Investigators' Handbook

Part 9 – Guidance for DCPs

Part 9A

This Part 9A includes the following sections:

- General guidance for DCPs

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Part 9A

General guidance for DCPs

Contents

DCP's role and responsibilities 3
DCP competence and training 3
Investigator competence and training 4
Monitoring and tracking of investigations 6
Investigations – Identification and categorisation 6
Investigations of 'serious accidents' 9
The investigation remit 10
Appointment of the lead investigator 10
Appointment of the investigation team 12
Observers 14
Timescales 16
Progress of the investigation 17
Reviewing the draft report 19
Recommendations and local actions 22
Consultation for draft reports 25
Completion/sign off of reports 28
Publishing reports 32
Release of information to third parties 34
Investigation files 35
Investigations led by organisations other than Network Rail 35
External agency investigations 38
Standard templates and forms 39
Network Rail's Reporting and Investigation Manual 40
Appendix A – Common problems with reports 42

This Part 9A of the handbook is for DCPs and provides a summary of, and guidance on, their duties and responsibilities which are contained within the Reporting and Investigation Manual procedures.

DCP's role and responsibilities

The principle duties of a DCP are:

a) managing the competence of investigators;

b) managing the investigation process;

c) initiating the issue of any urgent safety advice, where required;

d) monitoring the progress of an investigation;

e) checking that an investigation report meets the required standards for quality and accuracy.

A DCP may request others to assist in carrying out particular tasks associated with the investigation process, but the DCP remains responsible for making sure that these duties are carried out.

The DCP's role is seen as key to making sure events are properly investigated and reports are produced to a good standard.

DCP competence and training

There is no specific competence training or assessment for the role of DCP.

The DCP is considered competent by virtue of the skills, knowledge and experience required for the post they hold.

There is a short briefing available from Senior Investigators to help DCPs understand the requirements of the role.

The competence requirements for DCPs (and lead investigators) may be found in NR/SP/CTM/032.

Investigator competence and training

The DCP is responsible for assessing and certifying the competence of their investigators.

The DCP will not always be the immediate line manager of an investigator.

In order to attain competence, an investigator must:

a) attend an approved training course;

b) undergo an initial period of mentoring;

c) at the end of the mentoring period, be assessed by the DCP.

Approved training courses

From mid-2011 this will be Network Rail's Accident Investigation Learning Programme.

Between October 2006 and mid-2011, lead investigators should have attended Network Rail's:

a) Local Investigation course; or

b) Formal Investigation course, for those likely to lead a formal investigation.

Prior to October 2006

For those investigators trained before October 2006, the following are also approved:

a) The RPD Investigation training course;

b) The A.D. Little investigation training courses: 'Accident Investigation/Formal Inquiry Core Learning Programme' and 'Accident Investigation/Formal Inquiry Supplementary Learning Programme'.

Maintaining competence

The DCP needs to make sure that their investigators maintain their initial competence, particularly where the opportunity to practise it may be infrequent.

To maintain competence an investigator should carry out an investigation at the appropriate level at least biennially, and from this produce a report to the satisfaction of the DCP.

An investigator's competence can be assessed by:

a) monitoring the quality of the reports;

b) questioning techniques to confirm an investigator's understanding and obtain demonstration of knowledge;

c) supervision and direct monitoring of investigations.

If the required level of competence is not attained the DCP must arrange for further training or mentoring to be given.

Where the DCP decides that mentoring is necessary, this should be undertaken by:

a) arranging for another investigator that the DCP considers to be competent and experienced to assist the lead investigator with the investigation;

b) the DCP reviewing the lead investigator's arrangements at each stage in the investigation process, including reviewing the draft report;

c) seeking the assistance of an experienced lead investigator to mentor the lead investigator through the investigation process.

Investigator competence is recorded in Human Resources Management System (HRMS) and DCPs are responsible for arranging for HRMS to be updated, as necessary, following assessment.

Monitoring and tracking of investigations

The DCP is responsible for monitoring the progress of investigations and for making sure that investigations are completed within the specified timescales.

The safety management information system (SMIS) will be used to track the progress of investigations, recommendations and local actions.

Detailed requirements and guidance for the use of SMIS are contained in UUUUNR/L3/INV/0301.

Although input to SMIS is undertaken by the Safety Reporting team at Milton Keynes, any person may have 'read-only' access for the purposes of data extraction and analysis should their duties require it.

See also the 'SMIS' section of Part 7 of the handbook.

Investigations – Identification and categorisation

The DCP must have a process in place to identify events that require investigation.

Where an event involves more than one function or organisation (including those external to Network Rail), the relevant functional/organisational DCPs will need to communicate in order to determine which organisation should lead the investigation. See the 'Remit – step-by-step guidance' in Part 9B of the handbook for further guidance.

Lead organisation and level of investigation

In deciding the appropriate lead organisation and level of investigation for an event, DCPs should refer to NR/L3/INV/0201 and, in particular:

Appendices A and B	The criteria for local and formal investigations
Appendix C	A matrix and guidance relating to the most common event types

Table 1 – Criteria for deciding lead organisation and level of investigation

When deciding on the lead organisation and level of investigation for an event, the DCP should normally follow the above criteria and guidance.

For a Category A signal passed at danger (SPAD) or an incident involving irregular working, Appendices A and B of NR/L3/INV/0201 use the risk ranking score to assist in deciding:

a) the lead organisation (Category A SPADs only); and

b) the level of investigation.

However, depending on the circumstances of the event, the DCP may (see below) vary either or both the level of investigation and lead organisation from that shown. Such variation should be the exception rather than the rule.

