

Ref:	NR/L3/INV/3001/RIM205
Issue:	2
Date:	6 December 2014
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REPORTING & INVESTIGATION MANUAL

NETWORK RAIL LED INVESTIGATIONS

1 Purpose

To provide a consistent, comprehensive and structured process for Network Rail led investigations.

2 Scope

This module applies to all safety and environmental investigations that are led by Network Rail.

3 Reference documentation

GE/RT8250	Reporting High Risk Defects
GO/RT3119	Accident and Incident Investigation
GO/GN3519	Guidance on Accident and Incident Investigation
NR/L2/OPS/035	Dissemination of Urgent Operating Advice
NR/L3/INV/3001/RIM110	Irregular Working – Reporting and Risk Ranking
NR/L3/INV/3001/RIM201	Deciding the lead organisation and level of investigation
NR/L3/INV/3001/RIM302	Management of recommendations and local actions
NR/L3/OCS/041/5-01	Operations Manual – Procedure 5-01 – Category A SPADs – Investigation Files
NR/L3/OCS/041/5-07	Operations Manual – Procedure 5-07 – Risk Ranking of Category A SPAD incidents
NR/L3/OCS/041/5-08	Operations Manual – Procedure 5-08 – Recategorisation of Incidents Initially Treated as Category A SPADs on Network Rail Controlled Infrastructure
NR/L3/OCS/041/5-10	Operations Manual – Procedure 5-10 – Alleged Category A SPAD – Initial Response
	Investigations Handbook

4 Definitions

Accident – An unplanned, uncontrolled event that resulted in personal injury or damage to plant, machinery or infrastructure.

Close call – 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 or infrastructure. 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 – An occurrence resulting in an accident or incident.

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Formal investigation – A formally structured investigation of an accident or incident led by Network Rail or a railway undertaking. Also known as a level 3 investigation.

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 a level 2 or 3 investigation.

Lead organisation – Network Rail or the railway undertaking responsible for managing the investigation process in accordance with the criteria contained in GO/RT3119.

NOTE 1 The Network Rail processes and criteria for an investigation are contained with the modules of the Reporting and Investigation Manual.

Level 1 investigation – A preliminary investigation to establish the facts and preliminary causes of an accident or incident, and whether there is a need for further investigation. Also known as a preliminary investigation.

Level 2 investigation – An investigation led by Network Rail or a railway undertaking of an accident or incident for which a formal investigation is not required. Also known as a local investigation.

Level 3 investigation – A formally structured investigation of an accident or incident led by Network Rail or a railway undertaking. Also known as a formal investigation.

Local investigation – An investigation led by Network Rail or a railway undertaking of an accident or incident for which a formal investigation is not required. Also known as a level 2 investigation.

Near miss – 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.

Network Rail managed infrastructure (NRMI) – 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.

Observer – For the purposes of this module, this is a person who attends the investigation as other than a full member of the investigation team. An observer may be:

- a health and safety representative of a trade union who has been invited to participate;
- a Network Rail manager/trainee attending to gain experience of or to assist with an investigation's proceedings;
- the owner, lesser, or maintainer of any equipment/vehicle/infrastructure involved (if not attending as an investigation team member).

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Preliminary investigation – An initial investigation to establish the facts and preliminary causes of an accident or incident, and whether there is a need for further investigation. Also known as a level 1 investigation.

Recommendations Review Panel (RRP) – A Network Rail panel formed at a local level which:

- a) reviews reports and recommendations arising from Network Rail led local investigations and Railway Group member investigations; and
- b) reviews recommendations referred to it by NRRP or refers to NRRP recommendations with national implications or application.

Reporting and Investigation Manual – A Network Rail produced manual comprising the company's processes, and supporting guidance, for accident and incident reporting and investigation.

Responsible manager – For the purposes of this module, this includes:

- a) persons with the competence and responsibility within their function for:
 - the safe and sustainable operation, maintenance or renewal of the railway;
 - 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.

Safety Management Information System (SMIS) – The system owned by RSSB and used by Railway Group members for the retention of data applicable to safety, environment and occupational ill health events.

Urgent safety related matter – An urgent safety related matter includes:

- a) a 'high-risk defect' or a 'high-risk operating incident and irregularity' as defined in NR/L2/OPS/035;
- b) a 'high-risk defect' as defined in GE/RT8250; and
- c) a serious construction or maintenance accident.

