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REPORTING & INVESTIGATION MANUAL

EXTERNAL AGENCY INVESTIGATIONS

1 Purpose

To provide a consistent, comprehensive and structured process for Network Rail's response to inquiries and investigations led by external agencies such as the Rail Accident Investigation Branch (RAIB), the Office of Rail Regulation (ORR), Coroners and the British Transport Police (BTP).

NOTE 1 Appendix A describes the four external agencies to which this standard relates.

2 Scope

2.1 This module applies to external agency investigations of accidents and incidents involving:

a) Network Rail managed infrastructure (NRMI);

b) Network Rail managed stations;

c) Network Rail owned, hired or leased equipment or vehicles;

d) employees of Network Rail.

2.2 This module does not apply to the arrangements to be on site for external agency investigations. Such arrangements are explained in NR/CS/OPS/250.

3 Reference documentation

NR/L3/INV/3001/RIM201	Deciding the lead organisation and level of investigation
NR/L3/INV/3001/RIM205	Network Rail led investigations
NR/L3/INV/3001/RIM302	Management of recommendations and local actions
NR/CS/OPS/250	Accord for rail incident Investigation between RAIB and Network Rail
TI 080	Signal Engineering Technical Instruction – RAIB Liaison
	Investigators' Handbook – Part 6 – External Agency Investigations

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4 Definitions

Accident – An unwanted or unintended sudden event or a specific chain of such events which have harmful consequences; for example, accidents include the following: collisions, derailments, vehicles struck at level-crossings, persons struck by trains, fires and others.

Close call – A close call is an incident that has occurred due to an unsafe condition or act that in other circumstances could have resulted in personal injury or damage to plant, machinery, infrastructure or the environment. It should not to be confused with a 'Near miss' (see definition below).

Designated competent person (DCP) – The person identified by the lead organisation as responsible for supervising/managing the investigation process.

Event – Where this term is used, it means occurrences resulting in an accident or incident.

External agency – For the purposes of this module this includes:

a) the RAIB,

b) the ORR,

c) the British Transport Police and

d) the Coroner with appropriate jurisdiction.

NOTE 2 Investigations of accidents that involve fatalities might require Network Rail's co-operation with all four external agencies.

Incident – An unplanned, uncontrolled event that under different circumstances may have resulted in an accident (includes, and may also be referred to as, a 'Near miss' or 'Close call').

Lead investigator – A competent person appointed to lead and manage the investigation.

Line manager – This includes, for the purposes of this module:

a) persons with the competence and responsibility within their function for:

- the safe operation of the railway and organisation of train services;
- briefing the reporting or investigation process to employees;
- managing or supporting the reporting or investigation process.

b) persons responsible for managing, administering and delivering contracts either for major or minor works schemes, e.g. project managers.

Near miss – A 'Near miss' is an incident involving a train or rail mounted plant that has occurred due to an unsafe condition or act and which in other circumstances could have resulted in personal injury.

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Network Rail managed infrastructure (NRMI) – Network Rail managed infrastructure is the infrastructure that falls within the geographic boundaries of Network Rail's operational railway, including the permanent way and land within the lineside fence, and plant used for signalling or exclusively for supplying electricity for traction purposes to Network Rail's operational railway.

It does not include stations (whether or not these are managed by Network Rail), nor does it include depots, yards or sidings owned by, or leased to, other parties. However, it does include permanent way at stations and plant within these locations used for signalling Network Rail's operational railway or exclusively for supplying electricity for operational purposes to the operational railway.

Structures such as tunnels, bridges, viaducts, underpasses, etc, are deemed to form part of NRMI only in relation to their potential to transfer risk onto, or from, the operational railway.

RAIB investigation – An investigation conducted by the Rail Accident Investigation Branch (RAIB) in accordance with the Railway (Accident Investigation and Reporting) Regulations (RAIR) 2005.

Single point of contact (SPOC) – The person nominated by Network Rail to liaise with an external agency to co-ordinate:

a) requests by an external agency for documents and/or data within the possession of Network Rail which are relevant to the investigation and

b) requests by an external agency to interview Network Rail employees relevant to an investigation.

