



Rail Accident Investigation Branch

Information for family members following the death of someone in a railway accident

Leaflet 06

March 2021

The Rail Accident Investigation Branch acknowledges the use of material within this booklet provided courtesy of the British Transport Police.

Contents

Introduction	4
What is the Rail Accident Investigation Branch?	5
When does the RAIB investigate an accident?	6
How does the RAIB investigate accidents?	8
How do RAIB recommendations improve safety?	10
Who else may investigate a railway accident?	11
How does the RAIB work with other organisations?	16
Contact with the RAIB during an investigation	17
Practical advice	23
Organisations and people that may be able to help you	25
RAIB contact information	28

If you require information in a different format or language then please contact us using the details at the back of the booklet and we will try to accommodate your needs.

Introduction

This information booklet has been designed to help you understand the work of the Rail Accident Investigation Branch following the death of someone in a railway accident or tramway accident. It may not answer all the questions you may have but aims to answer some that are commonly asked.

The booklet also provides details of other organisations that may be able to help you, whether you live in England, Wales, Scotland or Northern Ireland. As the way that things are done may be different, please make sure that you read the information which applies to the country where the accident occurred.

Further information about our work can be found on our website www.gov.uk/raib.

You can also contact us using the details included at the back of this booklet.

We hope the information provided in this booklet will help you at this difficult and distressing time.

What is the Rail Accident Investigation Branch?

The Rail Accident Investigation Branch (RAIB) is the independent railway accident investigation organisation for the United Kingdom.

RAIB is an operationally independent part of the UK government's Department for Transport. RAIB's Chief Inspector reports directly to the Secretary of State for Transport on matters relating to accident investigation.

RAIB was established by the Railways and Transport Safety Act 2003. The scope of our work, including how we liaise with families, is laid down in the Railways (Accident Investigation and Reporting) Regulations 2005.

RAIB investigates accidents and incidents on:

- the national railway network in Great Britain and Northern Ireland
- the Channel Tunnel (in co-operation with our equivalent in France)
- the London and Glasgow underground systems and other metro systems
- light railways, tramways and most heritage railways.

The purpose of an RAIB investigation is to improve the safety of railways and to prevent further accidents from occurring. Our investigations are independent of those undertaken by other public bodies and the railway industry.

RAIB does not apportion blame or liability, enforce the law or carry out prosecutions.

When does RAIB investigate an accident?

Railway companies are under a legal obligation to notify RAIB when their staff, trains or property are involved in certain types of accident or incident.

Once we have been notified about an accident or incident, we will then decide how to respond. This can include sending RAIB inspectors to preserve and collect evidence, or directing others to do this, as part of a preliminary examination.

A preliminary examination enables us to look at the circumstances of an accident in more detail. Once an examination has been completed, RAIB's Chief Inspector will decide whether to conduct a full investigation.

RAIB must by law investigate all railway accidents involving a derailment or collision between rail vehicles which results in:

- the death of at least one person
- serious injuries to five or more persons
- extensive damage to rolling stock, the infrastructure or the environment

where the accident has an impact on the regulation or management of railway safety.

We also have the discretion to investigate other types of incidents and accidents where this could improve the safety of railways and prevent further accidents from occurring.

The decision whether to conduct an investigation into an accident will take into account the actual or potential seriousness of the outcome of an accident and whether a similar accident could happen again.

If the Chief Inspector decides that a full investigation is not required into a fatal accident, we will write a report for the Coroner (in England, Wales and Northern Ireland) or Procurator Fiscal (in Scotland), which summarises the information gathered during the preliminary examination. The roles of the Coroner and Procurator Fiscal are discussed in more detail on page 12.

RAIB is not notified of, and does not normally investigate, accidents and incidents which involve trespass or suicide, those which have occurred in industrial premises (unless they involve a train carrying passengers) or those which are not associated with train movements or the operation of the railways. This means, for example, that we will not investigate a slip or fall at a station, if it did not involve the movement of a train.