5 Preliminary investigation

5.1 General

- 5.1.1 A level 1 (preliminary) report shall be completed for all safety and environmental events identified on the investigations matrix as requiring a level 1, 2 or 3 investigation.

NOTE 2 Where further investigation is to be conducted as a level 2 or 3 investigation, it is not necessary to identify the immediate and underlying causes on the level 1 report form.

NOTE 3 The [Investigations Matrix](#) is available on Connect.

Responsible manager

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5.2 Risk Ranking

5.2.1	All accidents and incidents shall be risk ranked during the preliminary investigation stage. The results of this risk ranking shall be recorded on the level 1 report and investigation form.	Responsible manager
5.2.2	Where the investigation identifies new evidence that the investigation team considers would alter the risk ranking, the DCP shall be informed and requested to arrange for the risk ranking to be revised.	Responsible manager
5.2.3	Once the risk ranking is complete, a copy of the preliminary investigation and report form shall be sent to the S&SD Reporting Team.	Responsible manager
NOTE 4	<i>The preliminary investigation and report form referred to in this module is available from Connect (click on this link Report forms).</i>	
NOTE 5	<i>Details of the S&SD Reporting Team are available on Connect (click on this link Safety Reporting).</i>	
NOTE 6	<i>Guidance on completing the risk ranking may be sought from the Route Head of Safety Health & Environment or their team.</i>	

6 The remit for an investigation

6.1	A remit for an investigation shall be produced for local (level 2) and formal (level 3) investigations, using the template provided.	Designated competent person
NOTE 7	<i>The templates for investigation remits and reports are available from Connect (click here).</i>	
NOTE 8	<i>Guidance on writing/preparing an investigation remit is provided in the Investigations Handbook (Part 9).</i>	
NOTE 9	<i>Investigation teams should normally be formed to conduct the investigation. In exceptional circumstances, the investigation team may comprise only the lead investigator. The DCP should consider whether this is acceptable, bearing in mind the circumstances and severity of the event to be investigated.</i>	
NOTE 10	<i>The areas which will need to be investigated may be identified during the preliminary investigation and the DCP should consider whether other issues are relevant.</i>	

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| 6.2 | The investigation remit shall be circulated to the organisation(s) invited to participate in the investigation and any comments received considered for inclusion in the remit. | Designated competent person |
| 6.3 | The remit for an investigation shall be issued at the earliest opportunity after the event occurred and normally within 5 working days of the event occurring. | Designated competent person |
| 6.4 | The investigation remit shall be issued to those shown in Table 1: | Designated competent person |

	Level of investigation	
	Formal	Local
The lead investigator	✓	✓
DCP (or other nominated person) of any organisation or Network Rail function required to participate in the investigation as an investigation team member	✓	Where appropriate (see notes 7 and 11)
The DCP (or other nominated person) of any other organisation or Network Rail function significantly involved in the event	✓	
The relevant Senior Investigator	✓	✓
The relevant Safety Reporting Specialist (SRS)	✓	✓

Table 1 – Persons to whom remit shall be issued

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| 6.5 | The content of the investigation remit shall be discussed with the lead investigator to aid understanding of the remit objectives and timescales. | Designated competent person |
| 6.6 | A signed copy of the investigation remit shall be provided to the lead investigator for retention on the investigation file. | Designated competent person |
| 6.7 | <p>Where the investigation remit is revised to reflect subsequent changes to, for example:</p> <ul style="list-style-type: none"> a) the lead investigator; b) the organisations participating in the investigation; or c) the specific objectives; <p>the remit shall be reissued in accordance with 6.4 and 6.5, and 6.6 shall also be applied for the reissued remit.</p> <p><i>NOTE 11 The issue number of the investigation remit should be increased in accordance with the guidance in the Investigations Handbook (Part 9).</i></p> | Designated competent person |
| 6.8 | <p>The latest issued investigation remit shall be included within the formal investigation report.</p> <p><i>NOTE 12 The template for a formal investigation report identifies where the remit should be added.</i></p> | Lead investigator |

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7 Participation in the investigation

