offence). The Police and Crime Commissioners lobbied on this a few years back and it is in several of their police and crime plans.

A2 Compulsory re-testing

Re-testing was recommended for anyone who had been disqualified. The report stated “*Many traffic offences are committed by people who are not competent to drive.*” No reference was given for this claim.

AVZ comment: We hope this would make a difference but know of no evidence that re-testing reduces collision risk. And most direct disqualifications given at court are for impaired driving. Offenders can have their disqualification period reduced by undertaking a drink-drive rehabilitation course. The DfT has consulted over extending this scheme to drug-driving offenders.

A3 Increased maximum sentence for dangerous driving and fuller use of police bail powers

This is a two part-recommendation. The first part called for increasing the maximum custodial sentence for dangerous driving. This would provide closer equivalence with other serious offences, as pointed out by the report.

AVZ comment: Increasing the maximum custodial sentence would affect very few offenders. In 2022, of the 642,000 convictions at court for motoring offences, 4,171 were for dangerous driving. Of those convicted for dangerous driving, 40% were sent to prison (1,679). With a maximum custodial sentence of two years, only one in four received a custodial sentence over 12 months. This included 18 for over 18 months. Another 401 were given sentences of over 12 months and up to 18 months. Those sentenced to over one year in prison for dangerous driving account for 0.1% of those convicted at court for motoring offences in 2022 ([Ministry of Justice, 2023](#)).

In addition, the Sentencing Council has just updated its guidance on dangerous driving, the first time in over 15 years. Its final sentencing guidelines for dangerous driving reduced the reliance on custodial sentence from that proposed in the consultation. Many, including AVZ and Cycling UK, had called for this as it should not require a custodial sentence before a dangerous driver can be convicted. But AVZ believes that, as long as Dangerous Driving is an either way offence with the accused able to request a trial by jury, it will never be used that much, due to the backlog in Crown Courts.

The second part of the recommendation (fuller use of police bail powers) refers to licence suspensions for dangerous driving, as well as drink/drug driving.

AVZ comment. AVZ has campaigned for license suspensions as have many other campaigners. See the debate held in Parliament last year for [Tom’s Law](#). We want licences automatically suspended upon arrest for any serious offence, i.e. which carries a mandatory driving disqualification. This is a key call in our [Remain and Report](#) campaign which aims to hold drivers to account for leaving the scene of fatal or serious injury collisions. Our [Gaps in laws](#) submission included the need for the police to be able to issue licence suspensions and impound vehicles (the latter for more than lack of insurance). We should learn from other countries, including Canada and New Zealand, and make much greater use of disqualifications, including short term bans that do not require court intervention.

A4 Exceptional hardship to be truly exceptional

The report cites the annual average number of exceptional hardships at 8,358. In 2022, a total of 115,025 disqualifications were given (75,000 at court for specific offences and 40,000 for totting up). If all exceptional hardship pleas were rejected, this would increase the total number of bans by 7%.

AVZ comment: The Sentencing Council amended its guidance on disqualification in 2020. We do not know if this had any effect as we have yet to see the data for 2021 or 2022 on the number of exceptional hardships given.

But the Sentencing Council has committed to undertaking further work on disqualification. This was announced in their [consultation report](#) published in June. AVZ has urged them to ensure this work

includes both disqualifications given at court and for totting up, as well as the length of disqualification periods, exemptions, and transparency of data, e.g. it should be possible to know where exceptional hardship pleas are being accepted. This data is not published.

Many more bans could be given if extreme speeding resulted in a disqualification. In 2022, 221,926 drivers were convicted at court for speeding but only 3,679 (less than 2%) were disqualified. The vast majority of these convictions are presumed to be for [extreme speeding where drivers are summonsed to court \(not eligible for a FPN or driver retraining\)](#). Examples of extreme speeding include driving at 50mph or more in a 30 mph limit. If only even half of speeding drivers convicted at court were banned, this would almost double the number of driving bans given. Careless driving also rarely results in a ban, despite many cases bordering on dangerous driving.

A5 Removal of tolerances in speed enforcement

Of course it would be good if speed limits were maximums with drivers needing to always stay under the limit. This is especially important on the roads shared with people walking and cycling.

AVZ comment: The key problem for people walking and cycling with speed enforcement is the lack of enforcement on 20 mph roads. Most speed enforcement occurs on higher speed roads. Our FOI found that in 2021, 10 police services reported not sanctioning any 20mph speed limit offences (including Devon and Cornwall and West Mercia) whilst another 15 reported less than 1% of their speeding offences were on 20mph roads. The Metropolitan Police and Avon and Somerset Police are rare examples where significant 20mph speed enforcement occurs. Our [Tackling speeding](#) submission included calls around compliance and detection, as well as with increasing sanctions.

AVZ conclusion

This report focused less on detection than sentencing. Whilst it was a follow up from the [2017 Cycling and the Justice System report](#), that report's 14 recommendations were evenly divided between Reducing danger and Ensuring Justice. This new report's focus on sentencing also meant those recommendations were generic, rather than cycling/walking specific.

AVZ does not know of any evidence that longer prison sentences deter unsafe drivers. If you do know of any evidence that shows longer prison sentence deters, please do share with us. We have previously highlighted [the Sentencing Council's](#) research showing tougher sentences do not reduce re-offending.

AVZ believes that justice starts with law breakers being caught. For sentencing to matter, offenders need to be convicted. Yet this report did not mention 20mph speed enforcement, making careless driving a priority offence for police, or [hit and run](#) collisions (whose victims are usually walking or cycling).

Whilst much of our work last year focused on the Sentencing Council consultation, our recent traffic justice work has been on prevention, including highlighting what [Vision Zero strategies contain in terms of traffic law enforcement](#). AVZ is drafting a good practice list of key enforcement actions that should be in these strategies. This includes data linkage, careless driving being a police priority, collision investigation and 20mph speed enforcement. We will share these with the APPG and strive to work together on our joint aims of reducing road danger and ensuring justice. If you have any suggestions or want further information, please contact Amy (amy@actionvisionzero.org).