The DCP **may not** vary the lead organisation and level of investigation for events covered by Appendix A, paragraph A1.1 of NR/L3/INV/0201. See below.

When a DCP wishes to vary either the lead organisation or the level of investigation, the DCP must:

a) obtain the agreement of any other organisations or Network Rail functions involved in the event; and

b) record the reasons for varying either the lead organisation or the level of investigation, together with the agreement of the involved organisations/functions.

A copy of this record must be provided to the lead investigator for retention on the investigation file.

Appendix D of NR/L3/INV/0201 provides a form for this purpose but copies of relevant correspondence/e-mails are also acceptable.

Appendix A, paragraph A1.1 of NR/L3/INV/0201

This contains a requirement for Network Rail to carry out a formal investigation into events where there may have been a significant failure of control measures under Network Rail's direct control, leading to a fatality, major injury, or potentially high risk accident.

The wording of the paragraph "…may have been a significant failure…" implies that the provisions of paragraph A1.1 must be applied even when it is only suspected that such a failure has occurred. It is not necessary to have definite proof before the investigation commences.

The DCP **may not** vary the lead organisation and level of investigation for events covered by Appendix A, paragraph A1.1 of NR/L3/INV/0201.

Principal contractors

Where the event occurs within the responsibility of a Principal Contractor (which is defined in NR/L3/INV/0201), the Network Rail DCP may, subject to the requirements in the procedure being met, permit a Principal Contractor to lead the investigation.

Investigations of 'serious accidents'

The arrangements relating to 'serious accident' investigations are contained in NR/L3/INV/0201 (the criteria) and NR/L3/INV/0205 (timescales and consultation).

Criteria

The following events which are regarded by Network Rail as 'serious accidents' will normally be the subject of a formal investigation led by Network Rail:

a) The fatality of any person, either public or workforce, in a train accident (other than suspected suicide or trespass).

b) A collision between trains on a running line that results in:
   - injury to at least one person;
   - significant damage (i.e. greater than €2 million) to either the trains involved or to the infrastructure.

c) The derailment of a passenger train.

d) The fatality, whilst on duty, of a member of the workforce employed by or contracted to Network Rail.

The DCP may decide to apply the arrangements for 'serious accidents' to other accidents/incidents that had the obvious potential to have resulted in a 'serious accident'.

The DCP **must** first consult the relevant Functional Director.

Lead investigator

For 'serious accidents', the lead investigator must be released from normal duties so that the investigation can be completed within the specified timescale. It is the responsibility of the DCP to arrange for the lead investigator to be released.

Timescales

The timescales for the draft and completed reports are shown in NR/L3/INV/0205.

Consultation

Once it has been agreed by the investigation team and the DCP is satisfied with it, the draft formal investigation report must be sent for review to:

a) The Head of Legal Services, Litigation;

b) Members of Network Rail's Executive Committee;

c) Members of Network Rail's Tactical Safety Group (TSG);

d) Others (see the Consultation for draft reports section below).

The consultation process relating to 'serious accident' investigations is contained in NR/L3/INV/0205.

The investigation remit

See the 'Remit – step-by-step guidance' in Part 9B of the handbook for guidance on preparing and issuing the remit.

Appointment of the lead investigator

The DCP should normally appoint a competent member of their staff to lead the investigation. However, the DCP should bear in mind the following:

a) The lead investigator for a formal investigation should not have any direct line management responsibility for the staff, contractors or equipment involved in the event to be investigated.

b) The lead investigator should not be a person who may eventually be implicated by the conclusions (i.e. the causes and any 'other safety related issues') of the investigation or who may not be able to be impartial or unbiased.

The DCP should make every effort to make sure that the lead investigator:

a) can dedicate sufficient time to the investigation; and

b) is provided with adequate resources or support to allow the lead investigator to undertake the investigation and prepare the report, as well as carry out any other duties they may have.

Where appropriate, the lead investigator should be granted time away from other duties for this purpose.

For 'serious accidents', the lead investigator should be released from normal duties (see the Investigations of 'serious accidents' sub-section above).

In exceptional circumstances, an alternative lead investigator may be appointed, viz.:

a) Where there may be conflict of interest or where the lead investigator is the line manager of the staff involved, an investigator from another area or workgroup should be appointed. It will be for the DCP to decide when this is necessary.

b) For 'serious accidents', or those of a sensitive nature, a senior manager may be appointed to lead the investigation.

c) For complex events or where independence is required (and cannot be achieved by utilising an investigator from another area), a Senior Investigator may be asked to lead the investigation.

If the DCP considers this to be desirable, the DCP should contact the Head of Corporate Assurance & Accident Investigation.

See the 'Remit - step-by-step guidance' in Part 9B of the handbook for guidance on preparing the remit.

Appointment of the investigation team

In some cases, where the event involves only one function, it may be appropriate for the investigation team to comprise only the lead investigator.

The DCP should consider whether this is desirable bearing in mind the circumstances and severity of the event to be investigated.

When setting the remit, the DCP should give due consideration to the size and composition of the investigation team.

The investigation team should not be so large that it becomes difficult to manage, or that it inhibits witnesses from giving evidence. An investigation team should ideally consist of no more than 3-4 persons (not including observers).

See also the following sections of this handbook for further guidance on the appointment and the role of investigation team members:

Further guidance provided in:	
'Arranging the investigation' section in Part 2A of the handbook	See the '*Investigation team members and observers, etc.*' sub-section. This also includes guidance on the role of the Network Rail Human Factors specialists.
'Remit – Step-by-step guidance' section in Part 9B of the handbook	See the 'Investigation team members' sub-section.