7.1	<p>As a minimum, the following organisations shall be invited to participate in, or make representation to, the investigation:</p> <ul style="list-style-type: none"> a) organisations whose employees were directly involved in the event being investigated; b) organisations which own or operate rolling stock, equipment or infrastructure directly involved in the event being investigated; and c) organisations whose personnel or products are considered by the DCP to have been directly involved in the event. <p><i>NOTE 13 In some cases, normally where a single Network Rail function/business unit is the only organisation involved, it may not be necessary to invite other organisations to participate in a local investigation.</i></p> <p><i>NOTE 14 In the case of formal investigations, and depending on the type and severity of the accident or incident concerned, the DCP should agree with the other participating organisations whether representatives of recognised passenger bodies (e.g., Passenger Focus) should be invited to attend.</i></p> <p><i>NOTE 15 The inability of an organisation to provide a person to attend in whatever capacity, given reasonable notice, should not inhibit the commencement of the investigation.</i></p> <p><i>NOTE 16 Invitations should be in writing or email – or by telephone, if arranged at short notice – stating the date, time and place of the investigation. Where practicable, written or email confirmation should be provided.</i></p> <p><i>NOTE 17 To enable an investigation to be undertaken promptly, it is often necessary to arrange investigations at short notice by telephone. Therefore, a notice period of at least 36 hours should be considered reasonable.</i></p>	Designated competent person
7.2	<p>When a Senior Investigator or specialist independent investigator has been appointed as the lead investigator in accordance with NR/L3/INV/3001/RIM201, consideration shall be given to the provision of a separate Network Rail representative on the investigation team.</p>	Designated competent person

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7.3	<p>Where other organisations are invited to participate in the investigation, the DCP (or other nominated person) of this organisation shall be made aware of the following:</p> <ul style="list-style-type: none"> a) the contents of Railway Group standard GO/RT3119 and Railway Group Guidance Note GO/GN3519; b) that, if they participate in the investigation, they will be required to comply with the requirements of GO/RT3119 and GO/GN3519; c) that Network Rail will implement the requirements of GO/RT3119 by adopting the processes set out in this module; d) remind participating organisations of the need to maintain confidentiality of the investigation's proceedings. <p>NOTE 18 <i>Events may involve or affect organisations other than Railway Group members, who will not necessarily be aware of the existence of GO/RT3119 and the processes it contains. However, such parties/ organisations are encouraged to participate in the process and it is therefore important that, where necessary, the DCP advises them of the contents of GO/RT3119.</i></p>	Designated competent person
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8 Evidence, witnesses and specialist advisors

8.1 Evidence

8.1.1	<p>Arrangements shall be made for the collection of evidence relating to an event to be prioritised according to the following list of subjects:</p> <ul style="list-style-type: none"> a) perishable evidence; b) interviewing of personnel; c) site visits; d) records of previous related events. <p>NOTE 19 <i>Guidance on the types of evidence required is provided in the Investigations Handbook (Part 2).</i></p>	Designated competent person
8.1.2	Arrangements shall be made for the evidence collected to be made available to the lead investigator.	Designated competent person
8.1.3	<p>Determine, in conjunction with:</p> <ul style="list-style-type: none"> a) the DCP; and b) other investigation team members; <p>what further evidence is required to assist the investigation and whether witnesses will be required to give evidence.</p>	Lead investigator

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NOTE 20 *Should an organisation be unwilling or refuse to provide evidence, e.g., reports, information or data, for the investigation, the lead investigator should remind the organisation of its obligations to cooperate with the investigation. For example:*

- *Regulation 22 of the Railways and Other Guided Transport Systems (Safety) Regulations 2006 places a duty of co-operation on transport operators and their contractors.*
- *Section 4.5 of Network Rail's HSMS describes the company's arrangements for co-operation and similar arrangements should exist within the safety managements systems of other transport operators.*

8.2 Witnesses

8.2.1 Where a witness is required to attend to give evidence, arrangements shall be made to: Lead investigator

- a) inform the appropriate organisation/employer and request that they arrange for the witness to attend (see Note 19); and
- b) invite the relevant Trades Union (see Note 20).

