



# RoadPeace Campaign for Justice for Road Traffic Victims

A 5-year education and awareness-raising campaign to eliminate the major injustices suffered by bereaved and injured road traffic victims.

## *Injustice Ignored is Injustice Condoned*

RoadPeace launched the Justice Campaign with a Press Conference at the House of Commons on 7 July 1998 - to bring to widest attention the scale of the disaster and the failure of professional agencies and government to address its preventable nature consistently and seriously. The Campaign will also address the attitudes to death and injury on the road, the frequent insensitivity, unfairness, even cruelty, experienced by the bereaved and injured road traffic victims, who receive insufficient support and are not consulted on their own future.

Victims have to cope not only with the sudden, violent, often horrific death of a loved one, or life-changing injury, but in addition with a legal and social system which does not recognise in any appropriate way the enormity of what has occurred. Road deaths and injuries are routinely labelled "accidents", even when caused by gross negligence and breach of traffic laws. In the majority of cases they are only followed by a minor road traffic charge where the fact that a death or injury has occurred is disregarded in law and so the usual sentence is a small fine and penalty points. Lengthy and difficult civil proceedings leave the injured and bereaved with a reduced standard of living. Additionally, the bereaved, the injured, and their families, frequently experience inadequate medical support and lack of recognition or understanding of their particular plight.

### **The campaign identifies six areas needing urgent attention:**

1. The victims' right to information and consultation.
2. Criminal proceedings to bring justice
3. Road crash investigations to national standards.
4. Civil proceedings - reform to achieve fairness and justice.
5. Medical (physical and psychological) care to national standards.
6. Strategic approach by all relevant government departments, to address this major public health and human rights issue in partnership.

The campaign will include a full public information programme, seminars, conferences, and lectures. RoadPeace is also planning to coordinate a 3-year research programme to compare road danger and the position and treatment of road traffic victims in all UK regions.

As part of the campaign, RoadPeace launched a **Parliamentary Group for Justice for Road Traffic Victims** on 17 November 1998, which includes MPs from all parties and relevant experts, particularly from the legal and medical professions. *RoadPeace invites all interested MPs to join the group to help bring about much needed reforms for road traffic victims.*

**Death and injury on the road must be addressed as a public health issue - with similar advice given on responsibilities and risk reducing conduct as that issued on smoking, beef, eggs, drinking, drugs, etc.**

**Changes in the law and public attitudes, changes to budgets and funding priorities require a change in thinking by parliament, which will be informed and assisted through the RoadPeace Parliamentary Group for Justice for Road Victims. At present each road death costs nearly one million pounds and for each serious injury the bill is even higher. Tackling the root causes will reduce this huge annual spend and so prove an immeasurably cost-effective action while, most importantly, providing a long overdue humanitarian solution.**

# THE CAMPAIGN MANIFESTO:

## 1 The Victims have the Right to Know and to be Heard

- **Why can't I see the body of my child?**
- **Why did I have to wait 9 months to find out how my husband died?**
- **I was the one who was injured - why does no-one ask me what happened?**
- **Why are no road victim representatives involved in decisions about road victims?**

Well-structured support is almost automatically available to victims in other situations, however the victims of road death and injury are not so lucky: they are left without assistance sympathy even - without proper information of how their loved ones died or were injured, and, apparently, without any rights. Society must address this human rights issue and begin to listen to the victims. The victims must play a full role within the process in the legal and medical aftermath of the crash: eg. families to receive automatically full and accurate information about the circumstances of the crash, the extent of injuries and consequences, of their legal rights and the help available; bereaved to be given immediate access to the body and be informed that they have a right to take it home if they wish; families to have seating within the courtroom, not the public gallery; the court to consider the effect of the tragedy on the bereaved and the injured and their families and not, as at present, only the effect upon the offender; victims to be consulted and

represented, by RoadPeace and other victim driven organisations, whenever road victim cases and road traffic victim issues are debated and considered, especially by government departments.