The investigation team should have a balance of knowledge and experience appropriate to the event being investigated.

An organisation/function should be invited to nominate a representative as an investigation team member as follows:

How to identify investigation team members:		**Yes**	**No**
(a)	Was the organisation's or function's employee injured in the event?	☐	☐
(b)	Did the organisation's or function's train/vehicle/equipment suffer damage in the event?	☐	☐
(c)	Is such an employee, train, vehicle or equipment likely to be implicated in the causes of the event?	☐	☐
(d)	Is such an employee, train, vehicle or equipment likely to be implicated in 'Other safety related issues' associated with the event?	☐	☐
(e)	Was the organisation's or function's employee a witness to the event occurring?	☐	☐
(f)	Is a recommendation or local action likely to be addressed to the organisation/function?	☐	☐

If 'Yes' to any of the above then always invite them to participate

Organisations that are not Railway Group members

The 'Railway Group' includes Network Rail and other certificated transport operators operating on Network Rail Managed Infrastructure.

Details of 'other certificated transport operators', i.e. those with a safety certificate, can be found on the Network Rail Portal. Go to the 'Applications' tab and select 'National' and 'Safety' and under 'References' click on 'ROGs – Safety Certificates/Authorisations'.

An investigation may need to involve organisations other than Railway Group members (e.g. contractors) who may not be aware of the existence of either Railway Group standard GO/RT3119 or Network Rail's accident investigation standards and the processes they contain.

However, such organisations are encouraged to participate in the investigation process and it is therefore important that the DCP advises them what may be required of them.

Observers

Observers should not sign the completed investigation report, and should not be provided with a copy of the completed report.

Detailed requirements and guidance for observers attending formal investigations are contained in Appendix C of NR/L3/INV/0205.

Trade union observers

In order to satisfy current arrangements with trade unions, the relevant trade unions must be invited to send representatives to act as observers at local and formal investigations whenever witnesses are being interviewed.

Trade union observers are invited to attend the investigation to observe the investigation process and, at the discretion of the lead investigator, participate in the investigation.

Trade union observers are not invited to attend to act as a witness' staff representative.

Details of the relevant contact points for the principal trade unions, to arrange for observers to attend, are provided on Connect.

If an observer of the relevant trade union(s) was not invited to or does not attend the investigation this must be indicated in the completed report, together with the reason for non-attendance. This information should be included on the 'Signatures' page.

Health and Safety representatives

In some cases, it may be desirable to invite the trade union's appointed health and safety representative to attend the investigation as an observer.

The invitation should be made to the health and safety representatives for the group of staff directly involved in the event. This can be arranged locally.

Other observers

Other observers may be invited in particular circumstances. For example, observers from rolling stock owners or leasing companies should be invited to derailment investigations.

The following are not permitted to attend:

a) Legal representatives;

b) Inspectors of the Health & Safety Executive (HSE), Office of Rail Regulation (ORR) and the Rail Accident Investigation Branch (RAIB);

c) British Transport or Civil Police officers.

Where a request to attend from any of the above parties is received, the DCP should respond that a copy of the completed report will be provided on request (see also the Release of information to third parties sub-section below for guidance on release of information to third parties).

Timescales

Railway Group standard GO/RT3119 *Accident and Incident Investigation* does not specify timescales for local or formal investigations. However, NR/L3/INV/0205 includes the normal timescales for:

a) the issuing of investigation remits;

b) providing draft reports to the DCP for review;

c) providing a completed investigation report;

d) formal investigations of 'serious accidents'.

With the exception of formal investigations of 'serious accidents', the DCP should decide on a reasonable timescale for each investigation based on the circumstances and severity of the event.

See also the 'Remit – step-by-step guidance' in Part 9B of the handbook for further guidance on timescales.

A lead investigator may request an extension to the timescale. This should be done in writing (e-mail is acceptable, providing a copy is retained on the investigation file), stating the length of extension required and the reasons for the request.

The DCP should respond in writing to confirm or decline the extension (e-mail is acceptable, providing a copy is retained on the investigation file). If the extension is declined, the DCP must explain the reasons for this.

Any extension granted, and the reasons for this, will need to be tracked in SMIS. The DCP should therefore make sure that the relevant Safety Reporting Team is informed of the granting of any extension.

'Serious accidents'

For formal investigations of 'serious accidents' (see the Investigations of 'serious accidents' sub-section above) the timescales are shown in the 'Remit – step-by-step guidance' in Part 9B of the handbook.

Reasons for exceeding the timescale for the completed report will need to be reported to Network Rail's Executive Committee.

Progress of the investigation

The DCP should monitor progress of the investigation in order to be satisfied:

a) the investigation remit's objectives are being met;

b) the investigation process is being properly conducted; and

c) whether the lead investigator needs assistance to overcome any problems encountered.

The lead investigator will also inform the DCP of progress with the investigation, including:

a) details of any urgent safety matters identified during the investigation (see the sub-section next below);

b) if the investigation team may not be able to reach an agreed conclusion;

c) the need for timescale extensions for producing the investigation report (see the Timescales sub-section above for further information).

Urgent safety related matters

The lead investigator must advise the DCP immediately of any urgent safety related matters discovered during the investigation.

An urgent safety related matter includes:

'High risk defect'	A defect that has caused, or could have had a high likelihood of causing: a) death, ill-health or major injury to persons; b) derailment or collision of trains.
'High risk operating incident or irregularity'	An unplanned, uncontrolled 'high risk' event during train operations (including an irregular working practice) which has or could have had a high likelihood of causing: a) death, ill-health or major injury to persons; b) derailment or collision of trains.

