
After a collision in the West Midlands: A guide for seriously injured road crash victims

Helpline 0845 4500 355
helpline@roadpeace.org



west midlands
office of the police
and crime commissioner

Contents

Introduction	2
How do the police investigate road collisions?	3
What are my rights?	4
Will the driver be prosecuted?	5
What if there's no charge?	6
Can I claim civil compensation?	7
Find out more	7
How RoadPeace can help you	8

Introduction

In 2015, over 8,000 people were injured in road crashes in the West Midlands, including 917 seriously injured. That's 22 people each day.

RoadPeace is here to support people injured in road crashes, in the West Midlands and throughout the UK.

We know it can be difficult to take in lots of information when you've been hurt. This guide will help, explaining clearly how the police investigate crashes, your rights to information, what will happen if there's a criminal prosecution and how to claim civil compensation. It's based on our 25 years of experience supporting victims of road crashes.

We hope you find it useful. If you have any questions at all, please get in touch with us. Our contact details, along with other information you may find useful, are at the end of the guide.

David Jamieson, West Midlands Police and Crime Commissioner (PCC), funded this guide. A former Road Safety Minister (2001–2005), he appreciates the need for safer roads and supporting people affected by road crashes.

How do the police investigate road collisions?

In the West Midlands, the police try to go to the scene of all road collisions where someone's been injured, to investigate the circumstances of the crash.

They will:

- ▶ examine the crash scene and vehicles
- ▶ breathalyse drivers
- ▶ check and confiscate mobile phones, if there's any suspicion they contributed to the crash.

The police will also need to take witness statements. If you've been injured they won't do this until you're well enough to be interviewed.

You have 28 days to give a statement, and should try to do it as soon as possible to help the investigation progress.

Collision investigations can take up to 12 weeks. You can expect to hear from the police within days when a serious injury is involved.

What are my rights?

If you've been injured by a driver committing an offence, you should be treated as a victim of crime, under the Ministry of Justice's Code of Practice for Victims (also known as the Victims' Code).

That means the police should keep you informed about the progress of the prosecution. The police should give you a reference number and contact details for the investigation unit, so you can get in touch with any questions.

You also have the right to the driver's insurance details to make a claim. They have the right to your insurance details too.

After any prosecution is complete, you should be able to get a copy of the investigation report, although the police may charge for this.

Will the driver be prosecuted?

In most cases, the police will decide if a driver is at fault for causing the collision, and if the available evidence supports a prosecution.

For less serious offences, instead of prosecution, they might decide to offer a driver suspected of causing a crash the chance to attend a National Driver Offender Retraining Scheme (NDORS).

Drivers have to pay for NDORS courses but they don't get any penalty points on their licence. If they refuse to do the course, they can then face prosecution at the Magistrates Court.

If the police think a serious charge is justified, such as Dangerous Driving, they'll pass the investigation file to the Crown Prosecution Service (CPS). It's then the CPS that decides whether or not to prosecute.

Less serious driving offences, such as Careless Driving, must be charged within six months of the crash. But there's no time limit on more serious charges like Dangerous Driving.

If the CPS goes ahead with the prosecution, the case will go to court for a trial. But if the driver pleads guilty, then they'll go straight to a sentencing hearing and there will be no trial.

Victim Personal Statements

If your case goes to court – whether the driver pleads guilty or not – you'll have the opportunity to make a Victim Personal Statement about the impact of the crash on you and your family.

You don't have the right to read out your statement in court, but this may be possible. Your statement isn't supposed to influence the sentence the driver gets, but is your chance to make sure the impact the collision has had on you is acknowledged.

For more information on Victim Personal Statements, take a look at www.gov.uk/government/uploads/system/uploads/attachment_data/file/264625/victims-vps-guidance.pdf

What if there's no charge?

The police may decide there's not enough evidence to prosecute. If you want to appeal the police's decision, you can ask for a review by contacting the Criminal Justice Service by email at vrr@west-midlands.pnn.police.uk.

Make sure you send your name, contact number and a brief summary of the case, including the reference number. Not all requests for appeals will be approved.

In very few cases, you can appeal a CPS decision not to prosecute. See www.cps.gov.uk/victims_witnesses/victims_right_to_review/ to find out more.

You have no right to appeal if the police or CPS decide to prosecute for a less serious charge, or if a driver is given the offer to attend an NDORS course.

Can I claim civil compensation?

If you've been injured in a road crash you may be able to claim for civil compensation. A solicitor will be able to advise you on this.

You may be able to claim civil compensation in cases where there's no criminal prosecution, as civil claims require a lower standard of proof.

You will need to file a civil claim as the government's Criminal Injuries Compensation Scheme doesn't apply to people injured in road crashes, even where the driver is convicted of a criminal charge.

You need to file a civil claim within three years of the crash. Children injured in crashes have longer to apply.

If you were injured in a collision involving an uninsured or untraced (hit and run) driver, the Motor Insurers' Bureau (www.mib.org.uk/making-a-claim/) will deal with any civil compensation claim you make.

Find out more

You might find the following information useful:

- ▶ West Midlands Police Victims of Crime leaflet
www.west-midlands.police.uk/advice-centre/help-and-advice/advice-for-victims/index.aspx
- ▶ How to request a review of the West Midlands police charging decision
www.west-midlands.police.uk/advice-centre/help-and-advice/advice-for-victims/victims-right-to-review/index.aspx
- ▶ How to appeal the CPS charging decision
www.cps.gov.uk/victims_witnesses/victims_right_to_review/index.html#a07

How RoadPeace can help you

RoadPeace is the national charity for road crash victims. We support bereaved families and those who have been seriously injured by road crashes through

Support

Helpline – 0845 4500 355

Our helpline provides emotional support, information about the justice system and signposting to appropriate services. It is for anyone bereaved or injured in a road crash. The helpline is open **Monday to Friday from 9am to 5pm.**

Befriender support

Our befriending service offers ongoing telephone support from trained volunteers who have suffered a similar experience.

Advocacy and justice

Information guides

RoadPeace helps families navigate the justice system through detailed guides.

Access to justice

The RoadPeace Legal Panel provides high quality legal advice to those seriously injured or bereaved in road collisions and to support them to achieve justice and fair compensation.

The Legal Panel is made up of leading specialist personal injury law firms. Panel members sign up to an agreed set of qualifying criteria including quality standards as their sign of commitment to road crash victims.

To contact a legal panel member please visit our website or call our helpline.

Campaign for justice

In addition to supporting crash victims, we campaign for change including for:

- ▶ thorough and effective collision investigation
- ▶ appropriate prosecution and sentencing
- ▶ improved rights and recognition for crash victims
- ▶ road danger reduction policies that prioritise vulnerable road users and the environment.

If you have any questions about road death inquests or need any other support, please contact RoadPeace.

Call our Helpline on **0845 4500 355**

Send an email to: **helpline@roadpeace.org**

Visit our website: **www.roadpeace.org**