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Safety Bulletin - 231

Preservation of Evidence following a serious incident

Following a recent report into a serious incident which resulted in a member of staff sustaining a significant injury at Stratford on the 13th September 2009. The report highlighted an issue with the preservation of evidence at the scene.

In this instance evidence was not preserved immediately after the event which has hindered the investigation from the outset. All staff involved in an incident are reminded of the importance of preserving all evidence at the scene.

Any member of staff that attends an incident on Network Rail managed infrastructure should be aware of the instructions contained within the following documents:

- GO/GN 3518 Issue 1, Oct 2008. Guidance on Incident Response Planning & Management.
- NR/L2/OPS/250 Issue 4; Network Rail National Emergency Plan.
- Rule Book Module M5 Section 2.

Below is an extract from GO/GN3518, covering the general guidance on the preservation of evidence following an incident. The Network Rail National Emergency Plan (Reference B) is cross-referenced with this Guidance

General guidance concerning the gathering and preserving of evidence

GN 61 It is important that evidence is preserved whether or not the RAIB, emergency services or HSE/HMRI are involved. The rail industry's evidence co-ordinators need to collect and preserve evidence. This should be communicated to the RAIB, emergency services and/or HSE/HMRI and to the rail industry responders such as contractors; otherwise actions being taken may inadvertently destroy crucial evidence. (see also items GN142 to GN145 inclusive)

GN 62 Issues where immediate consideration is necessary are:

- a) not moving parts of derailed/damaged vehicles
- b) protection of the point of derailment from interference or the weather
- c) preserving perishable evidence such as the position of controls in driving cabs, brake pipe pressures, wheel/tyre temperatures.

These aspects need to be recorded as quickly as possible.

GN63 The RIO is the focus for all rail industry organisations to gain access to this information through the RAIB, police and/or HSE/HMRI.

GN 63 It should be borne in mind that evidence can range from notes, sketches, photographs or videos taken at the incident, signalling records, technical details, statements, parts of, or complete vehicles. Consideration should be given (before rerailling or removal of vehicles from site) to the need to ensure the evidence relating to derailment aspects has been recorded. Similarly decisions need to be taken, involving specialists, as to whether equipment testing can be/should be done in an appropriate test centre or can be done on site (before removal).

Issued by Martin White, National Operations Delivery Manager