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Mr Andrew Hall
Deputy Chief Inspector of Rail Accidents
Cullen House
Berkshire Copse Rd
Aldershot
Hampshire GU11 2HP

Dear Andrew,

Class investigation into accidents and near misses involving trains and track workers outside possessions

I write to report¹ on the consideration given and action taken in respect of the three recommendations addressed to ORR in the above report, published on 13 April 2017.

The annex to this letter provides details in respect of each recommendation. The status of all five recommendations is **'insufficient response'**.

ORR will advise RAIB when further information is available regarding actions being taken to address these recommendations.

We will publish this response on the ORR website on 13 April 2018.

Yours sincerely,



Oliver Stewart

¹ In accordance with Regulation 12(2)(b) of the Railways (Accident Investigation and Reporting) Regulations 2005

Initial consideration by ORR

1. All 5 recommendations were addressed to ORR when the report was published on 13 April 2017.
2. After considering the recommendations ORR passed recommendations all five of the recommendations to Network Rail asking them to consider and where appropriate act upon them and advise ORR of its conclusions. The consideration given to each recommendation is included below.

Recommendation 1

The intent of this recommendation is to improve the ability of people in charge of safety on the track to establish a safe system of work that is appropriate to the local circumstances.

Network Rail should review the ways that it equips those with safety leadership responsibilities to recognise and deal effectively with circumstances not encompassed by the planned 'safe system of work' or permit. These might include the need for additional local planning (for example when placing lookouts) or moving to a new location while carrying out mobile activities such as patrolling, asset inspections and surveying. Circumstances not covered by the plan might also arise due to rest breaks and changes to the composition of the group, or the nature of the work activity.

Appropriate action should be taken to implement any required improvements in procedures and/or the training provided to those in leadership roles. Any changes that are proposed to existing arrangements should be based on the following principles:

- a) compliance with the documented safe system of work or permit, unless this can no longer be applied, is impractical to implement or is considered to be less safe than an alternative;
- b) continued compliance with the railway Rule Book;
- c) dynamic risk assessment of the changed circumstances, and of any alternative safe system of work; and
- d) empowering competent leaders to make safe decisions within clearly defined guidelines.

ORR decision

3. Network Rail has not provided a formal response to this recommendation.
4. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:

- has not provided a response setting out how the recommendation will be delivered.

Status: Insufficient response. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

5. No formal response to the recommendations has been provided.

Recommendation 2

The intent of this recommendation is to improve the non-technical skills of track workers.

Network Rail should review the effectiveness of its existing arrangements for developing the leadership, people management and risk perception abilities of staff who lead work on the track, as well as the ability of other staff to effectively challenge unsafe decisions. This review should take account of any proposed revisions to the arrangements for the safety of people working on or near the line. A time-bound plan should be prepared for any improvements to the training in non-technical skills identified by the review

ORR decision

6. Network Rail has not provided a formal response to this recommendation.
7. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:
 - has not provided a response setting out how the recommendation will be delivered.

Status: Insufficient response. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

8. No formal response to the recommendations has been provided.

Recommendation 3

The intent of this recommendation is to improve the competence (in the area of local geographic knowledge) of people who lead track work in higher-risk situations.

Network Rail should review the competence requirements for people who control work on the track while trains are running, under safe systems of work which rely on knowledge of the location, such as the use of lookout warning and line blockages

without additional protection. Consideration should be given to requiring enhanced local knowledge for people qualified to implement such systems of work. This may include training and assessment in local conditions and/or experience of work in specified areas or locations. A time-bound plan should be prepared for any changes in competence requirements identified by the review

ORR decision

9. Network Rail has not provided a formal response to this recommendation.
10. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:
 - has not provided a response setting out how the recommendation will be delivered.

Status: Insufficient response. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

11. No formal response to the recommendations has been provided.

Recommendation 4

The intent of this recommendation is to make the fullest possible information on local conditions available to people who plan and lead work on the track.

Network Rail should implement arrangements to make its databases of photographic and video information (such as its RouteView system) more easily available to planning staff and leaders of work groups

ORR decision

12. Network Rail has not provided a formal response to this recommendation.
13. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:
 - has not provided a response setting out how the recommendation will be delivered.

Status: Insufficient response. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

14. No formal response to the recommendations has been provided.

Recommendation 5

The intent of this recommendation is to provide suitable and sufficient information to support decisions on safe methods of working on the track, as well as visibility of the risk to senior management.

Network Rail should improve the way it collects, analyses and reports information on incidents and accidents to track workers associated with moving trains, to provide more reliable data on the relative risk of the various available methods of protection. Such data should be used to inform improvements to the arrangements for ensuring the safety of people working on or near the line, including the hierarchy of safe systems of work

ORR decision

15. Network Rail has not provided a formal response to this recommendation.

16. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:

- has not provided a response setting out how the recommendation will be delivered.

Status: Insufficient response. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

17. No formal response to the recommendations has been provided.