

NSAR

Formal Review Management (Investigations) (On behalf of Network Rail)

Contents

Document Status	3
Approvals	3
Version Control	3
Related Documents.....	3
1. Purpose.....	4
2. Scope	4
3. Related Documents	4
4. Operational Approaches	4
4.1 Receipt of Allegations	4
4.2 Fact Finding.....	4
4.3 Formal Review Initiation	5
4.4 Review of Evidence	5
4.5 Authority to Act	6
4.6 Suspensions	7
5. Communications & Reporting	7
6. Outcomes	8
7. Monitoring	9
8. Conflict of Interest	9
9. Confidentiality	10

Document Status

Approvals

Approvals	Name	Title	Date
Responsible Person	Kim Millen	Chief Operating Officer	05/11/2018
Chief Executive	Neil Robertson	Chief Executive	05/11/2018
Responsible Person	Kim Millen	Chief Operating Officer	12/11/2019
Responsible Person	Kim Millen	Chief Operating Officer	19/06/2023

Version Control

Issue Status	Issue	Change Detail	Date
Version 0.1	0.1	New	05/11/2018
Version 02	2.0	Reviewed and updated	12/11/2019
Document Reviewed	3.0	Rebrand, update company address, and changes made to reflect change of company structure and roles	19/06/2023

Related Documents

Related Documents	Document Titles	Document Reference
Policy	NSAR Conflict of Interest Policy	HR-018
Procedure	Training Assurance - Quality Assurance Manager Impartiality	TA-018
Procedure	NSAR Complaints Procedure	TA-020

***THIS DOCUMENT IS THE PROPERTY OF
NSAR LIMITED, 26th Floor, Millbank Tower, 21-24 Millbank, London, SW1P 4QP***

1. Purpose

The purpose of this Procedure is to provide NSAR's Assured Providers and Trainers/Assessors and/or a prospective assured party with a clear and documented approach to the way in which NSAR manages receipt of allegations that require examination for Formal Review purposes and the conduct of Formal Review's in line with the RTAS Rules v2.1.

2. Scope

The scope of this Procedure is limited to receipt of and Formal Review of allegations affecting Assured Providers and Trainers/Assessors and/or a prospective assured party.

3. Related Documents

The documents related to this procedure are provided at the head of the document and maintained under the Management System (MS).

This document can be found on the NSAR SharePoint site under Management Systems – Policies & Procedures.

4. Operational Approaches

4.1 Receipt of Allegations

Allegations can be received by NSAR by variety of sources, including by telephone to NSAR Offices and/or NSAR staff directly.

Upon receipt of allegations by telephone the caller is asked to provide their report by email to FormalReview@nsar.co.uk. Where any detail has been disclosed over the telephone the detail of this is emailed to the QA Internal Compliance Team directly or FormalReview@nsar.co.uk and or noted by the receiving officer and passed directly to a QA Internal Compliance Manager.

Upon receipt of written allegations emailed to any member of NSAR staff, this is forwarded to the QA Internal Compliance Team directly or to FormalReview@nsar.co.uk.

A response to acknowledge any new reports is provided to the sender no later than 5 working days of receipt.

Where a report contains insufficient information to undertake any fact-finding activities the reporter will be asked to provide additional information. Where a report does contain enough information the Formal Review team will commence fact-finding activities in order to establish any factual grounding to the allegations received.

4.2 Fact Finding

The fact-finding activities are to determine whether there is sufficient evidence to support the allegations made by the reporter. Fact-finding includes activities such as [but not limited to]:

- Additional information from the reporter or parties identified as able to provide factual information of the incident and/or event reported, this can include Network Rail, British Transport Police, Royal Mail, Infrastructure Owners, Sentinel Sponsors.
- Request for documentation from Assured Providers allowing 24 hours submission as detailed in the RTAS Rules and Network Rail standard NR/L2CTM/202 Quality Assurance in Training and Assessment.
- Detailed verification of documentation received.
- Obtaining of delegate witness statements.
- Requesting and/or running data reports from systems such as Skills Backbone and the Sentinel database where it is determined possible to support gathering of factual information of the incident and/or event reported.
- Requesting subject matter expert advice where a complaint is regarding technical documents and standards.
- Previous Assurance documentation.
- Attendance to site to obtain evidence if it is deemed that there is a risk to its integrity.

The progress of fact-finding activities will determine whether a full Formal Review is necessary. Dependent on the nature of the complaint and the evidence obtained a temporary suspension may/can be imposed on an Assured individual(s) and/or Assured Provider(s) as approved/directed by Network Rail.

