Caring for people involved in investigations

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Topics

• Today’s talk looks at how we care for people involved in accident investigations – mainly (but not only) railway staff.
  • What happens to people involved accidents and/or accident investigations?
  • How might this affect those involved?
  • Why does this matter to us?
  • What are some of the things we can do to help?
What might happen to staff directly involved in an accident?

• A passenger has been killed or seriously injured following a trap and drag accident at a station.

• What would the member of staff responsible for this dispatch experience?

• During the accident?
  • May witness the accident unfold and/or have to take action.
  • May be exposed to the emotions and reactions of others (passenger’s friends, other passengers, other staff).
What might happen to staff directly involved in an accident?

• Just after the accident (first hours)?
  • May have witnessed or participated in rescue/recovery of passenger.
  • May continue to be exposed to the reactions and emotions of others.
  • Will make an internal report, talk to managers, may be tested for drugs and alcohol.
  • May give a first account to police officers, be interviewed by RAIB and/or ORR, may even have property seized.
Anxiety
• Professional and personal consequences
• Uncertainty about future

Anger
• Action/inactions of self or others

Distress
• At what they have seen or heard
• At what has happened

Guilt
• Own actions or inactions
• Consequences for others

Existing stresses and strains
• Day-to-day stresses of life
• Substantial life stressors

Traumatic event
• Threat
• Loss
• Horror

Impact factors
Death and injury
Known victim
Vulnerable groups
Sustained event

Behavioural reactions
Physical reactions
Cognitive reactions

Acute traumatic stress reactions
Responses to traumatic events

• It is quite common for people to feel a range of emotions after a traumatic event, although some people may not experience a reaction – neither is the ‘correct’ response.

• Depends on training, previous experiences, personal characteristics, well-being and social circumstances.

• Most people will recover within a month of experiencing a traumatic event.

• A small number of people may go on to develop conditions that require specialist assessment and help.
  • An acute stress reaction is a strong indicator that specialist help will be required.

• After the accident, the investigation(s) start...
What might happen to staff during the investigations which follow an accident?

• May see a competency suspended or have a change in duties, have work hours/locations changed – this may last for months.
• May be interviewed/re-interviewed by company investigators, a multidisciplinary panel, police or ORR (possibly under caution) or by RAIB – this can again happen over a prolonged period.
• May see media/social media reports on their actions, be subject to gossip or conflict at work or in community.
• May find themselves giving evidence at a Coroner’s inquest or a criminal court.
Anxiety
- Professional and personal consequences
- Uncertainty about future
- Unfamiliar investigative processes

Anger
- Action/inactions of self or others
- Intrusion by investigators
- Timescales and perceived fairness of investigative processes

Guilt
- Own actions or inactions
- Enhanced awareness of consequences

Distress
- At what they have seen or heard
- At what has happened
- Recalling incident to investigators

Behavioural reactions
- Isolation due to change in duties
- Absence from work

Existing stresses and strains
- Day-to-day stresses of life
- Substantial life stressors

Traumatic event
- Threat
- Loss
- Horror

Investigation

Staff member - directly involved

Acute traumatic stress reactions
Why does this matter to us?

• If investigative actions exacerbate a person’s reactions to an event, it could increase the risk that their health and welfare will be adversely affected.

• We have a legal and moral duty to ensure that we take proportionate actions to reduce the risk of this happening, particularly when dealing with safety critical staff.

• A failure to do this may also lead to a loss of evidence gathering opportunities and reputational damage to our organisation.
What can employers do?

• *Understand who is at risk from post-incident stress* - the frontline, but how about others?

• **Make arrangements before the accident.**
  • Pre-arranging sources of support for incidents and providing general ‘well-being’ support.
  • Making sure managers and supervisors are aware of what to do after incidents.
  • Arranging for realistic training in dealing with emergencies and their aftermath.
  • Raising awareness of investigating agencies and their roles.
What can employers do?

• Brief staff on what they might experience.
  • Stress reactions.
  • Coping mechanisms.

• Brief staff on what to expect from investigations.
  • What organisations could be involved?
  • What kind of investigations/objectives?
  • What does this mean for staff in practical terms?
  • What are the benefits of investigations?
  • How are proportionality, fairness and impartiality assured in internal investigations?
What can investigators do?

• Coordinate with other organisations to reduce the demands on the person involved.

• It can be very stressful for someone if a variety of people are contacting them, particularly where there is duplication of activity or sustained timescales.

• Coordinating activity gives people space and makes the most effective use of resources.

• Consider using a single suitable point of contact for welfare, to pass on information and arrange interviews etc.

• There may be limits to the amount of duplication that can be removed but don’t be afraid to try.
What can employers do?

• Ensure people involved in investigations are well supported over the short and long term.

• Who is responsible for this person’s welfare and what is the strategy for keeping in touch?
  • Do people know where to go to for support?
  • How do they find out what is happening?

• Are alternative deployment arrangements (still) justified?
  • Value of social support and normal routine.

• Can managers and other staff recognise those in distress or at increased risk?
What can investigators do?

• **Keep the person involved appropriately informed across all stages of the investigation.**

• **Remove uncertainty** - explain what is happening and what is going to/may happen and when?

• **Provide reassurance** - be open about the process.
  • If you cannot provide certain information, tell them this (and avoid prejudging findings/outcomes).

• **Use appropriate communication methods** – check understanding, be cautious about how you pass on information which may be upsetting or disturbing.

• **Document all contact** – even if unsuccessful.
What can investigators do?

