Oliver Stewart
Senior Executive, RAIB Relationship and
Recommendation Handling
Telephone 020 7282 3864
E-mail oliver.stewart@orr.gsi.gov.uk

20 February 2018

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

Dear Andrew,

RAIB Report: Track worker struck by a train at Bulwell, 6 October 2012

I write to provide an update[1] on the action taken in respect of recommendations 1, 3 and 4 addressed to ORR in the above report, published on 3 October 2013.

The annex to this letter provides details of the action taken regarding these recommendations, the status of which is now '**Implemented**'. We do not propose to take any further action in respect of the recommendations, unless we become aware that any of the information provided becomes inaccurate, in which case I will write to you again.

We will publish this response on the ORR website on 20 February 2018.

Yours sincerely,

Oliver Stewart

---

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

6842358

Recommendation 1

The intent of this recommendation is that Network Rail provides information to those responsible for the planning, approval and verification of safe systems of work as to which safe systems of work it considers are appropriate for specific locations and circumstances.

Network Rail should make information available to those responsible for the planning, approval and verification of safe systems of work about which safe systems of work it considers to be appropriate for a specified section of the line. This information should support the application of the principles of the hierarchy of safe systems of work. Network Rail should ensure that the information:

- takes account of variations such as different types of work, resource levels, times of day and environmental conditions;

- is periodically validated and maintained; and
- is easily accessible to those responsible for the planning of safe systems of work.

ORR decision

1.   Network Rail have revised their standard for people working on or near the line ('019'). The revised standard should improve the quality and availability of information about particular locations to staff planning safe systems of work. ORR will monitoring implementation of the revised 019 standard through our usual inspection work.

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

- taken the recommendation into consideration; and

- has taken action to implement it.

Status: Implemented.

Previously reported to RAIB

3.   ORR reported the following on 2 October 2014:

"Network Rail had provided a completion date of January 2015 for its proposed actions, this has now been extended to April/May 2015 when the Planning and Delivering Safe Work (P&DSW) is expected to be complete, this will include producing maps that include Red Zone prohibitions. We await further information from Network Rail on the work resulting from the review with the ORBIS team. A post implementation review of the effectiveness of the new Control of Work process is to be undertaken in 2015. This should identify any remaining issues for further action, including specific areas of application. We are continuing to monitor Network Rail actions."

Update

4.   Following a number of timescale extensions, Network Rail provided a closure statement on 24 October 2017:

> *"The revision of 'NR/L2/OHS/019 -Safety of People at Work On or Near the Line' requires safe systems of work to be produced with collaboration between the Responsible Manager, person in charge and Planner of the Safe Work Pack. This collaboration enables a greater understanding of what resources and information is required to provide an effective safe system of work. Through this approach it*
>
> *enables the person in charge to make sure appropriate measures are identified and allows for the effectively implementation of the controls detailed within the Safe Work Pack."*

Recommendation 3

The intent of this recommendation is for Network Rail to ensure that the resources required to plan and approve safe systems of work are adequate within off-track sections.

Network Rail should determine what resources are necessary for the effective planning and approval of safe systems of work within off-track sections. It should take action to ensure that the required resources are available and that systems are put in place to ensure that they will remain so should additional tasks be assigned to these sections in the future.

This recommendation may also apply to other parts of Network Rail where staff are required to work on or near the line.

ORR decision

5.   Network Rail have revised their standard for people working on or near the line ('019'), which includes the provision of a safe system of work through collaboration between Responsible Manager, person in charge and Planner of the Safe Work Pack. ORR will monitoring implementation of the revised 019 standard through our usual inspection work.

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

- taken the recommendation into consideration; and

- has taken action to implement it.

Status: Implemented.

Previously reported to RAIB

7.   ORR reported the following on 2 October 2014:

"Network Rail had provided a completion date of January 2015 for its proposed actions however this has now been extended to include results from the P&DSW which will provide a better arrangement for planning work with appropriate involvement of the individual undertaking the work. The requirement for adequate resource specifically within off track is being addressed separately through the Depot improvement programme. We are continuing to monitor Network Rail actions."

Update

8.   Following timescale extensions, Network Rail provided a closure statement on 24 October 2017 containing the following summary:

"The revision of 'NR/L2/OHS/019 - Safety of People at Work On or Near the Line' requires safe systems of work to be produced with collaboration between the Responsible Manager, person in charge and Planner of the Safe Work Pack. This collaboration enables a greater understanding of what resources and information is required to provide an effective safe system of work. Through this approach it

enables the person in charge to make sure appropriate measures are identified and allows for the effectively implementation of the controls detailed within the Safe Work Pack."

