

		<b>RSD Internal Guidance</b>		RIG-2010-08	
<b>Obtaining Arrest Summons Numbers for ORR prosecutions</b>					
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<b>RIG postholder/owner</b>			Sally Williams, Regulatory Management Team		
<b>RIG cleared by</b>			John Gillespie, Head of Safety Policy and Central Regulation		
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<b>Keywords</b>		PNC, Arrest Summons Number, ASN, NPA 01			
<b>Summary</b>		This RIG summarises the policy and procedure for obtaining Arrest Summons Numbers in England and Wales and inputting ORR convictions on the Police National Computer.  <b>This RIG does not apply to prosecution cases taken in Scotland.</b>			
<b>Original consultation</b>		Investigation and Legal Support: Rupert Lown and William Keag Safety enforcement Team: James Mack, Chris Simms and Helen Ayers Strategy, Planning & System Safety: Keith Atkinson RSD inspectors: Tom Wake, Paul Appleton, Darren Anderson, Stan Hart and Matthew McNeal			
<b>Subsequent consultation</b> (reviews only)		Helen Ayers Legal Team (revised September 2013) Helen Ayers, RMT (reviewed July 2014 & 2016)			

**Detail**

The Police National Computer (PNC) contains records of all criminal convictions arising from police investigations. Many courts now require details of potential prosecutions to be entered on the PNC before they will issue a summons.

ORR must therefore record all prosecutions for “recordable offences” on the PNC.<sup>1</sup> This will increase the effectiveness of cross-government intelligence-sharing, and allow the police and other non-police prosecuting agencies (NPPAs), such as HSE, to view the criminal records of individuals and companies that may otherwise go undisclosed. This will also facilitate compliance with our duty to disclose previous convictions of defendants (both individuals and companies) prior to hearing.

All successful prosecutions will continue to be recorded and published on the ORR website.

**How the PNC system works**

Prior to laying an information, the details of the prosecution are recorded on the PNC. This generates a unique Arrest Summons Number (ASN).

This unique ASN is then supplied to the relevant court when laying an information. The court will then link the prosecution to the ASN on their computer system. All hearings, adjournments and sentences are then linked to this number.

Following conviction or acquittal, the court’s computer system will in the future automatically update the PNC of the outcome of the case. Until this time such information has to be provided by the NPPA.

Only “recordable offences” are required to be recorded on the PNC. Where both recordable and non-recordable offences are taken against the same defendant, then all offences (including non-recordable ones) should be recorded on the PNC.

Where only non-recordable offences are taken, then these should not be entered onto the PNC. Court documents should be marked “No ASN required”.

Appendix 1 is a list of recordable offences for which ORR may prosecute.

Formal cautions issued by ORR are not recorded on the PNC.

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<sup>1</sup> A ‘recordable offence’ is one in which a term of imprisonment is available as a sentence, and will therefore cover the majority of offences under the Health and Safety at Work etc. Act 1974 and relevant statutory provisions. This applies even if the defendant cannot actually be imprisoned – and so companies as well as individuals will have a PNC record created.

**Action**

**ASNs must be produced for all ORR prosecutions. Summonses may be rejected by Magistrates Courts where no ASN exists.**

For ORR, the creation and maintenance of the ASN will be undertaken by the Association of Chief Police Officers Criminal Records Office (ACRO). This is the same organisation that provides us with prosecution witness criminal and disciplinary information.

As with the criminal and disciplinary information, requests for ASNs, and the provision of any information to update the PNC records, **'can only be made by one of ORR's two 'accredited persons'**.

**Procedure**

Prior to laying an information, it should be established whether one or more of the offences are recordable in accordance with Appendix 1.

Where the offence is recordable the investigating inspector should arrange for a form "NPA 01" (part of the 'Investigation report') to be completed with as much detail as possible. An accredited person can advise and assist, if necessary. The form should then be forwarded to an accredited person who will send it by e-mail to ACRO.

If two or more informations are laid against the same defendant, the details of each offence must be recorded on the form. Separate forms are **not** required for each offence. Additional non-recordable offences are also listed on the form.

An ASN will then be raised. This will then be notified to both the investigating inspector and, where appropriate, the safety enforcement team. It should be recorded on any ORR prosecution file or documentation.

The ASN should also be printed on any correspondence being sent to the court, including informations, Initial Details of the Prosecution Case, and the record of any previous convictions of the defendant. Where no ASN is required, court documents should be marked accordingly.

As soon as possible following the conclusion of a prosecution the investigating inspector should contact one of ORR's accredited persons setting out details of conviction or acquittal. They will then e-mail ACRO with the result.

**Completion of the NPA 01 form**

The form must be completed electronically and emailed to one of the accredited people in ORR.

In the case of corporate defendants, only the following information should be provided:

**Green Section:**

**Agency Name and Details:** Office of Rail and Road and inspectors details.  
The agency reference number is our case reference.