Allegations received and fact-finding is discussed and agreed with Network Rail Formal Review Panel and a unique identifying reference number assigned consisting of format NSARXXX. Once this number is assigned all communications will contain this reference number for audit purposes and external reference to any name is desisted.

4.3 Formal Review Initiation

A Formal Review will be initiated with relevant parties involved through the use of a template letter and supporting evidence 'enclosures' that has been gathered throughout fact-finding activities and require a formal response by the Assured Individual and/or Assured Provider.

The letter will clearly detail the allegations considered the subject of Formal Review and the relevant suggested breaches of the RTAS Rules v2.1 and, where applicable, in the Network Rail standard NR/L2CTM/202 Quality Assurance in Training and Assessment and will also detail the evidence which is required from the Assured party in relation to the matter.

The interactions of requesting and providing information will be completed in line with the RTAS Rules v2.1.

4.4 Review of Evidence

NSAR investigators will review evidence as soon as practicable upon receipt.

Where a review of evidence determines that additional fact-finding is required this will be

completed as quickly as possible. However, updates at 90 days as a minimum will be provided on the progress of any Formal Review.

Where there are large volumes of information and/or separate allegations/Formal Reviews ongoing, the next stage progress of a Formal Review will be prioritised depending on the risk of the incident/allegation, the weight of evidence to support the validity of reports and any linked dependences.

4.5 Authority to Act

NSAR investigators will document the Formal Review summary in a templated 'Authority to Act' form and submit it to Network Rail with accompanying evidence referenced within the review. Evidence will be processed, referenced, and stored in secure SharePoint folders to be accessed by Network Rail for review with the summarising Authority to Act document.

The templated 'Authority to Act' form details the following:

- Formal Review Reference number
- Provider/Trainer/Assessor Review
- NSAR Formal Review Lead name
- Impacted Provider Name
- Date Opened
- Main Provider Contact name
- Allegation Summary
- Detailed Timeline
- Evidence submitted by:
 - Provider/Trainer/Assessor
 - NSAR
- Providers position on the incident/event reported
- Corrective actions proposed by the Provider
- NSAR summary review of evidence
- Alleged breaches
- Evidenced Outcome of alleged breaches
- Fair Culture finding [including flowchart]
- RTAS Outcome Recommendations [including implementation arrangements of the recommended action]
- Justification for the recommended RTAS Outcomes
- Network Rail approval or amendment to recommendations [including implementation arrangements of the authorised recommendation]

- Signatures and dates of authority
- Formal Review closing declarations i.e., actions taken by NSAR from the authorised Authority to Act and any additional actions.
- Formal Review closed Yes/No
- Signatures and dates of closing declarations

Network Rail will review the form and associated evidence and, either:

- Authorise the recommended actions and implementation arrangements.
- Make amendments to the recommended actions and/or implementation arrangements.
- Reject the recommendations and implementation arrangements and direct alternative activities.

Upon instruction from Network Rail, NSAR will implement the authorised recommendations ensuring that Network Rail Formal Review panel receives the evidence of actions taken to assign the RTAS Outcomes and declare the Formal Review as closed via documented closing declaration within the Authority to Act form.

4.6 Suspensions

Where a temporary suspension is directed by Network Rail, NSAR will implement the temporary suspension in the Sentinel and Skills Backbone databases and will advise the affected party of the details of the temporary suspension arrangements.

Temporary suspensions are reviewed bi-weekly during the RTAS Formal Review panel conference call to ensure that the suspension is still valid and notified to the interested parties at 30-day intervals.

Temporary suspensions which are applied due to Police Investigation are reviewed on a Quarterly basis by NSAR seeking advice from the British Transport Police and Network Rail as to whether there is any new information received that would reverse the temporary suspension applied upon receipt of Police information.

Where an authorised RTAS Outcome results in a period of permanent suspension for an Assured Individual and/or Assured Provider, Network Rail will write to the individual/Company directly informing them of the suspension.

Temporary suspensions are reviewed bi-weekly during the RTAS Formal Review panel conference call to ensure that the suspension is still valid and notified to the interested parties at 30-day intervals.

5. Communications & Reporting

Communications referencing or related to Formal Reviews will be conducted in writing only to formalreview@nsar.co.uk

Letters issued by NSAR to impacted parties are templated and approved by Network Rail and clearly referenced with the Formal Review unique reference number. The format of the

letter reference will begin at NSARXXX-L01, 02, 03 and so on.

Emails from NSAR which refer to Formal Reviews will be clearly headed with the Formal Review unique reference number in the subject of the email.

In most cases, NSAR will not reply to an email relating to or referencing a Formal Review but will instead start a new chain of emails.

Wherever possible, information will be requested and gathered in a templated and consistent format.