How does RAIB investigate accidents?

The purpose of an RAIB investigation is to improve the safety of railways and to prevent further accidents from occurring.

We achieve this by identifying the factors which may have caused an accident, or that may have made its outcome worse. Our findings are presented within an investigation report, which is made publicly available on our website. Where appropriate, an investigation report will make recommendations to address the factors identified.

Our investigations are undertaken by RAIB inspectors, who are drawn from either a professional railway or investigative background and undergo extensive training concerning railway operations, railway engineering and accident investigation.

The RAIB inspector with overall responsibility for an investigation is known as the lead inspector.

RAIB inspectors have the legal power to:

- enter railway property, land or vehicles
- seize anything relating to the accident and make records
- require access to and disclosure of records and information
- require people to answer questions and provide information about anything relevant to the investigation.

All inspectors carry an RAIB warrant card, which identifies them and explains their legal powers.

When investigating an accident, RAIB inspectors will collect and examine evidence about the trains, track, signalling system and structures involved, as well as relevant procedures, records and design documents. They may also interview witnesses and examine the personal property of the people involved.

Once an investigation has been completed we will produce a draft report, which is then sent to the people and companies involved so that they can comment on it as part of a formal consultation process. You will also be sent a copy of the draft report unless you have told us that you would prefer not to receive one. Comments that are made as part of consultation may lead to the revision of the report, if we consider that this is appropriate.

The consultation process is explained in more detail on page 20.

Once the final report is ready, it will be sent by the Chief Inspector to the Secretary of State for Transport and then published on our website. We will let you know when the final report is due to be published and also provide you with an advance copy of it.

In some cases, we may produce an interim report whilst an investigation is ongoing. We may also issue urgent safety advice to the rail industry during an investigation if we discover that something needs their immediate attention for safety reasons. Urgent safety advice issued by RAIB is made publicly available on our website.

How do RAIB recommendations improve safety?

Where appropriate, our investigation reports include recommendations to improve safety.

We make recommendations to the organisation or person we think is best placed to implement the changes suggested. This includes railway and non-railway companies and organisations in both the private and public sector.

We also send our recommendations to the safety authority for the railway concerned and to other public bodies. The safety authority or public body is then required to ensure that the relevant organisation or person considers and (where appropriate) acts upon any recommendations made. They will report on how each recommendation is being implemented, or any reasons why it has not been.

Further detail on safety authorities is given on page 14.

RAIB does not have any legal powers to require that an organisation or person implements a recommendation.

Details of any recommendations which we have made but which have not yet been implemented to the satisfaction of the safety authority or public body are published at the end of each year in our annual report.

RAIB investigation reports may also include learning points. These are used to reinforce the importance of complying with existing safety arrangements or to publicise good practice.

Who else may investigate a railway accident?

In addition to an investigation undertaken by RAIB, a railway accident may be investigated by a number of other public bodies as well as the railway companies involved. Some of the public bodies who could be involved in investigating a railway accident are described below.

The police

The police force with the responsibility for policing a particular railway system has a duty to investigate any fatal accident which occurs on it, in order to determine whether there is any evidence of a crime having been committed by a person or organisation.

The police also have a duty to provide information to investigations being conducted by the Coroner (in England, Wales and Northern Ireland) or Procurator Fiscal (in Scotland). The police will also provide information and share evidence with other public bodies, such as RAIB, where this is appropriate.

British Transport Police (BTP) is responsible for policing the national railway network in England, Wales and Scotland. They are also responsible for policing the London and Glasgow underground systems, the Docklands Light Railway and some metro systems, tramways and light rail systems. BTP are responsible for policing Eurostar services, although they are not responsible for the policing of the Channel Tunnel itself.

The Police Service of Northern Ireland (PSNI) is responsible for policing the railway network in Northern Ireland.