• **Collect information and evidence sensitively.**
• The completeness and accuracy of witness statements is often key to successful investigations.
• Many people however find the prospect of being interviewed extremely stressful.
• This may be concern about the process, worry about embarrassing themselves or the fear of the consequences for themselves and others.
• The quality of evidence that a witness can provide will be adversely affected if they are in a stressed state.
Interviewing - Planning and preparation

• What is the objective of the interview - is it still necessary?
  • Can you access other evidence or previously made reports/statements?

• Make contact pre-interview contact directly or indirectly – explain the process in advance.

• Choose the appropriate interviewers and interview format for this witness/witnesses - think about the state of mind of the witness.
  • Consider a group interview (mutual support).
  • Skills, background and personality traits of the interview team - not too many - dress code?
Interviewing - Planning and preparation

• Availability – personal commitments, travel time.

• Location - suitable transport links?
  • Do they wish to avoid certain premises?
  • How do they get home afterwards?
  • Potential distractions - station PA, colleagues.

• Will they need support in interview?
  • Who would be an appropriate person?
  • Avoid line managers or anyone else involved in the investigation in any capacity.

• What work are they expected to undertake immediately afterwards?
Interviewing - Engage and explain

• Take time to establish a rapport - help the witness to feel at ease, confident and secure.
  • Check welfare – drinking, smoking, location of toilet etc.

• Ensure the witness understands their role in the investigation and the purpose of your interview.

• Role of supporters will vary – make sure you understand it for this interview.

• Explain the interview process again – how it will work and how long it will take.
Interviewing - Account, clarification and challenge

• Remember the objectives of the interview – what are you trying to find out.

• Be cautious with props and exhibits that might be distressing e.g. photos and CCTV.

• Ask only one question at a time and allow the witness to complete their answer.
  • Don’t interrupt by filling pauses with additional questions or irrelevant comments.

• Observe the reactions of witnesses.
  • Remember they will be watching you too.
Interviewing - Account, clarification and challenge

• Adjust your questioning style as needed - think about phrasing/re-phrasing difficult questions.
• Ensure that silence is used appropriately and does not become oppressive.
• If a witness becomes distressed and upset - don’t try and push through, offer to take a break.
• Once you have achieved your objectives, ‘ramp out’ to gradually reach interview closure.
Interviewing – Closure and evaluation

• Explain next steps - timescales, who will contact them, how to contact you.
• Make them aware that you or others may need to speak to them further as the investigation progresses.
• Going back to work or going home?
• Who supports and how?
• If necessary contact someone appropriate (e.g. line manager) about their welfare - be open that you are going to do this.
• Keep your commitments.
Case study

• RAIB Report 21/2013 ‘Fatal accident involving a track worker at Saxilby’
  • ‘Some witnesses stated that the trauma they experienced as a result of their proximity to the accident was compounded by the nature of the interview processes used within rail industry investigations, which feature a panel of interviewers and often a significant number of questions.’

• Recommendation 4 - Network Rail, in consultation with other industry partners, should review its processes and examine ways of improving their practices for interviewing witnesses involved in serious incidents and accidents.
Case study

• Following this recommendation Network Rail reviewed its processes.

• This lead to a definition of a ‘serious accident’.
  • Fatality to any person in a train accident (other than suspected suicide or trespass).
  • Collision between trains on a running line where there is injury to at least one person or significant damage to the infrastructure or the train;
  • Derailment of a passenger train, except low speed.
  • A fatal or life changing injury to a member of the workforce employed by/contracted to Network Rail.
Case study

• Where there are witnesses involved in or who have directly witnessed a ‘serious accident’ the Network Rail Corporate Investigation Manager will act as Designated Competent Person.

• In this role, the Corporate Investigation Manager will agree the interview strategy with the lead investigator.

• This strategy will take into account the needs of the witnesses and determine the type of interview and the composition of the interviewing team.
Case study

• This approach was used during the investigation into a track worker fatality.

• The strategy was for the two staff who witnessed the accident to be interviewed together, separately from the main panel.

• The interviewing team comprised the Network Rail lead investigator, Network Rail’s principal occupational psychologist, a lead trade union health and safety rep.

• The members of the investigation team not participating were asked for subject areas that they wanted to be covered during the interview.
Case study

• Feedback from witnesses was that this was seen as a sensitive way to gather evidence.
• The investigative team also found it productive in terms of evidence gathering.
• Other investigations have since used the same approach.
• Also been found useful to use existing evidence and/or summary information provided by the RAIB and ORR to reduce the number of interviews and/or to tailor their objectives.
Recent operational experience

• Having a single point of contact to coordinate between investigations has worked well, at least initially.
• Welfare and communications with those involved also seems to have been more effective in early stages.
• Some witnesses still subject to multiple interviews.
  • Difficult to avoid after very serious accidents?
• Once initial phase is over, management focus can shift quickly, leaving people feeling isolated and unsupported.
Recent operational experience

• Over time, welfare arrangements lack clarity and become generic and reactive.
  • No acknowledgement of individual factors or that the needs of people within a group may actually conflict.
• Still seeing long suspensions and redeployments without significant contact or support from employers.
• Follow up investigative activity (e.g. second interviews) remains a significant source of stress.
• Long investigative timescales also remain a significant welfare factor, although feedback on the investigation’s progress seems to mitigate this.
Summary

• As investigators we have a duty to conduct investigations which are thorough and objective.
• This may cause anxiety and upset to those involved.
• We need to take reasonable steps to reduce the impact of our investigations upon their well-being.
• These steps should include:
  • Ensuring the people involved are well supported.
  • Coordinating with other organisations.
  • Keeping those involved appropriately informed.
  • Collecting information and evidence sensitively.