This will enable the DCP to consider whether to advise others of the urgent safety matters as required by Railway Group standard GE/RT8250 and/or Network Rail standard NR/L2/OPS/035.

Details of any urgent safety related matter identified during the investigation will need to be included in the investigation report.

Safety Reporting Specialist

The DCP needs to advise the relevant Safety Reporting Specialist of progress of the investigation, including:

a) the granting of any extension to the timescale and the reason for this;
b) the date of the investigation team meeting;
c) the date the draft investigation report was received for review;
d) the date the draft investigation report was sent for consultation;
e) the date the completed investigation report was issued;
f) any other information relevant to the status of the investigation.

Reviewing the draft report

Detailed requirements and guidance for report format and report writing are contained in NR/L3/INV/0207 and Parts 3A and 3B of the handbook.

Once the lead investigator has produced a draft report – and this has been agreed by the investigation team – the DCP must review this in order to check:

	Is the DCP satisfied
The investigation	It has been adequately carried out?
Remit	The general and specific objectives have been met?
Causes	The immediate and underlying causes – and any 'Other safety related issues' – have been correctly identified?
Recommendations and local actions	These are: • Appropriate? • Any recommendation has been directed to the correct organisation and meets the SMART criteria? • Any local action has been directed to the correct person and, where it falls with the responsibility of another Network Rail DCP, is acceptable to the function concerned?
The report	It has a cohesive structure, i.e.: • Are the causes and any other safety related issues identified discussed and supported in the 'Factors discussed' section? • Do the recommendations and/or local actions address the causes and any other safety related issues identified in the draft investigation report?
Spelling and grammar	This is correct, abbreviations and terms have been consistently used, and the format of the report complies with the Network Rail template and style?

	Is the DCP satisfied
Names	The names of individuals involved in the event have not been included in the report or its appendices? Be especially careful where scanned reports, etc. have been included as an appendix.
For Category A SPADs only	
Category of SPAD	The category of the SPAD is confirmed? The definitions of each SPAD category are shown in Appendix A of NR/L3/INV/0205.
Re-categorisation	Contains, where appropriate, the reasons for re-categorisation (or for refusing re-categorisation)? See Operations Manual procedure 5-08 *Re-categorisation of Incidents Initially Treated as Category A SPADs on Network Rail Controlled Infrastructure*.
SSC	The report includes suitable discussion of the findings, conclusions and recommendations, etc., of the signal sighting committee (SSC), where one was convened or, where an SSC was not convened, an explanation of why one was not convened?
SSC report	The report includes, as an appendix to the investigation report, the two-page SSC Signal Sighting Form (NR/L2/SIG/10157 Form 6).
SPAD Risk Ranking	The report includes a discussion of the initial SPAD Risk Ranking (SRR) findings and includes, as an appendix, the SRR summary?
For Irregular Working events only	
Irregular Working Risk Ranking	The report discusses the IWRR results?

Table 2 – DCP's review of draft report

An Investigation Report checklist is available on *Connect* to assist DCPs in reviewing reports. This must be completed by the DCP when reviewing the draft report.

The investigation team members should not sign the draft report.

Appendix A lists the common problems for which the DCP should check during the review of the draft report.

If the DCP deems that the draft report is not of an acceptable standard, the DCP should instruct the lead investigator as to the actions required to bring the report up to the required standard.

Detailed requirements and guidance for the report format and report writing are contained in NR/L3/INV/0207 and Parts 3A and 3B of this handbook.

Recommendations and local actions

Detailed requirements and guidance for writing recommendations and local actions are contained in NR/L3/INV/0207 and Part 3A of the handbook.

Recommendations and local actions should only be made to address the causes of the event and any 'Other safety related issues' identified by the investigation.

A common cause of a recommendation being rejected by a recommendations review panel is that it does not address a cause of the event investigated.

Cross-referencing each recommendation and/or local action to the cause(s) and/or 'Other safety related issue' it addresses should avoid this.

Recommendations and local actions may only be directed to those Railway Group member organisations participating in the investigation.

Where action is required to be taken by a contractor (i.e. an organisation undertaking work/activities on behalf of another organisation) or any other organisation that is not a Railway Group member, a recommendation or local action should be directed to the Railway Group member organisation responsible for managing the contract or agreement under which the work/activity was being carried out.

It is acceptable for an investigation not to make recommendations and/or local actions where the investigation identifies these are not necessary.

Recommendations

A recommendation is a proposal made following an investigation to:

a) define a new process or control measure (i.e. not covered by an existing standard, rule or instruction); or

b) change an existing process or control measure because it does not adequately control the hazard or risk.

Every effort should be made by the lead investigator to check that a proposed recommendation is not already covered by an existing process or control measure.

Recommendations may also be made to address cases where the investigation has identified a systemic failure to comply with an existing – and adequate – process or control measure.

Non-compliances of a local nature should be addressed through local actions.

Other safety related issues

Whilst a recommendation and/or local action may be made to address the causes of the event, they may also be made to address specific safety related issues revealed during the investigation that were not 'causal' or 'contributory'.

Such an issue may be considered to be one which, if addressed, would not prevent a recurrence but which may mitigate the consequences or reduce the likelihood of recurrence. This may include, for example, issues related to the post-incident management of the event such as:

a) evidence preservation or collection;

b) 'for cause' testing of the staff involved;

c) recovery operations.

Such an issue should be clearly and separately identified under the 'Other safety related issues' sub-heading of the 'Event Summary' section of the report. It should still be in the context of the event itself, rather than any other – and, possibly, separate – issue that happened to be identified during the course of the investigation.