Accidents occurring on railways and tramways which are not the responsibility of BTP or PSNI will be investigated by the police force responsible for the area where the accident occurred.

The police force responsible for investigating a fatal accident may choose to appoint a Family Liaison Officer (FLO) to your family. A FLO is a specially trained police officer who has volunteered for the role.

The role of a FLO is two-fold:

- to assist the investigating officer in the investigation of the death
- to be a single point of contact for your family during the investigation.

A FLO is not always appointed when the police investigate a fatal accident. The appointment of a FLO depends on the circumstances of the death, the needs of the police investigation and the needs of you and your family.

The Coroner (England, Wales and Northern Ireland only)

All fatalities on the railways must be reported to the Coroner for the area in which the death occurred.

The Coroner is an independent judicial officer who has the legal responsibility to investigate the cause and circumstances of any sudden or unexplained deaths which occur within their area. Coroners operate to the same general principles, although these may be applied differently between different areas and countries.

As part of their investigation, a Coroner may order a post-mortem examination to establish the cause of a person's death. These examinations are normally required following fatal railway accidents.

The Coroner will also decide whether to hold an inquest into a death. Inquests take place at the relevant coroner's court; they are not held to establish blame but rather to establish certain facts relating to the death. Inquests are normally held following fatal railway accidents.

During the Coroner's investigation you will be contacted by either a Coroner's Officer and/or a Coroner's Liaison Officer, depending on local arrangements. They will be able to explain the Coroner's investigation and inquest to you in more detail.

The Procurator Fiscal (Scotland only)

In Scotland, the Procurator Fiscal has a duty to investigate all sudden and unexplained deaths. The Procurator Fiscal will decide what investigations are required and will direct the police accordingly. The Procurator Fiscal may order a post-mortem examination to establish the cause of a person's death. These examinations are normally required following fatal railway accidents.

Once the police inquiry has been completed and all statements have been seen by the Procurator Fiscal they will then decide:

- if there is a need for a criminal investigation
- if there is a need for a fatal accident inquiry
- that no investigation or fatal accident inquiry is required
- to send their findings to the Crown Office in Edinburgh, who will assess the evidence and give further directions to the Procurator Fiscal.

Fatal accident inquiries are held to establish certain facts relating to the death. They will examine what reasonable precautions could have been taken to prevent the death and identify any unsafe working practices.

Fatal accident inquiries are not held to establish blame and are not criminal enquiries. They are relatively rare following railway accidents.

A liaison officer from the Procurator Fiscal's office will contact you during their investigation. They will help to explain these processes to you in more detail.

The safety authority

The safety authority responsible for a particular railway will work to maintain and improve railway safety by operating a system of safety certification and authorisation, and by ensuring that railway organisations comply with the relevant law, regulations, and codes of practice.

Following an accident or incident on a railway, the relevant safety authority will investigate to establish if there have been any breaches of health and safety law. They may subsequently take enforcement action; this can include requiring changes to be made to improve safety, requiring certain work to be stopped or bringing about prosecutions of individuals and organisations.

A safety authority may also have a duty to provide information to investigations being conducted by a Coroner or Procurator Fiscal.

The safety authority for railways and tramways in England, Wales and Scotland is the Office of Rail and Road.

The safety authority for railways in Northern Ireland is the Department for Infrastructure, working in conjunction with the Health and Safety Executive for Northern Ireland and the Office of Rail and Road.

How does RAIB work with other organisations?

RAIB investigations are entirely independent of those undertaken by other public bodies and the railway industry.

However, we will work alongside any investigations being undertaken by other public bodies and share certain evidence with them, where this is appropriate and allowed by the law. How we do this is laid down in the Railways (Accident Investigation and Reporting) Regulations 2005.

RAIB may also share some evidence with any investigations being undertaken by the railway companies involved. However, we will only do this when we are sure that it will not obstruct us from improving the safety of railways and preventing further accidents from occurring.