5 Single point of contact

5.1	Where an external agency advises its intention to investigate an accident or incident, a single point of contact (SPOC) shall be nominated.	Designated competent person
	NOTE 3 *The DCP of the lead organisation for the Network Rail led investigation should normally nominate the SPOC and undertake the responsibilities of the DCP identified within this module.*	
	NOTE 4 *The lead organisation will be determined in accordance with NR/L3/INV/3001/RIM201.*	
	NOTE 5 *The lead investigator or the DCP may undertake the role of the SPOC.*	
	NOTE 6 *Where the lead organisation is other than Network Rail, the relevant Network Rail DCP(s) should consider the appointment of a SPOC to handle requests for Network Rail-held information/data.*	
	NOTE 7 *Normally, only those accidents and incidents identified as 'serious' in accordance with NR/L3/INV/3001/RIM201will be investigated by an external agency.*	

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5.2	Arrangements shall be made for the identity and contact details of the SPOC to be advised to: a) the external agency/agencies, and b) the line manager(s) of Network Rail employee(s) involved in the accident or incident, either directly or indirectly, being investigated by the external agency.	Designated competent person
5.3	Where appropriate, the SPOC shall be advised the identity and contact details of the lead investigator for the Network Rail led investigation.	Designated competent person
5.4	The external agency shall be advised that requests for interviews with Network Rail employees and documents and/or data held by Network Rail should be directed to the SPOC.	Single point of contact
5.5	Arrangements shall be put in place with the external agency to co-ordinate: a) requests by the external agency for documents and/or data within the possession of Network Rail which are relevant to the investigation and b) requests by an external agency to interview Network Rail employees relevant to an investigation. *NOTE 8* *All requests for interviews and documents or data from an external agency – see clauses 6 and 7 – should be channelled through the SPOC.* *NOTE 9* *If a line manager/employee receives a request from the SPOC to provide evidence they should co-operate fully.* *NOTE 10* *Arrangements relating to the immediate investigation and testing of signalling equipment at the site of an accident or incident attended by RAIB inspectors or accredited agents are shown in technical instruction TI 080.*	Single point of contact
5.6	Where necessary, owing to the complex nature of the accident or incident being investigated by the external agency, a person or persons may be nominated to assist the SPOC in fulfilling the requirements of this module. *NOTE 11* *The DCP may consider it desirable to nominate a human resources manager to assist the SPOC in managing and arranging the interviews of Network Rail employees.*	Designated competent person

6 Requests for interviews

6.1	Any approach from an external agency requesting an interview with an employee shall be channelled through the SPOC.	

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6.2	An employee who has: a) been involved in the accident or incident, either directly or indirectly, or b) witnessed the circumstances of the accident or incident, or c) knowledge which might be relevant to the circumstances of the accident or incident, and it is anticipated that an external agency investigation will be undertaken, shall be advised that they may be required to attend an interview with an external agency.	Line manager
6.3	The employee shall be advised: a) the identity and contact details of the SPOC and b) that if they are approached directly by an external agency for interview they must advise the SPOC as soon as possible.	Line manager
6.4	The line manager and relevant human resources manager shall be advised, as soon as practicable, details of: a) an employee requested to attend for interview, b) the external agency requesting the interview and c) the external agency's proposed date(s) for the interview, once this information is known. *NOTE 12 Where the Network Rail led investigation is to interview the same employee, this will enable the SPOC to arrange interviews to avoid conflict with the external agency interviews.* *NOTE 13 The employee's line manager should be given as much notice as possible to enable them to plan for the employee's absence.*	Single point of contact
6.5	Arrangements shall be made for the employee to attend the interview with the external agency.	Line manager
6.6	The lead investigator of the Network Rail led investigation shall be advised the details provided in **6.4** to enable the lead investigator to determine, where necessary, when the employee might be available for interview as part of the Network Rail led investigation. *NOTE 14 Where it is the principal investigating agency, the RAIB has priority in interviewing witnesses. No arrangements should be made to interview employees before the RAIB has interviewed the employee or has given its agreement that the Network Rail led investigation may interview the employee.* *NOTE 15 Normally, witnesses will only be interviewed in connection with a Network Rail led formal investigation in accordance with NR/L3/INV/3001/RIM205.*	Single point of contact

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