**Brigitte Chaudhry**, Founder and National Secretary of RoadPeace, said:

"Through dedicated, hard work over the seven years of our charity's existence, RoadPeace has managed to put the much neglected issues of road death and injury firmly on the agenda. We believe the time has come for RoadPeace to highlight in detail the problems, injustice and cruelty encountered by many bereaved and injured road traffic victims. Our aim is to end society's and authorities' indifference to the destruction of families. The solutions are well known and even unbelievably cost-effective. It is in society's and all our interests that loss of human life and suffering are given their proper priority."

## 2 Death and Injury must no longer be regarded as minor traffic offences

- **Why was my daughter's death not even mentioned in court?**
- **My husband died but the court case took just 3 minutes as the driver pleaded guilty to a minor traffic offence. How can this be right?**
- **Why is the average sentence for a road traffic offender who causes death or injury just £150 and 6 penalty points?**
- **Is a 6-month limitation period appropriate when a death has been caused? The case against the killer of my son did not proceed because the police failed to lay the information within this period, applicable only for summary offences. Is a summary offence appropriate?!**

The treatment in law, for all motorists who kill or injure on our roads through negligent driving, should have parity with all other cases where death or injury are caused through equivalent negligence. Death and injury must be the central issue in the charge. The case should be heard by a judge and jury, not lay magistrates, who will take into consideration the level of culpability when sentencing. The UK is the only country in the world which disregards the fact of death and injury in the charge and proceedings.

**Nicholas Atkinson**, QC, said:

"Only Parliament can impress upon the Police, Crown Prosecution Service and the Courts the importance to be attached to killing on the roads. To discourage deaths on the road, society must know that road deaths will be thoroughly investigated and, when appropriate, vigorously prosecuted - at present they are not! Too often the CPS elect the cheap and easy option of prosecuting for careless driving, where no mention of the death is made! A death on the road should be investigated and prosecuted with the same efforts and diligence as any other killing."

### 3 National Standards in Road Crash Investigations -training and funding needed NOW!

- **Why is a single police constable investigating the road death of my wife when a whole team of CID officers would have been on the case if she had been killed by other means? Why did the Coroner not let me give evidence at my brother's inquest when I was the front seat passenger and I saw everything?**
- **Why did it take 14 weeks for the police to take a statement from the uninjured driver who left my son an amputee?**
- **Why was the driver, the main party in the event, allowed to remain silent during the inquest at the request of his insurance company?**

Crash investigations have a threefold purpose: 1) to determine how death occurred for the inquest; 2) to decide whether a criminal offence was committed and, if so, which; 3) to prevent recurrence by identifying causes or contributory factors. To fulfil these functions and enforce the existing road traffic laws, funding for training and personnel is urgently required. Priorities must include: scene of road death or serious injury to be treated as a homicide or crime scene; this includes the vehicles and drivers; drivers involved to be fully investigated to the same extent as the victims are currently investigated ie. mandatory alcohol and drug tests and full enquiries about their movements, tiredness, hours worked, etc. prior to the crash. Interviews should take place without delay at the police station, unless medically unfit. Inquests, with their limited

investigative powers, are arguably unsuitable for road death cases. If, instead of 3,500 inconclusive inquests held each year, we had 3,500 well-funded Serious Investigations by technical experts, with resulting relevant remedial measures, we would achieve a reduction of the death toll on the roads as has been done in the factories and on the railways.

**Zoe Stow**, Solicitor and RoadPeace Vice-Chair, said: "It is to do with lack of training, lack of awareness, lack of sensitivity, lack of knowledge and lack of organisational procedures. These comments of Assistant Commissioner Johnson on the Lawrence investigation are sadly equally relevant to a significant number of road death investigations."