The law prohibits us from disclosing to anyone (including other public bodies) the witness statements or personal details of witnesses, unless we are ordered to do this by the courts. This prohibition also applies to any medical records which we may have obtained using our legal powers.

RAIB has entered into more detailed agreements with the police, Coroner, Procurator Fiscal and the Office of Rail and Road. These agreements (known as memorandums of understanding) contain more detail as to how we will co-operate with each other. They are available to read on our website.

We will always try to co-ordinate our work with others who may also be investigating a railway accident so that the demands on you and your family are reduced to a minimum.

Contact with RAIB during an investigation

Your legal rights

The Railways (Accident Investigation and Reporting) Regulations 2005 require RAIB to keep the families of people who have died in a railway accident informed of the progress of its investigation.

The regulations also require RAIB to consult with families before the final report into the accident is published. If an RAIB report could adversely affect the reputation of someone who has died, RAIB is required to consult with the person best able to represent their interests.

How the lead inspector will make contact

Once a decision has been made by RAIB to conduct a full investigation, we will confirm this publicly on our website.

We will try to inform you of our decision before making it public, although this may not always be possible following major accidents. We will normally do this via your FLO (if one has been appointed) or another police officer with who you are in contact. If it is not possible to contact you in this way, then RAIB may contact you directly to tell you about our decision.

We will then send you a letter which confirms that an investigation is being undertaken. This will provide contact details of RAIB's lead inspector. If possible, the letter will be handed to you by your FLO or another police officer with who you are in contact. If this is not possible, then RAIB may contact you directly in order to let you know that this letter is being sent.

Once you have been informed of our decision to investigate, you should consider what kind of contact you would like to have with us. You may want us to stay in touch with you directly throughout the investigation or to keep you informed via someone else who you nominate, such as your FLO or a professional advisor. You may prefer only to receive the draft of our report at consultation or to have no further contact with us at all.

You should let your FLO or RAIB's lead inspector know what type of contact you would like to have with us. If you ask us to stay in touch with you, then we will normally contact you at certain points during the investigation. The lead inspector will explain what these are to you. We will also always let you know when we intend to make public any information relating to the investigation.

If you want to contact RAIB's lead inspector at any other time, then you should feel free to do so using the contact details given at the back of the booklet. The lead inspector will normally be available during office hours on weekdays. An alternative contact will be provided to you in case the lead inspector is away from the office when you call.

Whatever you decide, we will always try to meet with your expectations and to remain flexible, should your wishes change.

In some rare circumstances we may need to contact you directly even though you have asked us not to. This could occur, for example, if we needed to talk with you about returning personal property or to ask you an important question about the person who died. We will only do this when there is no alternative.

Whatever kind of contact you have asked for, we will be open and honest in our dealings with you. We will try to explain what we know about what happened in the accident and to answer any questions you may have as fully as possible.

In some circumstances we may not be able to provide certain information to you. We will tell you when this is the case and the reason why. It could be for a legal reason, because of a request from another public body (such as the police) or because the investigation has not yet progressed to a point when something can be confirmed.

In some cases we may need to ask you some questions about the person who died in the accident. We will do this only when it is necessary for us to investigate what happened. We know that this can be upsetting, so we will try to minimise the number of questions we ask and not to ask questions already asked by others.

Personal items

In some cases RAIB may use its legal powers to take possession of personal items which belong to someone involved in an accident, so that they can be examined as evidence. We may also use our legal powers to ask other public bodies, such as the police, Coroner, Procurator Fiscal and safety authority, to transfer personal items to us which they have already collected. We will only do this if we consider that it is necessary for our investigation to be effective.

In some circumstances we may have to examine an item in a way that might damage it. We will only do this when there is no alternative and we will always keep any damage to an absolute minimum.

Once we have finished our examination of a personal item, we are required by the law to check if other public bodies (such as the police or safety authority) require it for their own investigations.

