

		RSD Internal Guidance		RIG-2010-07	
Keeping in touch with ORR prosecution witnesses					
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Keywords Witness, contact					
Summary This RIG sets out the procedure, in England and Wales, for ensuring that contact details for ORR prosecution witness are regularly reviewed and updated. Related guidance: RIG-2009-08 Arrangements for witnesses expenses during prosecutions This RIG does not apply to prosecution cases taken in Scotland.					
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Subsequent consultation (reviews only) Helen Ayers, Legal Team 2014 & 2016: Helen Ayers, RMT					

<u>Detail</u>	<p>The likely success of any prosecution pursued by ORR relies significantly on both the availability and credibility of its witnesses. It is therefore essential that:</p> <ul style="list-style-type: none"> (a) we (or any other authority, such as an inquest team) are able to make contact with them when we need to; and (b) they are kept updated about arrangements (or changes to arrangements) regarding their actual or likely appearance at a prosecution hearing or inquest. <p>ORR should therefore keep in touch with our witnesses on a regular basis.</p> <p>For Network Rail personnel interviewed under caution on behalf of the company, whether they turn up to the interview or provide a written statement <u>must not</u> be contacted directly. All correspondence must be directed via the company legal representatives Kennedys.</p>
<u>Action</u>	<p>Inspectors must make arrangements to ensure that prosecution witnesses in cases for which they are responsible are contacted at least every six months, or more frequently if cases move on rapidly. It is suggested that this task be undertaken by a member of the administration team, an Inspectors Assistant or Material Handling Officer and, where possible, by the same individual to ensure continuation of the relationship with the witness.</p> <p>Such regular contact is required to ensure that:</p> <ul style="list-style-type: none"> (a) the details we hold for the witness remain correct, namely: <ul style="list-style-type: none"> (i) current address; (ii) contact telephone numbers; (ii) e-mail address (if appropriate); and (b) they are informed of any developments in their cases since they were last contacted; such as: <ul style="list-style-type: none"> (i) confirmation of dates for court hearings; (ii) the location of any such events; (iii) any changes to such arrangements about which they have previously been advised; and (iv) if we expect that they will be required to attend as a witness.

Details should be sought of any holiday arrangements they have booked in the period we expect the trial to take place.

Timescales for contact begin from the date when the first statement was taken from the witness.

Whilst the general means of making contact might be by either a letter or e-mail, there may be certain circumstances where personal contact with a witness will be preferable. The method of contact should therefore be tailored to best meet the preferences of the witness in question. Inspectors might wish to confirm this preference at the time that the witness statement is taken.

An example of the type of letter to send can be found on Orracle. Witnesses should also be provided with an ORR self addressed enveloped in which they can return their response. You should consider, bearing in mind cost implications, whether to send letters 'recorded delivery' to identify where witnesses are no longer at their stated address so that action can be taken to pursue this further. Witnesses should also be encouraged to e-mail their response if that is more convenient.