



Policy Title: Non-Injury Road Traffic Collisions

Date Published/Reviewed: August 2021

Thames Valley Police ensures that all policies have been assessed and comply with MoPI Guidance, and the Data Protection 2018. In addition, this Policy has been reviewed by The Force Head of Health, Safety and Environment and has undergone an Equality Impact Assessment.

About this Policy

1.1 Rationale

The purpose of this policy is to standardise Thames Valley Police's (TVP's) recording of non-injury road traffic collisions in a way that:

- Removes unnecessary procedural burdens
- Provides adequate support and
- Revises working practices to promote efficiency.

2.0 Intention

The intention of this policy is to:

- standardise the Force's response to dealing with road traffic collisions
- ensure the public are appropriately protected roadside
- ensure that offences are dealt with appropriately and
- ensure that Force personnel are effectively utilised, by not attending incidents that do not require a police presence.

Fatal and injury road traffic collisions shall continue to be attended and recorded on the appropriate policing system. Injury collisions reported shall be subject to such formal recording.

Police officers shall **not** routinely attend non-injury road traffic collisions. Such collisions should be reported by means of online reporting, attending a police station, or by phone.

However, taking initial reports, attendance, and recording are mandatory in the following circumstances:

OFFICIAL

- Road safety issues are apparent
 - * if the incident is on a motorway or similar high speed road (e.g. A34 or other similar major trunk roads), where an initial report shall be taken and police shall attend, in order to assess the scene, **unless it is clear that there is no danger**; in such cases, the incident shall pass to Highways England Traffic Officers, if the road is part of their network jurisdiction, for them to deal with.
 - * Attendance for road safety purposes applies to initial attendance only - a separate assessment shall be made for vehicle recovery operations.
- The investigation of driving offences.

The National Decision Model shall be used to deem if it is necessary for attendance in other circumstances.

3.1 General Principles

This policy refers to:

- the taking of initial reports, both real time and after the event
- the attendance at the scene of the collision and
- the recording of non-injury road traffic collisions

where the incident being reported does not involve a collision but appears to be a consequence of bad driving, then the procedure to be followed can be found on the reference database: Reference Database Bad Driving.

Non-injury road traffic collisions should be attended and/or recorded where one or more of a limited number of conditions apply. There are different sets of criteria for each stage: the fact that a collision is appropriate for the taking of an initial report or attendance shall not necessarily mean that it must be recorded. Where collisions are recorded, they shall be held on police system.

Actions taken as a consequence of this Policy shall be applied in an impartial and fair way, having due regard for natural justice and the equality impact assessment.

4.0 Statement of Policy

4.1 Initial Reports

Where a person reports a collision online, by phone or in person and that collision does not involve injury, the procedure to be followed by the person receiving the report is detailed in the Reference Database see - 'Damage Only Road Traffic Collision' Damage Only RTC and 'Damage Only Road Traffic Collision – Motorway' Damage Only RTC - Motorway.

OFFICIAL

If it is ascertained that police attendance is not necessary, it shall be explained to the person reporting the collision that the police will not be attending the scene and no police record made or kept of the incident other than the initial policing system entry, the Unique Reference Number (URN) of which should be given to the caller. The record can be supplied to drivers and insurance companies, on request. Disclosures of this nature should only be undertaken by 'Contact Management'.

4.2 Scene Attendance

Following making the scene safe, an officer attending the scene of a collision shall establish whether or not the incident should be formally recorded on police systems.

If the collision is not recorded, the officer shall advise the driver(s) concerned that they should comply with the statutory requirements of the Road Traffic Act and that a report will not be completed. A TA6 leaflet – 'Road Collisions' – (a guide to those involved) should be supplied, either at the time or subsequently with the relevant sections completed by the police officer. A Pocket Note Book entry is not required.