SSC recommendations

Where an SSC was convened following the accident/incident, the drafting of the investigation report cannot be completed until:

a) the SSC report is available; and

b) the conclusions and recommendations of the SSC have been included and reviewed within the 'Factors discussed' section of the report.

Where a signal sighting committee (SSC) makes a recommendation on issues related to a Category A SPAD, it must be included in the investigation report's recommendations provided:

a) it actually addresses the cause(s) of the SPAD; and

b) the investigation team accepts that they are correct.

This does not mean that the investigation team cannot comment in the report on whether an SSC recommendation will actually address an issue identified by the investigation team. The SSC may not have the same facts or understanding of the event as the investigation team and may therefore draw different conclusions and make a recommendation that, whilst appropriate for the issues identified by the SSC, may not address the factors and causes identified by the investigation team.

Where the SSC makes a recommendation that is not related to the causes of the Category A SPAD it should be recorded in the investigation report and an assurance gained from the relevant Route Asset Manager (S&T) (RAMS&T) that these are being tracked via the RAMS&T's own systems.

Consultation for draft reports

Consultation is mandatory for <u>all</u> formal investigation reports.

Consultation for draft investigation reports should be undertaken as follows:

Formal investigation	All draft formal investigation reports to undergo consultation
Local investigation	DCP to determine whether a draft local investigation report requires to undergo consultation

Table 3 – Reports to undergo consultation

It is not necessary for a draft local investigation report to undergo a period of consultation but the DCP may consider this is desirable in the following circumstances:

a) the event was complex;

b) there are a number of recommendations potentially with national implications or application;

c) there are recommendations and local actions affecting other organisations or Network Rail functions involved in the investigation.

It is the responsibility of the DCP to:

a) identify those persons and organisations that should be included in the consultation process;

b) circulate a draft investigation report for consultation;

c) collate any feedback received;

d) pass the feedback received to the lead investigator.

'Serious accident' formal investigation

The consultation process for the draft investigation report is as follows:

	The DCP must arrange for the draft investigation report to be sent for review to:
Stage 1	The Head of Legal Services, Litigation, together with a presentation (which is intended for Network Rail's Executive Committee) summarising the key facts and issues related to the 'serious accident'.
Stage 2	The members of Network Rail's Executive Committee, together with the presentation summarising the key facts and issues, requesting comments on the draft investigation report to be provided to the DCP within 5 working days.
Stage 3	a) members of Network Rail's Tactical Safety Group (TSG); b) those shown in Table 5.

Table 4 – Stages of consultation for 'serious accidents'

A list of the Executive Committee and TSG members can be obtained from the HoCAAI.

The DCP should arrange for the lead investigator to amend the draft report after each stage in response to feedback received. It is not necessary after Stages 1 and 2 to include any requests for change in the 'Feedback from consultation' section of the investigation report.

The presentation referred to at Stages 1 and 2 should comprise not more than 10 slides and include the following information:

a) brief details of the accident, including where appropriate;
   - the causes of the accident;
   - details of any actions already taken;
   - details of any recommendations made;

b) photographs of the location and/or vehicles or equipment involved should be included, as appropriate.

Persons and organisations to be involved in the consultation

The following applies to investigations of events not considered to be 'serious accidents.

The following persons and organisations should normally be involved in the consultation:

	Report type	
	Local	**Formal**
The DCP(s), or other nominated recipient(s), of each railway undertaking or other infrastructure manager represented on the investigation team	✓	✓
The relevant Network Rail functional senior managers (e.g. Route Director, Route Infrastructure Maintenance Director, Senior Programme Manager) and/or heads of department	✓	✓
The relevant professional head(s)/technical expert(s) of any function that is affected by any recommendation and/or local action	✓	✓
The relevant Network Rail DCP(s) of any function that is affected by any recommendation and/or local action	✓	✓
The relevant Safety Reporting Specialist	✓	✓
The relevant Network Rail Senior Investigator	X	✓
The relevant Operations Risk Advisor (ORA) in the case of an investigation report relating to a Category A SPAD	✓	✓

Table 5 – Consultation – draft report recipients

Consultation period

The minimum consultation period is **10 working days**. The consultation period will therefore need to take account of bank and public holidays.

Actions relating to Network Rail's infrastructure

If a draft local investigation report does not undergo consultation but contains a recommendation and/or local action relating to Network Rail's infrastructure (excluding any raised by an SSC), the DCP must make sure it is endorsed by the relevant Route Access Manager before signing off the report.

Completion/sign off of reports

Once consultation involving those shown at Table 5 is complete, the DCP must collate the feedback received and pass it to the lead investigator, who will then amend the draft report to take into account the feedback received.

The feedback received – and the investigation team's responses to the feedback – should be documented in the 'Feedback from consultation' section of the report.

Guidance on what should be included in the 'Feedback from consultation' section of the report is provided in Part 3B of the handbook.

Where the investigation team does not accept or adopt a comment received, it is polite for the lead investigator to discuss it with the person who made the comment and agree how best to deal with the comment. The DCP will ask the lead investigator to confirm that this has been done.

No feedback received

If no feedback was received, the 'Feedback from consultation' section of the investigation report should be amended to record:

No feedback was obtained during the 10-day consultation period described in NR/L3/INV/0205.

The feedback tables should then be deleted.

Signatures or agreement of investigation team members

Once the report has been amended, the lead investigator should circulate the amended draft report to the investigation team and seek their signatures or agreement to the amended draft report, including the responses to the feedback received.

The lead investigator should amend the status (i.e. the footer) of the investigation report to 'Issue 1' before sending the report to the investigation team member(s) for signature/agreement.

