



**Department for Transport Consultation:**

**Reporting road accidents to the police**

**Response from the Motor Accident Solicitors Society**

**April 2018**

This response is prepared on behalf of the Motor Accident Solicitors Society (MASS).

MASS is a Society of solicitors acting for the victims of motor accidents, including those involving personal injury (PI). MASS comprises 110 solicitor firms that employ over 2,000 lawyers and claims handlers throughout the UK, acting for the victims of road traffic accidents. Collectively member firms conduct the vast majority of RTA PI claims each year.

The objective of the Society is to promote the best interests of the motor accident victim. This is central, and core to our activity. We seek to promote only those policy and other objectives which are consistent with the best interests of the accident victim. We seek to set aside any self interest in promoting these arguments, recognising that we are in a position of trust, and best placed to observe the best interests of motor accident PI victims first hand. We are a not for profit organisation, which requires specialism in motor accident claimant work as a pre-requisite for membership. We also have a Code of Conduct which member firms are required to abide by, which is directed to the best interests of the motor accident victim.

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## General observations

We strongly welcome the fact that the number of deaths and serious injuries on UK roads has fallen dramatically over the last twenty or so years. Every day our member companies try to help accident victims and their families deal with the aftermath of traumatic road traffic accidents. Every effort must be made to further reduce the number of casualties on UK roads, whether it be by consideration of night-time curfews or a graduated licensing scheme to the roll-out of telematics and technology-driven developments to help reduce the number of accidents.

We would like to take the opportunity of this consultation to make two related broad observations.

First, as a general principle, we would support any new channels of communication that may be available soon or in the future for reporting road accidents. We are aware from Department for Transport estimates that many accidents, including those involving serious injuries, currently go unreported to the police. Aside from the negative practical implications this may have, we are aware that this has important repercussions for public policy. Our caveat is that any new channel of communication must not have implications for encouraging or assisting potentially fraudulent behaviour in relation to road traffic accident personal injury claims.

Second, it is important that every effort is made to improve the levels of reported accidents, because the current figures are presently being used to formulate and advocate poor and unjustifiable public policy. The Ministry of Justice is currently embarked upon a whiplash reform programme that will have a serious and detrimental impact upon the ability of road accident victims to receive justice and the rightful compensation that they deserve. One of the key justifications for this policy is that although the number of reported RTAs have fallen, the number of personal injury claims has remained high.

Recent examples of this have included:

- “Between 2006 and 2016, the number of road traffic accidents to the police dropped in excess of 25%” (Lord Keen, Advocate General, oral evidence to the Justice Select Committee, 16 January 2018)
- “Road traffic accident related personal injury claims are 50% higher than a decade ago, despite the fall in the number of reported accidents” (Ministry of Justice press release, 20 March 2018)
- “the volume of road traffic-related personal injury claims has remained static over the past three years and is more than 50% higher than 10 years ago, despite the fact that there has been a decrease in the number of road traffic accidents from around 190,000 in 2006 to around 142,000 in 2015 (Lord Faulks, former Justice Minister, speaking in the House of Lords, 27 June 2017)

Regrettably, Government Ministers have systematically refused to acknowledge that there can be any significant numbers of road traffic accidents that are not reported to the police.

Yet, Department for Transport estimates have consistently highlighted that “it has long been known that a considerable proportion of non-fatal casualties are not known to the police, as hospital, survey and compensation claims data all indicate a higher number of casualties than police accident data would suggest” (DfT, ‘Reported road casualties in GB: 2016 annual report’).

In fact, hundreds of thousands of road traffic accidents go unreported, particularly in relation to “slight” injuries. Based on DfT estimates, approximately 3 to 4 slight injuries go unreported for every reported slight injury.

As the DfT figures below demonstrate, it is estimated (with a 95% confidence limit) that between 2012 and 2016, an average of around 426,000 “slight” injuries per year and around 57,000 serious injuries from RTAs went unreported to the police. DfT’s central estimate of reported and unreported total road casualties is 670,000 per annum, of which only around 187,000 are reported:

**Table 1: Estimated total number of reported and unreported casualties, average for 2012-2016, Great Britain**

	Number (thousands, estimates rounded to nearest 10 thousand)				
	NTS Central estimate (reported and unreported) <sup>1</sup>	95% confidence limits		Stats19 reported <sup>2</sup>	Estimated unreported
Lower		Upper			
Seriously injured	80	50	110	23	57
Slightly injured	590	510	670	164	426
<b>Total casualties</b>	<b>670</b>	<b>590</b>	<b>760</b>	<b>187</b>	<b>483</b>

1. Based on National Travel Survey data collected for 2012-2016  
 2. Based on police-reported Stats19 casualties for 2012-2016

(Source: page 22, Department for Transport, ‘Reported road casualties in GB: 2016 annual report’, published 28 Sept 2017)

Taking into consideration this DfT data, it is wholly inaccurate for Government Ministers to consider only the number of reported road traffic accidents in formulating and publicly justifying public policy, when official figures acknowledge that there are nearly half a million unreported casualties of road traffic accidents every year.

We would like to repeat in this consultation, what we have previously said publicly. It is hugely disappointing that the Ministry of Justice has adopted the tactic of selectively using DfT data to try and justify its attack upon the rights of motor accident victims. We need evidence based policy to tackle the issues in the claims sector, not continued attempts to ignore the evidence of the number of road casualties to suit its policy agenda.

We believe that it is incumbent upon the Department for Transport to correct this misrepresentation with other government departments at every opportunity and wished to highlight this issue in our response to this consultation.