If they do not, then we will offer to return the personal item as soon as we can to the person who has the legal right to its ownership. Items will be returned either directly, or via someone else that this person nominates, such as a FLO or a professional advisor (such as a solicitor).

When returning an item, we will consult with the person who has the legal right to its ownership. We will describe the condition of the item, any damage that it has sustained, how this damage was thought to have occurred and if the item is dirty or contaminated in any way.

If the item is contaminated in some way, then we may also advise the person receiving the item of any potential health risks that this might pose. If requested to do so, we will clean personal items before returning them.

Consultation on investigation report

Once an investigation has been completed, we will produce a draft report which is then sent to the people and companies involved so that they can comment on it. A draft report will also be sent to the safety authority for the railway concerned.

You will be sent a copy of this draft report, unless you have told us that you would prefer not to receive one. You can then send us any comments that you or your professional advisor would like to make. You do not have to make any comments if you do not want to.

Any comments that you send to us will be considered and will receive a written response. We may revise the draft report as a result of a comment, if we consider that this is appropriate.

If you think that it would be helpful, the lead inspector can also give you a detailed briefing on the contents of our draft report.

Publication of an investigation report

The name of any persons who died in an accident will only be included in a report if this is the family's wish. RAIB reports do not contain the names of other individuals involved in the accident, although the companies and organisations involved will always be identified.

Even if the name of a person who died in an accident is not included in our report, it may be possible for people reading the final report to identify them due to their own knowledge of the accident or because of media reporting.

You should be aware that the publication of information by RAIB, such as urgent safety advice or an investigation report may cause an increase in media interest and reporting relating to the accident.

Talking to RAIB as a witness

In some circumstances, an RAIB inspector may wish to interview you as a witness. The sole purpose of this interview will be to provide evidence for the RAIB's investigation. We are prohibited by law from disclosing to anyone, including the police or a safety authority, the witness statements or personal details of witnesses, unless we are ordered to do so by the courts.

If an interview is required, the RAIB inspector conducting it will explain to you the nature of our witness interviews and the interviewing process. More information on how RAIB interviews witnesses can be found in the leaflet 'Your witness statement', which is available to download from our website or can be sent to you on request.

Complaints

You should raise any concerns or complaints that you may have about our investigation with the lead inspector. If they cannot address your concerns to your satisfaction, then please write directly to RAIB's Chief Inspector at the address included at the back of this booklet.

Practical advice

Who needs to know about the death?

Following a person's death there are various people or organisations that you will need to tell. These may include:

- doctors
- employers
- banks, credit card and mortgage companies
- utility companies such as gas, electric and water
- government agencies such as the Department for Work and Pensions
- council departments
- solicitors
- insurance companies.

This is not an exhaustive list and much will depend on individual circumstances. Your local council, Citizens Advice Bureau, GP, solicitor and funeral directors may also be able to help.

Can we see where the accident occurred?

Your FLO, if one has been appointed, may be able to arrange for you to visit the place where the accident occurred, although you will not be able to go onto any operational railway lines. A visit may need to be planned and take a day or two to organise.

If a FLO has not been appointed then the lead inspector may be able to suggest an alternative person for you to contact in order to arrange a visit.

Flowers cannot be left at the side of the railway line but it may be possible to leave them at the nearest station with the permission of the station manager.

Dealing with the media

Following an incident that results in a death on the railway there is likely to be media interest. The police will normally give the media details of the circumstances surrounding the death, including when and where it happened.

Once the person who has died has been formally identified and their next of kin have been informed, the police would normally release their name, age and area of residence to the media. The police will not release the name of the person who died if you have asked them not to do so. However, you should be aware that the media is still likely to be able to discover this information.

Your FLO, if one has been appointed, may be able to help release a public tribute to the person who has died and/or a photograph of them if you feel that this is appropriate.

If you believe that you or family member have been unfairly treated by a radio or television programme then you can complain to Ofcom, whose details are included on page 27.

