Response from the Scottish Government, dated 13 December 2012

Recommendation 1
The Crown Office and Procurator Fiscal Service (COPFS) take the lead in the investigation of sudden, suspicious and unexplained deaths generally, including fatal road traffic collisions. COPFS had previously written to SCID explaining current practice in relation to the provision of investigation documents following a fatal road accident and noting its commitment to keeping the families of victims of fatal road accidents informed about the progress of investigations. They also pointed out that the Scottish Fatalities Investigation Unit had been established in 2010, after the research for the report had been carried out, with the intention of ensuring that all death investigations are carried out to the highest possible standards; that policy and practice is applied consistently; and that appropriate and timely decisions are taken in cases involving fatalities. Therefore, the Scottish Government does not consider that there should be the further consideration of the establishment of an independent multi-disciplinary road collision investigation body carrying out in-depth safety investigations of each fatal road collision as part of its road safety strategy.

Recommendation 2
We understand that current practice is that COPFS will release investigation documents relating to such incidents to bereaved families on request. This reflects the fact that some families will not wish to receive such material. The only exception to this is when criminal proceedings are pending, when the release of such evidence may prejudice a criminal trial, and in those circumstances release will be delayed until the trial is concluded. Very few fatal road accidents result in a fatal accident inquiry. The main reason for this is that many such accidents will lead to criminal charges being brought and, under section 1(2) of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976, the Lord Advocate may conclude that a fatal accident inquiry is not necessary because the circumstances of a death have been sufficiently established where criminal proceedings have been concluded against any person in respect of the death or accident from which the death resulted. In the light of these circumstances, the Scottish Government is not persuaded that it is necessary to give bereaved families a statutory right (in legislation on either criminal proceedings or on fatal accident inquiries) to obtain copies of the investigation documents relating to a fatal road accident, but it will continue to monitor the position.

Recommendation 3
The Scottish Campaign against Irresponsible Drivers (SCID) met the Minister for Transport and Veterans, Keith Brown MSP, to discuss the findings of the research which was carried out on their behalf by the University of Dundee and which resulted in the report "Access in Europe by a bereaved family to information gathered during an investigation into a fatal road collision". It was understood at the conclusion of that meeting that SCID would meet COPFS to discuss the report’s recommendations, but it is not known if this meeting has taken place although we note that the Committee has also written to ACPOS, COPFS and CoSLA for comments on the report so we are unable to comment on any amendments to the RDIM, Book of Regulations or Lord Advocate's Guidelines.
Recommendation 4
The Scottish Government and road safety partners are committed to the outcome of safer road travel in Scotland for everyone. To this end, the Scottish Government published Scotland’s Road Safety Framework to 2020 in June 2009 which marked the beginning of a distinctive Scottish approach to improving road safety over the next decade. It describes the road safety vision for Scotland, aims and commitments, and the first ever Scottish road safety targets for reductions in road deaths and serious injuries. To this end, it is focussed on preventative spend on measures that ensure there is a steady reduction in the numbers of those killed and those seriously injured, with the ultimate vision of a future where no-one is killed on Scotland’s roads, and the injury rate is much reduced. Post-impact care is a health issue and health colleagues, both internal and external, are represented on the Strategic Partnership Board which ensures governance of the Framework and its commitments.