Recommendation 4

The intent of this recommendation is for Network Rail to examine if the role of responsible manager has been effectively implemented within its organisation.

Network Rail should establish if the requirement within NR/L2/OHS/019 issue 8 for non-cyclic safe systems of work to be approved by the responsible manager has been effectively implemented. In doing this it should specifically consider:

- how the requirement was promulgated throughout its organisation;
- the briefing and training of responsible managers; and
- other barriers to implementation.

It should develop a plan to implement any appropriate changes identified.

ORR decision

9.   Network Rail have introduced more robust arrangements for verifying safe system of work packs in Issue 9 of '019'. ORR will monitoring the effectiveness of the revised arrangements for the responsible manager role as part of our usual inspection work.

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

- taken the recommendation into consideration; and
- has taken action to implement it.

Status: Implemented.

Previously reported to RAIB

11.	ORR reported the following on 2 October 2014:

"Network Rail had provided a completion date of January 2015 for its proposed actions however, this has now been extended to April/May 2015 to take account of the work included in the P&DSW.

In addition, NR/L2/OHS/019 issue 8 is no longer appropriate. It is currently under review and being rewritten to reflect changes to the approval and monitoring of effective implementation of non-cyclic safe systems of work that will occur with the new Control of Work/epermit system being introduced nationally in January 2015."

Update

12.	Following timescale extensions, Network Rail provided a closure statement on 24 October 2017 containing the following information:

"The revision of 'NR/L2/OHS/019 - Safety of People at Work On or Near the Line' now requires for all non-cyclic/non-repeat Safe Work Packs to be authorised for use by the Responsible Manager before implementation by the person in charge. In Issue 8 there was no requirement for SSOWPS pack to be checks for accuracy and appropriateness prior to issue to the COSS.

However, this new requirement in issue 9 of the standard means that there is a double check (verification by the person in charge, then authorisation by the Responsible Manager), reducing the likelihood of errors or packs that are not fit for purpose. The process adopted for the revised standard implementation and compliance means a more effective method of monitoring compliance levels and planning to address deficiencies.

Through use of limited 3 monthly Temporary Variation applications and review at the end of each 3 month period it allows more effective compliance monitoring during the embedding stage. For medium – long term compliance monitoring the regular self assurance process, combined with audit protocols designed for the revised standard will provide a greater level of monitoring of local compliance to the standard."

Previously reported to RAIB

Recommendation 1

The intent of this recommendation is that Network Rail provides information to those responsible for the planning, approval and verification of safe systems of work as to which safe systems of work it considers are appropriate for specific locations and circumstances.

Network Rail should make information available to those responsible for the planning, approval and verification of safe systems of work about which safe systems of work it considers to be appropriate for a specified section of the line. This information should support the application of the principles of the hierarchy of safe systems of work. Network Rail should ensure that the information:

- takes account of variations such as different types of work, resource levels, times of day and environmental conditions;

- is periodically validated and maintained; and
- is easily accessible to those responsible for the planning of safe systems of work.

Actions taken or being taken to address the recommendation

1.   In its initial response on 29 November 2013, Network Rail provided the following information:
Network Rail will undertake a review of the suitability of the current hazard directory classifications of Red Zone prohibited and restricted by June 2014 and will update the current Red Zone restrictions to identify where IWA is inappropriate. This information will be made available to planners through SSOWPS 2.

A review will be held with the ORBIS project team who are undertaking electronic mapping of the railway to explore the feasibility of using the technology to identify locations where sighting distances are likely to be deficient. This review will be completed by late summer 2014 and any resultant work identified in a project plan.

Network Rail are currently developing and testing a revised control of work process that fundamentally changes the process of planning, risk assessing, permitting, controlling and handing back all work undertaken on Network Rail infrastructure. New processes and roles will be implemented through use of new technology (e-permitting, integrated risk assessment and interactive mapping) that is widely used across other high risk industries and will result in provision of more suitable and user-oriented information at the point of work. Subject to a successful trial of the new processes, technology and roles, full national roll out and implementation is proposed for January 2015. This will replace SSOWPS2.

Interim measures:

SSOWPS 2 was rolled out across all Routes from October 2012 and completed in February 2013. The previous system only allowed a single safe system of work, the new system has the capability of parallel working component, with the intent that when

pre-planning to stay at the same mileage but utilise two different safe systems while on site and alternate between the two as part of the plan.

At the pre-planning stage; the planner is now defining the arrangements that are to be used at site to prevent the staff being endangered by approaching trains. The hierarchy range from safeguarded to lookout as appropriate.