### 4 Fair Treatment for Victims - reform the civil proceedings

- **Isn't it bad enough that we lost our child - why must we be pushed into debt because the insurance company is allowed to delay repaying our funeral costs?**
- **Why did I have to wait 3 years for the statutory payment of bereavement damages?**
- **Why after 5 years am I left on benefits while the Insurance Company still have not made even an interim payment? The crash left me disabled and my wife a carer - now we are penniless.**

The civil process leads in many cases to acute financial hardship, initial measures to alleviate the position of victims should include: removal of any age limit to qualify for statutory bereavement damages, an increase of the amount paid (currently £7,500, paid only on the death of children under 18 and spouses), an increase in the number of eligible recipients to 5 close family members; payment of damages to be immediate and not delayed until final settlement; damages for pain and suffering no longer to be deducted from benefits; interim payments to be made within a mandatory period. There is agreement, including that of the Law Commission, that the

present situation is unjust and must be remedied. Government backing is required to make victims' needs a priority and to speed up the processing and settling of insurance claims.

**Mrs Kathy Newbury**, whose only son sustained serious injuries and lost a leg in a crash, said: "Is it right that police policy should be money driven, that information about rehabilitation facilities is not readily available, that carers are just left to pick up the pieces, that traumatised victims have to face court proceedings to force insurance companies to release interim payments for essential treatment and care, that justice is only available when funding permits?"

## 5 National Standards for Medical (Physical and Psychological) Care of the Bereaved and Injured

- Where can I get help for the whiplash injury that keeps me in constant pain?  
Why wasn't I told about a rehabilitation centre for my son?
- Why did my GP not recognise that I could not go back to work only two weeks after my son's death?
- Why can counselling not be included in my damages claim?

Training is required for medical personnel (in hospitals and in the community) on the nature and extent of physical and psychological impact on the injured and the secondary victims, ie families of the killed and injured. Procedures must include: full immediate examination and diagnosis by specialists and comprehensive coordinated treatment rather than piecemeal uncoordinated treatment of individual symptoms by individual hospitals and clinics which often do not have access to full information about the

case or other treatment being offered, especially for the long term injured; increased co-operation and referrals between public health sector and the support organisations in the voluntary sector; provision of full information on rehabilitation services to be made available to the injured. Increased number of places needed to improve the quality of life of the injured. Trauma counselling services to be increased and made more accessible far more quickly to the primary and secondary victims.

## 6 RoadPeace demands a unified government strategy to tackle this major public health and human rights issue

- Why cannot the Departments of Health, Environment, Transport & the Regions, Social Security, Education & Employment, and the Home Office, act in PARTNERSHIP and stop passing the problem between them?

A unified government strategy involving contributions from central and local government is needed. Take this example: a road injury to a child on a pedestrian crossing has implications for at least five government and two local authority departments: DETR for transport and road safety, Home Office for criminal justice, DSS for benefits both for the parents who may be unable to work during the medical treatment and long-term for both child and parents if the injury is permanently disabling, Department of Health for treatment of the child and family. Locally the Education Authority needs to make special provision for the disabled child's education and the local Highway Authority must consider whether that particular crossing presents a risk.

The Department of Education needs to address the matter of a national programme of education on road usage and the right of pupils and students to a safe route to their schools and colleges.

**Dr Ian Roberts**, Institute for Child Health, said:

"Each year in England and Wales over 150 children are killed, with about 4,000 seriously injured. It is astonishing that this level of carnage could be accepted as routine. If the Labour Government is seriously committed to reducing inequalities in health, then they surely have to tackle the problem of road deaths and injuries, bearing in mind that the risk of road death for a child in social class 5 is five times that of a child in social class I. Road death has fallen, but not because the roads have got safer, they have become so dangerous that parents hardly let their children out."

The printing of this manifesto was sponsored by Brigitte Chaudhry, Founder of RoadPeace, in memory of her son Mansoor, killed when aged 26 by a red light offender on 27 October 1990. The driver pleaded guilty but was only fined £250 and given 8 penalty points.

**RoadPeace**      The national for road traffic victims

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