The lead investigator should request the investigation team members to:

a) sign the 'Signature' page of the report and return it to the lead investigator; or

b) sign the 'Signature' page of the report and fax it to the lead investigator; or

c) provide an e-mail to the lead investigator that states they are in agreement with the content of the formal investigation report.

It is not necessary for the signatures to be reproduced in the investigation report provided these are retained with the investigation file. The 'Signatures' page should contain, for example, the following words:

"Signature held on investigation file",

or

"Agreement by e-mail held on investigation file".

Where 'agreement' is received by e-mail, the date the e-mail was sent by the investigation team member should be recorded in the 'Date' box against the relevant person.

It is permitted to e-mail agreement to the content of the report, but a hard copy of the e-mail must be retained on the investigation file.

Once the investigation team members' signatures/agreement have been added to the report, the lead investigator should provide the report to the DCP for signature.

Failure to agree

NR/L3/INV/0205 and Part 3B of the handbook contain the process to be applied where the investigation team cannot reach agreement on the conclusions (i.e. the causes and any 'other safety related issues') of an investigation. In summary they are:

a) where the investigation team cannot reach a conclusion upon which they are all agreed, the lead investigator should first seek advice and assistance from the DCP;

b) a majority agreement is acceptable;

c) where a 'majority report' is to be issued, it must include:
   - the reasons for the team members' disagreement and
   - the investigation team members' signatures/agreement.

d) the DCP should mediate, involving as necessary the DCPs from the other organisations participating in the investigation;

e) in exceptional circumstances the DCP may refer the matter to the HoCAAI.

> In an effort to avoid disagreement, the lead investigator should brief the process to the investigation team prior to the investigation's commencement.

DCP's signature

The DCP must sign the 'Signature' sheet of the report and, whilst it is acceptable for the published report to show that it is 'Held on file', the signed 'Signature' sheet must be retained on the investigation file.

Before signing off the report, the DCP must check for the following:

a) that all amendments requested by the DCP have been included;

b) that all spaces that require a signature have been completed, either with:
   - a copy of the signature; or
   - the comment "Signature on file"; or
   - the comment "e-mail of acceptance on file";

c) that the 'Contents' at the front of the report has been properly updated;

d) that any feedback from consultation that has been included, has been properly addressed by the investigation team, and properly summarised to remove any emotive content;

e) that the correct issue number of the report (in the format "Issue x") has been placed in the footer.

A list of common report errors is given in Appendix A – Common problems with reports.

In all cases the date of the DCP's signature must be included – and this should be after the investigation team members have signed/agreed the report.

When the DCP signs the investigation report they certify and accept the local actions contained therein. Such actions should then be implemented (if this has not already been done) without being subject to any further review.

The onus is on the DCP to check, before signing the report, that any local actions:

a) are appropriate;

b) have been directed to the correct person; and

c) where they fall with the responsibility of another Network Rail DCP, are acceptable to the function concerned (hence the need for consultation!).

Publishing reports

It is the responsibility of the DCP to make sure that completed reports are distributed to all relevant parties (see *Table 6*).

Recipient	Report type	
	Local	Formal
Those organisations that participated in the investigation Organisations may require as part of their safety management process that completed investigation reports are sent to a nominated person (e.g. their document controller).	✓	✓
The members of the investigation team	✓	✓
The relevant Network Rail functional senior managers (e.g. Route Director, Route Infrastructure Maintenance Director, Senior Programme Manager) and/or heads of department	X	✓
The Network Rail recommendations programme coordinator	X	✓
Any Network Rail function or department to whom recommendations or local actions have been directed	✓	✓
RSSB	X	✓
The Office of Rail Regulation's (ORR) Information and Intelligence Team	X	✓
The HoCAAI where the RAIB have formally requested the investigation report be sent to them	✓	✓
The relevant Safety Reporting Specialist	✓	✓
The relevant Operations Risk Advisor in the case of an investigation report relating to a Category A SPAD	✓	✓

Table 6 – Distribution of completed reports

Safety Reporting Specialist

The Safety Reporting Specialist will arrange for details from the report to be:

a) input to SMIS within 10 working days of receipt of the investigation report;

b) added to a report archive held in CCMS2.

Rail Accident Investigation Branch (RAIB)

The RAIB will write formally to the HoCAAI requesting that the investigation report be sent to them. The HoCAAI will advise the relevant DCP and lead investigator of such a request.

Where the RAIB informally request the investigation report be sent to them, guidance should be sought from the HoCAAI.

Observers and witnesses

The completed investigation report should not be provided to observers and witnesses.

Trade Unions

The completed investigation report should not be provided to trade union observers. Trade union HQ personnel may from time to time request copies of specific investigation reports. The approval of the HoCAAI should be sought before agreeing to such requests.

Release of information to third parties

The DCP and lead investigator should not make public statements or release information to third parties about the progress, evidence or conclusions of an investigation without the permission of:

a) the HoCAAI; and

b) the other organisations participating in the investigation.

Any request from third party solicitors, claims controllers or loss adjusters for a copy of an investigation report or evidence should be directed to the relevant Network Rail Senior Claims Controller.

Under no circumstances should reports or evidence be released directly to such organisations/individuals.

Network Rail's Senior Claims Controllers

Where the accident/incident under investigation has resulted in injury or significant damage/loss, Network Rail's relevant Senior Claims Controller may request a copy of the report.

A Senior Claims Controller may request a copy for internal use and/or for the use of Network Rail's liability insurers. However, it may also be necessary for the Senior Claims Controller to provide a copy of the report to third party solicitors, claims controllers or loss adjusters under the 'disclosure of evidence' rules.