NOTE 21 *Some witnesses may be traumatised by what they have experienced and special arrangements may be needed for their interview. See the [Investigations Handbook \(Part 2\)](#) for guidance.*

NOTE 22 *Guidance on when to invite the Trades Unions to participate in an investigation and contacts for arranging this are available from Connect ([click here](#)).*

NOTE 23 *A witness may be interviewed by their line manager as part of the preliminary investigation and the information/evidence obtained provided to the investigation team for review at the local or formal investigation.*

8.2.2 Arrangements shall be made for the witness interview(s) to be recorded where appropriate. Lead investigator

NOTE 24 *Guidance on interviewing witnesses and recording the interviews is provided in the [Investigations Handbook \(Part 2\)](#).*

NOTE 25 *The recording of witness evidence should be regarded as confidential to the investigation and a request for a copy of the recording, e.g., from a police officer, should be refused and advice sought from the Senior Legal Counsel, Litigation. A copy of the recording should be provided to the witness.*

8.2.3 If a witness refuses to attend, or an organisation refuses to release a witness or permit the witness to attend, the person or the organisation shall be informed that, irrespective of their attendance, the investigation will continue to conclusion. Lead investigator

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- 8.2.4 If a witness continues to refuse to attend, or an organisation continues to refuse to release a witness or permit the witness to attend, other ways for their evidence to be provided shall be explored.
- NOTE 26 Guidance on the non-attendance of witnesses is provided in the [Investigations Handbook \(Part 2\)](#).*
- Lead investigator

8.3 Specialist advisors

- Specialist advisors or experts, who may be present for all or part of the investigation, shall be appointed with the authority of the DCP to assist in the investigation when it is considered that such advice or expertise is required to achieve the objectives of the remit.
- NOTE 27 Guidance on the attendance of specialist advisors and experts is provided in the [Investigations Handbook \(Part 2\)](#).*
- Lead investigator

9 Police officers, HSE/ORR inspectors, environmental regulators and legal representatives

- 9.1 The following shall not be invited or permitted to attend the investigation:
- a) British Transport Police (BTP) or the Civil Police officers;
 - b) Inspectors from the Health and Safety Executive (HSE) , the Office of the Rail Regulator (ORR) or the environmental regulators; and
 - c) Legal representatives of those involved.
- NOTE 28 The presence of such person(s) might generate a perception of gathering evidence which might lead to apportionment of blame or liability, and this is incompatible with the purpose of the investigation process.*
- 9.2 If a request to participate is received from any of the parties shown in 9.1, they shall be advised that the published report may be made available to them on request. Where necessary, the Corporate Investigation Manager shall be consulted.
- Designated competent person
- Designated competent person

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10 Arranging and managing the investigation

10.1

Arrangements for the investigation shall include:

Lead investigator

- a) requesting the organisations invited to participate (as shown in the remit) to nominate an investigation team member;
- b) arrange the investigation team meeting, including:
 - 1) determining, in consultation with the investigation team members, the order of proceedings;
 - 2) allocating sufficient time for discussion and review of the evidence;
- c) arrange the attendance of observers and, where appropriate, specialist advisors (as shown in the remit);
- d) request the investigation team members to provide the evidence that will be needed by the investigation to satisfy the requirements of the remit;
- e) arrange, where appropriate, for witness interviews to be carried out;
- f) arrange for the attendance of trade union observers.

NOTE 29 *Witness interviews will normally be conducted during a part of the investigation team meeting; however, this will not be appropriate for traumatised witnesses and other arrangements will need to be made.*

NOTE 30 *Guidance on when to invite the Trades Unions to participate in an investigation and contacts for arranging this are available from Connect ([click here](#)).*

NOTE 31 *The inability of an organisation to provide a person to attend the investigation team meeting, in whatever capacity, given reasonable notice, should not inhibit the commencement of the investigation.*

NOTE 32 *Guidance on the arrangements to be made for undertaking an investigation is provided in the [Investigations Handbook \(Part 2\)](#).*

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10.2

The investigation shall be managed and led in order to achieve the requirements of the remit, including:

- a) briefing the investigation team and observers, prior to commencing the investigation, on:
 - 1) the aims, objectives and process of the investigation;
 - 2) the conduct of the investigation;
- b) reviewing the evidence obtained to:
 - 1) establish the facts of the event;
 - 2) establish the immediate, behavioural and underlying causes of the event;
 - 3) formulate recommendations and local actions to address the causes identified.

NOTE 33 *The briefing to be given prior to commencement of the investigation should include the following:*

- *the need to co-operate to achieve the requirements of the remit;*
- *the need for investigation team members to accept being signatories to the completed report, and the process for doing so;*
- *the rights and obligations of investigation team members, observers and witnesses;*
- *the process to be applied if a witness refuses to give verbal evidence to the investigation;*
- *the process for resolving disagreements and disputes.*

NOTE 34 *Guidance on the arrangements to be applied during the course of an investigation is provided in the [Investigations Handbook \(Part 2\)](#).*

Lead investigator