**Grey Section:**

This section is for the police so can be left blank.

**Orange Section:**

1. **Company name** - to be entered in either the 'Surname' or 'Forename' box;
2. **Company number** - this can be entered in the 'Place of Birth' box;
3. **Company address** - entered in the 'Home address' box;
4. **Description** – In the case of corporate defendants, this can be left blank. If an individual is being prosecuted, fill in as much detail as possible.

**Blue Section:**

**Offence Information:**

1. **Process Stage** – Enter current position with the case i.e. prosecution approved, and the date;
2. **Total number of Offences** – Enter the number of offences the defendant is being charged with;
3. **Offence** - To ensure accurate and consistent recording of our offences, the wording of the “Offence” field should mirror the text in the table of offences at Appendix 1.

For example:

“Employer breaching general duty to employee, s33(1)(a) & 2 Health and Safety at Work etc Act 1974”.

Please note that a case taken for breach of regulations made under HSWA should be annotated “*HS74018 – Contravene a health and safety regulation.*”

4. **ACPO Offence Code** – This is the code listed in Appendix A i.e. HS74001. Enter all that apply;
5. **Offence Start Date/Time and Offence End Date/Time;**

**6. Address / Location of Offence;**

**7. Method used in Offence** – this should then summarise the nature of the offence, which may be transferred from our information / summons. Such description may be amended as necessary to facilitate third-party comprehension;

**8. Charged / Summoned on** – Complete is summons have already been issued. Include first hearing date, time and court name in the relevant boxes.

The last five boxes can be left blank.

When prosecuting individuals, as much information as possible should be included on the form.

Non-recordable offences, which are recorded when taken in conjunction with one or more recordable offences, should follow a similar pattern.

Copies of the completed forms should be retained with the prosecution papers.

**Appendix 1 – Recordable Offences**

<b>CJS Code / Offence Description</b>	<b>Section</b>	<b>Act / Reg</b>
HS74001 Employer breaching general duty to employee	33(1)(a) & 2	Health and Safety at Work etc Act 1974
HS74002 Employer / self-employed person breaching general duty to other than employee	33(1)(a) & 3	Health and Safety at Work etc Act 1974
HS74003 Person concerned with premises breaching general duty to other than employee	33(1)(a) & 4	Health and Safety at Work etc Act 1974
HS74005 Manufacturer breaching general duty regarding articles and substances for use at work	33(1)(a) & 6	Health and Safety at Work etc Act 1974
HS74006 Employee breaching general duty at work	33(1)(a) & 7	Health and Safety at Work etc Act 1974
HS74007 Interfering or misusing item provided to meet statutory health safety or welfare provision	33(1)(b) & 8	Health and Safety at Work etc Act 1974
HS74009 Contravening requirement imposed by inspector under s20 of this Act	33(1)(e) & 20	Health and Safety at Work etc Act 1974
HS74010 Contravening requirement imposed by inspector under s25 of this Act	33(1)(e) & 20	Health and Safety at Work etc Act 1974
HS74011 Preventing another person from appearing before inspector or from answering inspector's question	33(1)(f)	Health and Safety at Work etc Act 1974
HS74013 Contravening improvement notice	33(1)(g) & 21	Health and Safety at Work etc Act 1974
HS74014 Contravening prohibition notice	33(1)(g) & 22	Health and Safety at Work etc Act 1974
HS74018 Contravene a health and safety regulation	33(1)(c)	Health and Safety at Work etc Act 1974
HS74026 Obstructing inspector	33(1)(h)	Health and Safety at Work etc Act 1974
HS74029 Use information without	33(1)(j) &	Health and Safety at

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authorisation	27(4)	Work etc Act 1974
HS74030 Disclose information without authorisation	33(1)(j) & 28	Health and Safety at Work etc Act 1974
HS74031 Make false statement	33(1)(k)	Health and Safety at Work etc Act 1974
HS74032 Make false entry in document	33(1)(l)	Health and Safety at Work etc Act 1974
HS74033 Make use of false entry in document	33(1)(l)	Health and Safety at Work etc Act 1974
HS74034 Use document with intent to deceive	33(1)(m)	Health and Safety at Work etc Act 1974
HS74035 Make document with intent to deceive	33(1)(m)	Health and Safety at Work etc Act 1974
HS74036 Possess document with intent to deceive	33(1)(m)	Health and Safety at Work etc Act 1974
HS74038 Fail to comply with court order	33(1)(o) & 42	Health and Safety at Work etc Act 1974
HS74039 Attempt to prevent another person from appearing before/answering inspector's question	33(1)(f)	Health and Safety at Work etc Act 1974
Contravention of a working time Prohibition or Improvement Notice	29(3)(c)	Working Time Regulations 1998