Should you have a complaint about the editorial content of newspapers and magazines then you should contact the publication concerned to complain. Many major newspaper and magazine groups are also members of the Independent Press Standards Organisation, who can be contacted if the matter cannot be resolved by the publication to your satisfaction. Their details are also included on page 27.

Organisations and people that may be able to help you

You may be able to obtain help and assistance from;

- your doctor
- your solicitor
- your funeral director
- your local Citizens Advice Bureau
- religious and community leaders.

The websites and telephone numbers for government organisations and support groups which may be able to help you at this time are listed below.

Which ones you choose will depend on your needs and you may find that other support groups are more suitable for you. Most can be found through local community papers, telephone directory or on the internet.

Official government websites

[GOV.UK](https://www.gov.uk)

This website contains practical information on death and bereavement, wills, probate and inheritance and benefit information for deaths occurring in England and Wales.

[gov.scot](https://www.gov.scot)

This website contains practical information on death and bereavement, wills, probate and inheritance and benefit information for deaths occurring in Scotland.

nidirect.gov.uk

This website contains practical information on death and bereavement, wills, probate and inheritance and benefit information for deaths occurring in Northern Ireland.

Support organisations

The Samaritans

The Samaritans provides confidential, non-judgmental emotional support, 24 hours a day, for people who are experiencing distress or despair.

Website: samaritans.org
Phone: 08457 90 90 90
E-mail: jo@samaritans.org

Cruse Bereavement Care

Cruse Bereavement Care exists to promote the well-being of bereaved people and to enable anyone bereaved by death to understand their grief and cope with their loss. They provide counselling and support and offer information and advice.

Website: cruse.org.uk
Phone: 0808 808 1677
Monday to Friday: 9.30 am to 5.00 pm
E-mail: helpline@cruse.org.uk

Cruse Bereavement Care Scotland

Cruse Bereavement Care Scotland offers a free confidential bereavement counselling service to people of all ages.

Website: crusescotland.org.uk
Phone: 0808 802 6161

Other organisations

Ofcom

Ofcom is the government body which regulates television and radio stations and deals with complaints about their programmes.

Website: [ofcom.org.uk/complaints](https://www.ofcom.org.uk/complaints)

Phone: 0300 123 3333

Monday to Friday: 9:00 am to 5:00 pm

The Independent Press Standards Organisation

Many major newspaper and magazine groups are members of the Independent Press Standards Organisation, which deals with complaints about the editorial content and the behaviour of journalists.

Website: [ipso.co.uk](https://www.ipso.co.uk)

Phone: 0300 123 2220

Monday to Friday: 9:00 am to 5:30 pm

07799 903 929

24 hour emergency advice line

E-mail: complaints@ipso.co.uk

The involvement of other public bodies such as the police, the safety authority, Coroner or the Procurator Fiscal will vary depending on the individual circumstances of the accident that is being investigated. This is explained in more detail on pages 11 to 15.

RAIB's lead inspector will be able to provide you with the contact details of other organisations who may be providing support for a specific accident and of any other public bodies who are investigating.

Contacts for this investigation

RAIB lead inspector:

Telephone number:

Email address:

Alternative RAIB contact:

Telephone number:

For general enquiries

RAIB website: www.gov.uk/raib

Telephone number: 01332 253300

Email address: enquiries@raib.gov.uk

Postal address: Rail Accident Investigation Branch

The Wharf
Stores Road
Derby DE21 4BA

Complaints or comments

Please write to: Chief Inspector of Rail Accidents
Rail Accident Investigation Branch
The Wharf
Stores Road
Derby
DE21 4BA

Your notes

Your notes

Your notes

Your notes

Your notes

Your notes

Rail Accident Investigation Branch

The Wharf
Stores Road
Derby
DE21 4BA

Telephone: 01332 253300
Email: enquiries@raib.gov.uk
Website: www.gov.uk/raib