An investigation report should only be provided to Network Rail's Senior Claims Controllers under the following conditions:

a) the report is being made available under the provisions of GO/RT3119 and is not a public document; and

b) if they are required to provide the report to a claimant's lawyers, they should do so on the basis that it is provided solely for the purpose of the litigation, and must not be circulated further or used for any other purpose.

The intention of providing a report to the Senior Claims Controllers in these circumstances is to facilitate Network Rail's defence of any claims from third parties. Such action is therefore not in conflict with the general objectives of an investigation not to apportion blame or liability, as stated in section B of the report.

Investigation files

See the 'Once the investigation is completed' section of Part 2B of the handbook for further information regarding investigation files.

Investigations led by organisations other than Network Rail

Detailed requirements and guidance for dealing with investigations led by other organisations are contained in NR/L3/INV/0206.

Other railway organisations, such as train operators, will have:

a) their own processes to comply with the requirements of GO/RT3119;
b) similar (although not identical) roles and processes to Network Rail.

A Network Rail DCP should identify the equivalent in each organisation that they may need to deal with.

The DCP should have processes in place to cover the following (as appropriate to the level of investigation):

a) discussion and agreement as to the lead responsibility and investigation level;
b) the appointment of the lead investigator;
c) identification and notification of Network Rail representatives for the investigation team;
d) provision of evidence and information held by network Rail;
e) release of Network Rail employees as witnesses and/or observers;
f) receipt and review of draft remits;
g) receipt of draft reports for consultation, and circulation of these to appropriate persons within Network Rail, and feedback of comments;
h) receipt of completed reports and circulation of these to the appropriate persons within Network Rail.

Network Rail representation on the investigation team

Where an investigation is being led by another organisation and it is likely it will lead to recommendations or local actions being addressed to Network Rail, the Network Rail DCP should identify and nominate an appropriate person from Network Rail as an investigation team member.

Where a train operator is to lead an investigation into a SPAD, a Network Rail representative should be appointed to the investigation team (an exception may be where the signal is not operated by Network Rail). Depending on the circumstances, an operating specialist or a signalling specialist, or both, may be appointed.

72-hour review

Some train operators hold a review meeting within 3 working days to review the circumstances of significant incidents (mainly signals passed at danger).

Depending on the circumstances, the following personnel may be invited to attend:

a) the Network Rail lead investigator (for Network Rail-led investigations);

b) the Network Rail appointee to the investigation team (for TOC-led investigations);

c) the Network Rail Local Operations Manager (signaller expertise – SPADs);

d) the Network Rail Signal Sighting Engineer (SPADs; if available).

Review and acceptance of another organisation's report

A report that has conclusions implicating Network Rail, or recommendations/local actions directed at Network Rail, should be reviewed by Network Rail prior to publication. The DCP should have processes to make sure that this happens.

A completed investigation report should be received by Network Rail at area/route level, and circulated within Network Rail as appropriate.

Any recommendations should initially be reviewed by the relevant route's recommendations review panel (RRP). The route RRP will refer any recommendation having national implications or application to the national recommendations review panel (NRRP).

See Part 5 of the handbook for further information regarding RRP and NRRP.

External agency investigations

See Part 6 of the handbook for further information regarding external agencies (e.g. RAIB, HSE/ORR, and BTP) and the investigations each may undertake.

Single point of contact

To avoid confusion and duplication of effort, DCPs are advised to nominate a single point of contact (SPOC) within the function/area/route/delivery unit, to act as liaison with an external agency during its own investigation, to coordinate:

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 the investigation.

The SPOC may be the DCP or the lead investigator of the Network Rail-led investigation.

Where an external agency requests documents and/or data to be supplied the SPOC should make sure that:

a) a record is kept of the documents and/or data supplied; and

b) a copy is kept of the documents and/or data supplied (whether original or not).

Detailed requirements and guidance for responding to enquiries and requests for information and interviews by external agencies are contained in NR/L3/INV/0202.

Guidance is also provided in Part 6 of the handbook.

Standard templates and forms

The Accident Investigation page on *Connect* has links to Network Rail's:

a) investigation remit and report templates (click here Templates); and

b) standard accident/incident report forms (see Reporting forms).

The current version of the relevant remit or report template must always be used.

Electronic versions of SPAD data collection forms RT3119A and RT3119B are available from RSSB's railway group standards website: www.rgsonline.co.uk

Templates

1. Click on 'Assurance'.

2. Click on 'Safety and Compliance'.

3. Click on 'Accident Investigation'.

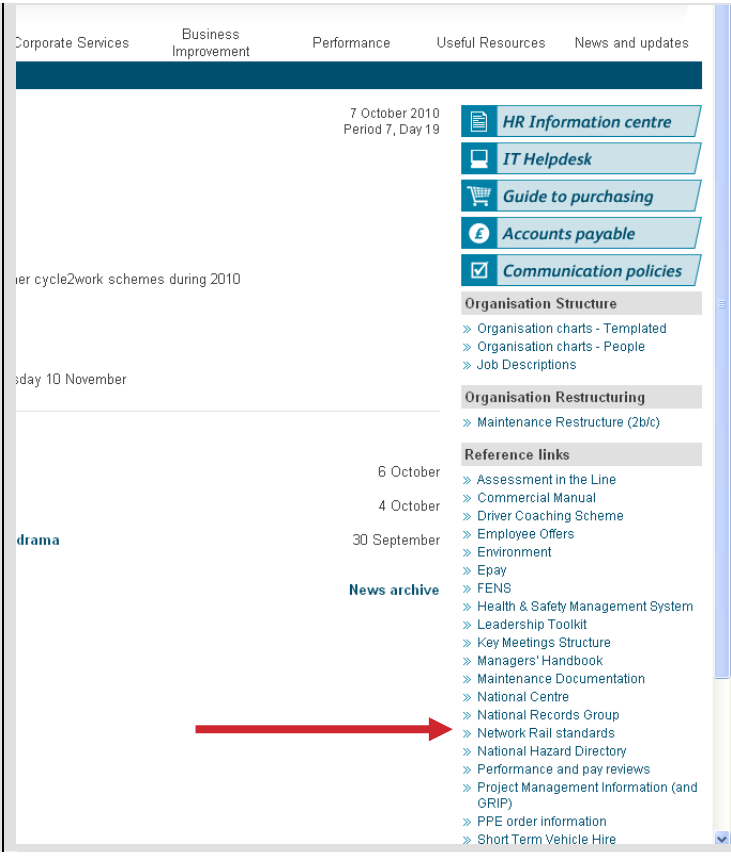
4. Click on 'Investigation and report templates'.