NSAR and Network Rail share evidence via a secured shared folder on SharePoint. Access is restricted to NSAR investigators, their nominated deputy, RTAS Formal Review Panel Chairman [Network Rail] and the third function lead of Network Rail only.

Full detail of all actions and interactions related to fact-finding and Formal Reviews initiation will be recorded within a 'Investigations Tracker MASTER' to make sure that an accurate timeline of activities is recorded and contains the below information.

This tracker also contains management information to assess the performance of Formal Review management and is shared with Network Rail.

Ref	Date Recd. When NSAR or NR first made aware	Owner Who is taking the lead	Allegation Against Training Provider or Trainer/Assessor	Name	ID RTAS or Sentinel number	Notified by Source of information on breach	Main Contact Stage, point of contact for information on alleged breach	Allegation Brief details of the allegation	Category	Stage Party	Stage of Investigation	Notes Detailed notes of progress, including information on why no action is taken, and reference to any documentation sent and produced	Status	Date Closed	Duration Calendar Months	Duration (working weeks)	Duration (working days)
NSARXXX	DD/MM/YYYY	NSAR/NR NAME	TRAINING PROVIDER TRAINER/ASSESSOR	NAME OF TRAINING PROVIDER OR INDIVIDUAL IN ALLEGED BREACH	RTASXXX 1234567	NAME OF SOURCE	NAME OF CONTACT	HEADLINE ALLEGATION	TYPE OF ALLEGATION	NSAR/NR/PROVIDER/POLICE/ORR/OTHER STANDARD OWNERS/CLOSED	PENDING NSAR/NR/TP REVIEW/RESPONSE/EVIDENCE REVIEW/LETTER etc	DETAILED INTERACTION	OPEN/CLOSED/ON HOLD	DD/MM/YYYY	NUMBER OF MONTHS	NUMBER OF WORKING WEEKS	NUMBER OF WORKING DAYS

6. Outcomes

The RTAS Formal Review outcomes that apply at the conclusion of a Formal Review are identified on the basis of evidence only and against the RTAS Formal Review Outcome Guidance documented with the RTAS Rules v2.1

RTAS Formal Review outcomes are authorised by Network Rail relying on the evidence gathered by NSAR investigators and documented as above.

The communication of an RTAS Outcome authorised by Network Rail is made to the relevant parties using the templated Formal Review Outcome letter approved by Network Rail.

7. Monitoring

Receipt of allegations, fact-finding and Formal Review progress is monitored by Network Rail through bi-weekly conference calls attended by a minimum of 3 individuals from three separate parties as required by the RTAS Rules v2.1. One party is from NSAR Formal Review team and the remaining two from separate functions in Network Rail.

Formal Review Panel bi-weekly conference calls are documented within the Formal Review Action log, completion of agreed actions reviewed for progress and new actions required from the progress to date in the Formal Review documented.

Templated documentation and communications will be reviewed annually and/or as and when identified as required.

Completion of RTAS Formal Review outcomes is monitored by NSAR Quality Assurance Managers where appropriate or the Formal Review team.

8. Conflict of Interest

RTAS Investigations are conducted by QA Internal Compliance Managers, providing that there is not a conflict of interest established during the time between the Assured party and QA Internal Compliance Managers.

Where there is a conflict of interest established between a QA Internal Compliance Manager and the party that has allegations made against them, the investigation shall be completed by another QA Internal Compliance Manager and attendance to Formal Review Panels where the case is discussed will be restricted. Where there is a conflict of interest established between all QA Internal Compliance Managers, the findings and evidence of the Investigation shall be peer reviewed by the QA Operations Manager, Head of Assessment & Skills or a Quality Assurance Manager to prevent bias and safeguard consistency and impartiality.

Where any allegations are made against a Quality Assurance Manager and are subject to RTAS Investigation, it will be led by an investigator who does not have assurance responsibilities to prevent bias and safeguard consistency and impartiality.

Access to the detail of RTAS Investigations is restricted to QA Internal Compliance Team only to make sure that the Quality Assurance Manager cannot be subject of any allegation of bias based on Investigation information and evidence and safeguard consistency and impartiality.

The QA Internal Compliance Team can request support in gathering evidence from the Quality Assurance Manager who manages the Assured Provider RTAS Assurance

activities on a day-to-day basis – the relevant ‘account manager’ QAM but cannot divulge detail information about the reason for the request.

Quality Assurance Managers are notified of the names of current suspended Trainers/Assessors and Providers and dates only in order to make sure that any routine assurance activities that feature an Assured party subject of suspension are escalated immediately to the lead investigator.

9. Confidentiality

All proceedings, documents, witness statement and records are treated with the highest confidentiality and in line with GDPR Regulations and Guidelines.