Non-injury road traffic collisions shall not be recorded unless one or more of the following conditions apply:

- (a) The driver has failed to comply fully with the statutory requirements of the Road Traffic Act (e.g. failure to stop; failure to exchange details).
- (b) The officer considers that there is sufficient evidence about the manner of driving to prove an offence and that there is a realistic prospect of a successful prosecution or alternative (driver education scheme).
- (c) The collision occurred in another Force's area unless it is not known, or is established that the other Force has a similar policy.
- (d) A police vehicle, or any motor vehicle being used by a police officer or member of support staff on duty. See – Police Vehicle Incident Policy

4.3 Subsequently Reported Collisions

Where collisions are reported to the police after the event, the party(ies) should be advised that if no parties involved are injured and the law regarding the duty to stop and the duty to exchange details has been complied with, there is no requirement to officially report the incident and that no police record will be made or kept of the collision.

Collisions involving minor injury or non-injury that are reported after seven days shall not be recorded, unless there is evidence to support an allegation of no insurance against any driver.

Where as a result of Force policy, no report has been completed, the police will generally refer enquiries in respect of insurance production to the civil law remedies available. Whilst each case shall be considered on its merits, the police shall not routinely

OFFICIAL

investigate claims of no insurance against the parties involved in a non-recorded collision, unless substantial evidence exists to warrant such an investigation.

In such a case, it may be sufficient to facilitate the exchange of details to comply with the law and both the law and Force policy allow such action. Where a HO/RT1 is issued in respect of a collision but not recorded, the HO/RT1 must be endorsed 'record' and not 'collision'. This shall prevent unnecessary requests for non-existent reports.

4.4 Investigation of Collisions

It is the responsibility of the police to ensure that those involved in a collision have complied with road traffic law and conduct a proportionate investigation. A dispute about civil liability is a matter for insurance companies.

If it is anticipated that proceedings will be instituted, the officer at the scene should interview, under caution, the driver(s) of the vehicle(s) most likely to be proceeded against. The interviewing of motorists at the roadside shall comply with the Force policy on voluntary interviews.

Witnesses and 'other drivers' should be informed at the scene that no written statements will be taken at that stage but that the police may contact them later seeking their cooperation in completing a statement. Brief verbal explanations as to how the collision happened should be recorded and signed by the maker. Such explanations shall greatly assist the Administration of Justice Department Decision Maker to decide what further course of action, if any, is required.

Officers attending the scenes of road traffic collisions should remain impartial and must not give an opinion as to whether proceedings will result.

Where the offer of a Driver Awareness Scheme course seems appropriate the matter can be dealt in a simplified manner under the scheme procedures.

Collisions recorded online, by phone or at a police station front counter shall pass to the Administration of Criminal Justice Department (ACJ) for any follow-up investigation and enquiries.

4.5 'Fail to Stop' Collisions

In collisions where any party has failed to comply with the requirements to stop, enquiries should be made in an effort to locate both the offending driver and vehicle, including the circulation of details for observations. If any witness has essential evidence for investigation, consideration should be given to obtaining a written statement as soon as possible. The victim should be kept informed of the progress of the enquiry.

4.6 Breath, Field Impairment or Drug Testing of Drivers

When an officer attends a road traffic collision, all the drivers involved shall be breath tested additionally the officer should consider all alternative preliminary testing options (e.g. Field Impairment or Drug Wipe testing) in accordance with legislation and the Thames Valley Police policy – see Preliminary Breath Testing of Drivers Involved in

OFFICIAL

Collisions. It is important that officers, who administer breath / preliminary tests, stress to drivers that this initiative is intended to prevent collisions, ensure impartiality and so enhance the safety of drivers and their passengers.

4.7 Collisions Involving Animals; Roadside Furniture and Property

Where the damage to roadside furniture or roadside property is such as to be an immediate danger to other road users the appropriate local highway authority should be called, via the contact centre, to the scene to make safe. Details of the vehicle and driver responsible for the damage shall be passed to their controller.