Network Rail's Reporting and Investigation Manual

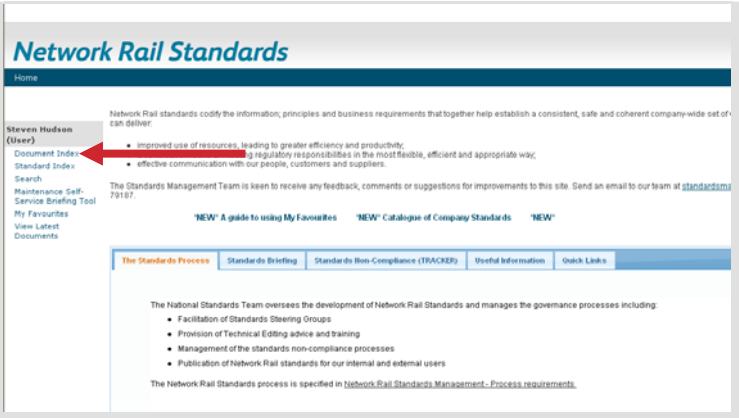
The Reporting and Investigation Manual (RIM) contains Network Rail's standards for accident/incident report and investigation, including investigation report and recommendations management.

The RIM is available via the Home page on *Connect* and can be located as follows:

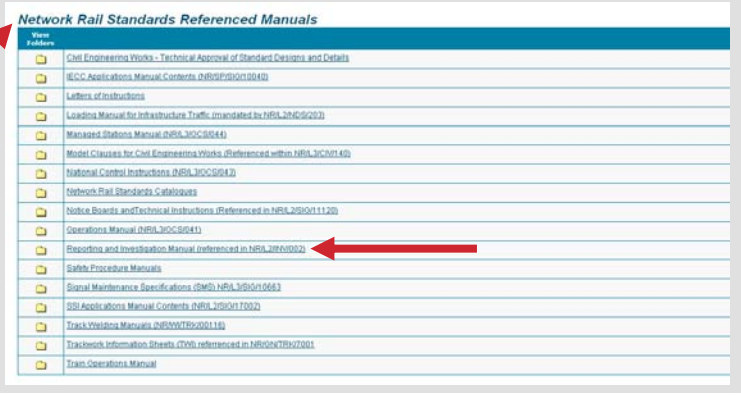
Click on the 'Network Rail Standards' link on the right of the Connect Home page.



Click on the 'Document Index'.



Scroll down to the 'Standards Referenced Manuals' section, then click on the link for the 'Reporting and Investigation Manual'.



Appendix A – Common problems with reports

a) The status of report (in the footer) is shown as 'Final' or something other than 'Draft X'.

b) The SMIS reference is omitted from the cover.

c) The italicised text provided as guidance in the templates is not removed.

d) There are problems with the formatting of the text or the numbering of paragraphs.

e) The names of people are shown in the report.

f) The list of people involved ('Details' section) includes some service history information best left to the 'Factors discussed' section.

g) The 'Sequence of events':

- is not written in the past tense;
- includes discussion of what happened rather than leaving this to the 'Factors discussed' section.

h) In the case of Category A SPADs, there is no discussion of the SSC findings and/or SRR results and the SSC report and/or SRR summary is not included in the report, where necessary.

i) The 'Causes' and/or 'Other safety related issues' contain statements that are not discussed in the 'Factors discussed' section.

j) The 'Causes' and/or 'Other safety related issues' are not supported – and the 'Recommendations and local actions' are not explained – by adequate discussion in the 'Factors discussed' section.

k) There is no cross-referencing of:

- the 'Causes' and/or 'Other safety related issues' to the 'Factors discussed'; and/or
- the 'Recommendations and local actions' to the 'Causes' and/or 'Other safety related issues'.

l) There is no evidence that the report had been signed/agreed by either all or some members of the investigation team and/or the DCP, and no date of when the signature/agreement was obtained.

m) The recommendations and local actions:
- do not address the 'Causes' and/or 'Other safety related issues';
- Include the word 'ensure';
- do not meet the SMART criteria;
- are used as a means of discussion or further discussion of the issue rather than being a succinct summary of what is proposed or required;
- have timescales allocated (this should be done at RRP or NRRP).

n) A recommendation:
- is worded "*… must introduce a procedure for…*" when in fact such a procedure already exists;
- states that a procedure, standard, rule or instruction was inadequate when, in fact, it was adequate, but was not properly carried out by those involved;
- has been made to address non-compliance issues (these should be local actions).

o) The 'Feedback from consultation' section of a formal investigation report has not been completed.

p) Feedback received from consultation has been ignored or not properly addressed.

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