SSOPWS 2 now automatically includes all the appropriate hazard directory extract items, such as Red Zone working prohibitions and restrictions, restricted sighting, noise hazards.
Timescale: 30 November 2014

ORR Decision

Network Rail had provided a completion date of January 2015 for its proposed actions, this has now been extended to April/May 2015 when the Planiing and Delivering Safe Work (P&DSW) is expected to be complete, this will include producing maps that include Red Zone prohibitions. We await further information from Network Rail on the work resulting from the review with the ORBIS team. A post implementation review of the effectiveness of the new Control of Work process is to be undertaken in 2015. This should identify any remaining issues for further action, including specific areas of application. We are continuing to monitor Network Rail actions.

Status: In progress. We expect to update RAIB by 30 June 2015

Recommendation 3

The intent of this recommendation is for Network Rail to ensure that the resources required to plan and approve safe systems of work are adequate within off-track sections.

Network Rail should determine what resources are necessary for the effective planning and approval of safe systems of work within off-track sections. It should take action to ensure that the required resources are available and that systems are put in place to ensure that they will remain so should additional tasks be assigned to these sections in the future.

This recommendation may also apply to other parts of Network Rail where staff are required to work on or near the line.

Actions taken or being taken to address the recommendation

2. In its initial response on 29 November 2013 Network Rail provided the following information

Network Rail is currently reviewing the resources necessary to safely manage its Delivery Units under the depot improvement programme assigned to Route Managing Director, London South East. Based on the Control of Work concept it is intended to clearly define the role of the planner and to optimise resource availability and support

to the Section Manager. Consultation will be required at each Route / Delivery Unit to implement. The review will be completed by November 2014.

Additionally, Network Rail are currently developing and testing a revised control of work process that fundamentally changes the process of planning, risk assessing, permitting, controlling and handing back all work undertaken on Network Rail infrastructure. New processes and roles will be implemented through use of new technology (e-permitting, integrated risk assessment and interactive mapping) that is widely used across other high risk industries and will result in provision of more suitable and user-oriented information at the point of work. Subject to a successful trial of the new processes, technology and roles, full national roll out and implementation is proposed for January 2015.

Interim measures:

2b/c Performance Improvement Review (PIR) has recently completed and identified resource issues; follow up review on resource requirements is on-going. This will link in with the Control of Work concept, although any immediate issues will be separately addressed.

Timescale: 30 November 2014

ORR decision

Network Rail had provided a completion date of January 2015 for its proposed actions however this has now been extended to include results from the P&DSW which will provide a better arrangement for planning work with appropriate involvement of the individual undertaking the work. The requirement for adequate resource specifically within off track is being addressed separately through the Depot improvement programme. We are continuing to monitor Network Rail actions.

Status: In progress. We expect to update RAIB by 30June 2015.

Recommendation 4

The intent of this recommendation is for Network Rail to examine if the role of responsible manager has been effectively implemented within its organisation.

Network Rail should establish if the requirement within NR/L2/OHS/019 issue 8 for non-cyclic safe systems of work to be approved by the responsible manager has been effectively implemented. In doing this it should specifically consider:

- how the requirement was promulgated throughout its organisation;
- the briefing and training of responsible managers; and
- other barriers to implementation.

It should develop a plan to implement any appropriate changes identified.

Actions taken or being taken to address the recommendation

3.   In its initial response on 29 November 2013 Network Rail provided the following information:

Network Rail are currently developing and testing a revised control of work process that fundamentally changes the process of planning, risk assessing, permitting, controlling and handing back all work undertaken on Network Rail infrastructure. New processes and roles will be implemented through use of new technology (e-permitting, integrated risk assessment and interactive mapping) that is widely used across other high risk industries and will result in provision of more suitable and user-oriented information at the point of work. Subject to a successful trial of the new processes, technology and roles, national implementation is expected January 2015.

Interim measures:

NR/L2/OHS/019 issue 8, section 5.2 clearly defines the role of the responsible manager and the delegated authority. The focus is now on the reviewing process of the returned SSOWP, to identify the reoccurring themes with regards to non-completion of the documentation. This will inform control of work process.
Timescale: 30 November 2014

ORR decision

Network Rail had provided a completion date of January 2015 for its proposed actions however, this has now been extended to April/May 2015 to take account of the work included in the P&DSW.

In addition, NR/L2/OHS/019 issue 8 is no longer appropriate. It is currently under review and being rewritten to reflect changes to the approval and monitoring of effective implementation of non-cyclic safe systems of work that will occur with the new Control of Work/epermit system being introduced nationally in January 2015.

Status: In progress. We expect to update RAIB by 30 June 2015.

6842358