Where damage has been caused to roadside furniture or roadside property, whether or not the collision is formally recorded, the police officer attending the scene or the person taking the report, in addition to placing full details on the police system, MUST complete a form TA3 (available on the LAN as a template) and then e-mail the information to 'Traffic Management'. The information contained within the document allows the property owner, predominately the Highway Authority, to recover the costs of repair from the vehicle owner or their insurers rather than costs having to come out of public funds.

Where the collision involves injury to an animal (as defined by the Road Traffic Act, this includes: horse, cattle, ass, mule, sheep, pig, goat or dog), full details shall be recorded on the police system.

4.8 Off-Road Collisions and 'Other Collisions'

The same criteria for attending and reporting shall be applied to:

- Collisions on footpaths to which the public have right of access.
- Collisions involving boarding and alighting from passenger carrying vehicles (PCVs).
- Collisions on bridle paths or country tracks, etc. (where motor vehicles are lawfully allowed to use them).
- Collisions in which a vehicle runs out of control and has a collision off the public highway.
- Collisions on railway level crossings (British Transport Police to be contacted immediately).

4.9 Collisions in 'Public Places'

Section 170 of the Road Traffic Act, 1988 (Duty to Stop & Report Collisions) includes the term 'public place' for the purpose of collision reporting. *"Any place to which the public have open access is a public place, even if payment must be made to gain entry"*.

The police shall not generally record or investigate non-injury collisions that result from low speed manoeuvres in a public place (e.g. a public car park) **unless**:

- a party to the collision has failed to exchange details*, or
- substantial damage is caused **and** the officer considers that there is sufficient evidence about the manner of driving to prove an offence for which there is a realistic prospect of a successful prosecution (or referral to DIS)

OFFICIAL

* It may be sufficient in these circumstances to facilitate the exchange of details to comply with the law and force policy allows such action. Where a DIPS1 or HO/RT1 (record of stop/search and/or requirement to produce driving documents) is issued in respect of a collision but no record created, the DIPS1 (HO/RT1) must be endorsed 'check only'. This will prevent unnecessary requests for non-existent reports.

4.10 **Completion of collision information**

It is important that the collision information is updated on the Niche system and submitted to the Administration of Justice Department as soon as possible. Where there is action needed, this shall usually be prior to completion of a tour of duty, and in any event within three (3) days. Should further information be required, the OIC shall be notified accordingly.

4.11 **Data Protection**

Personal data gathered shall be processed in accordance with the provisions of the Data Protection Act 2018. It is recognised that some personal data may be of a sensitive nature (e.g. injuries, impending prosecution, medical details) and TVP shall ensure that is handled accordingly.

5.0 Health & Safety at Work

Health & Safety considerations are taken in to account in current Generic Risk Assessments.

6.0 Communications, Challenges and Representations

6.1 Communications

This policy shall be made available on the TVP intranet and on the public TVP website.

6.2 Challenges and Representations

Any challenges or representations should be made in

writing to: Superintendent Roads Policing
Joint Operations Unit
Thames Valley Police
Three Mile Cross
270 Whitley Wood Road Reading
Berkshire
RG2 8FT

6.3 Review

The policy shall be reviewed and revised at least every two years. Each review should consider:

OFFICIAL

- Changes in legislation
- Court rulings – Domestic, European and Human Rights
- Examples of good practice from other Forces or other organisations
- Changes in Home Office Circulars
- Developments with Policy Unit
- Representations made by individuals and relevant organisations
- Relevant Race Equality data

6.4 Freedom of Information

This policy can be made available to the public via the Thames Valley Police Freedom of Information Publication Scheme.

6.5 Government Security Classification Policy (GSCP)

This policy does not require any government security classification and shall be marked as Official.

7.0 Related Guidance

Relevant references to PNLD, Reference Database, other Force policies, etc. are contained within the body of this policy and include:

- Reference Database Bad Driving
- Damage Only RTC
- Damage Only RTC – Motorway
- Police Vehicle Incident Policy
- Preliminary Breath Testing of Drivers Involved in Collisions