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**HM Chief Inspector of Railways**  
Railway Safety Directorate



3 March 2020

Simon French  
Chief Inspector  
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Dear Simon

## **Overturning of a tram at Sandilands junction, Croydon, 9 November 2016**

I wrote to you on 4 December 2018 setting out our initial response to the recommendations in your investigation report "*Overturning of a tram at Sandilands junction, Croydon*" and subsequently provided further updates on 5 April and 25 June 2019.

In line with our agreement when you published your report, I am writing to provide you with an update on recommendations 2 to 8 that we have not yet reported as "implemented". Annex A and B contain full details on progress since June 2019.

As the health and safety regulator of the rail sector, it is our responsibility to respond when incidents take place on Britain's railways and tramways. We have continued during 2019 to monitor how tram owners, operators and infrastructure managers have considered and progressed the recommendations made in RAIB's report into the tragic Croydon tram overturning. A key part of this work has been our role in successfully establishing the Light Rail Safety and Standards Board (LRSSB).

The far-reaching and cross-sector nature of RAIB's recommendations continue to require the entire sector to work together to develop their understanding of risk and effectiveness of potential risk controls solutions, and consider how these will impact on their management of safety. We recognise that the outcome of this work may result in potentially significant and far reaching changes in how risk is managed.

ORR is a risk based health and safety regulator and as such our broad objective for these recommendations continues to be to ensure that tram dutyholders take the right actions in the right order with suitable pace.

We specifically want to ensure that:

- a. Reasonably practicable safety improvements are made, with a focus on improving control of risk and preventing (rather than simply mitigating) further accidents;
- b. Decisions are made based on sound evidence of the level of risk and the costs of intervention;
- c. Collaboration continues to occur to support consistent adoption of good practice and consensual decision-making around safety data, risk profiling and standards;
- d. Tram duty holders take collective ownership of the recommendations, but we hold them individually to account to make demonstrable progress.

Our programme approach to managing these recommendations has enabled us to consider the end implementer responses as part of their system approach to managing risk, and we believe this will provide a more effective approach to managing risk than considering each recommendation in isolation.

We expect the tramway sector to deliver continual improvement in the health and safety of passengers, workforce, and the public so as to achieve ORR's vision of "zero industry caused fatalities and major injuries to passengers, the public, and the workforce". Our Health and Safety strategies support this vision, and we published our strategy<sup>1</sup> for the tramway sector in April 2019. A key component of this strategy is that the sector look for opportunities to identify safety improvements, and take a proactive approach to embracing appropriate risk control technologies including from other transport sectors. We have observed the sector respond positively to this in the context of these recommendations, at both individual operator level and through the work of LRSSB. This is most clearly seen in the response to recommendation 4 concerning driver attentiveness. We have seen positive individual operator action, and the recognition at sector level for the need for further research to understand risk control effectiveness. This will assist them in determining whether more is required to be done to reduce the risk as low as reasonable practicable.

Overall, we consider that the sector has responded positively to the RAIB recommendations and has taken significant steps to improve the identification and control of risk. This has included the establishment of LRSSB; the development and roll out of an industry risk model and accident reporting database; and significant work around the development of systems to monitor driver attention and physical

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<sup>1</sup>ORR Strategy for regulation of health and safety risks – chapter 14: Tramways  
[https://orr.gov.uk/data/assets/pdf\\_file/0010/40888/tramways-health-and-safety-risks-strategy.pdf](https://orr.gov.uk/data/assets/pdf_file/0010/40888/tramways-health-and-safety-risks-strategy.pdf)

prevention of tram over speed at high risk locations. The table below summarises the overall progress made against each recommendation, by system.

### Recommendation summary

Rec	West Midlands	Blackpool	Croydon	Edinburgh	Manchester	Nottingham	Sheffield
1	Implemented	Implemented	Implemented	Implemented	Implemented	Implemented	Implemented
2	Implementation on going - awaiting sector risk report	Implementation on going - awaiting sector risk report	Implementation on going - awaiting sector risk report	Implementation on going - awaiting sector risk report	Implementation on going -awaiting sector risk report	Implementation on going - awaiting sector risk report	Implementation on going - awaiting sector risk report
3	Implemented	Progressing - trialling	Implemented	Implementation on going	Implementation on going	Implementation on going	Progressing
4	Implementation on going	Implementation on going	Implementation on going	Implementation on going	Implementation on going	Implementation on going	Implementation on going
5	Implementation on going - awaiting LRSSB Guidance	Implementation on going - awaiting LRSSB Guidance	Implemented	Implementation on going - awaiting LRSSB Guidance	Implementation on going - awaiting LRSSB Guidance	Implementation on going - awaiting LRSSB Guidance	Implementation on going - awaiting LRSSB Guidance
6	Progressing	Progressing	Implementation on going – LRSSB action o/s	Progressing	Progressing	Progressing	Progressing
7	Progressing	Implemented	Implemented	Implementation on going	Implemented	Implementation on going	Implemented
8	Implemented	Implemented	Implementation on going - awaiting Risk model outout	Implemented	Implemented	Implemented	Implemented
9	ORR regulatory strategy for tramways - implemented						
10			Implemented				
11			Implemented				
12			Implemented				
13			Implemented				
14			Implemented				
15			Implemented				

As indicated in Annex A, the importance of LRSSB’s role is illustrated by their contributions to delivering full implementation of several of the recommendations. Individual systems have taken significant action to implement the recommendation requirements, and any further action is dependent on the outputs of research and guidance led by LRSSB. Some of this work, and the pace at which it is delivered is dependent on the continued funding by DfT and active participation by the tram sector. We are aware of this, and closely monitoring the situation.

Finally, I want to update you with progress with the criminal investigation into the tram overturning. The British Transport Police (BTP) have concluded their investigation and the Crown Prosecution Service (CPS) subsequently concluded that they would take not forward any prosecution. The case has now been passed to ORR to consider under the Health & Safety at Work Act (HSWA). As a signatory to

the Work Related Deaths Protocol (WRDP)<sup>2</sup>, our policy in most circumstances is to only pursue prosecution after completion of an inquest<sup>3</sup>. We will therefore await the outcome of the inquest before making a final decision on prosecution. This position is explained in greater detail in our Enforcement Policy Statement<sup>4</sup>.

Yours sincerely,



**Ian Prosser CBE**  
**HM Chief Inspector of Railways**

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<sup>2</sup> Work Related Deaths Protocol (WRDP):  
[https://orr.gov.uk/\\_data/assets/pdf\\_file/0010/5797/Work-related-Death-Protocol.pdf](https://orr.gov.uk/_data/assets/pdf_file/0010/5797/Work-related-Death-Protocol.pdf)

<sup>3</sup> Memorandum of Understanding between Coroners' Society and  
ORR - [https://orr.gov.uk/\\_data/assets/pdf\\_file/0009/2988/mou-ORR-Coroners.pdf](https://orr.gov.uk/_data/assets/pdf_file/0009/2988/mou-ORR-Coroners.pdf)

<sup>4</sup> ORR health and safety compliance and enforcement policy statement  
[https://orr.gov.uk/\\_data/assets/pdf\\_file/0016/5650/health-and-safety-compliance-and-enforcement-policy-statement-2016.pdf](https://orr.gov.uk/_data/assets/pdf_file/0016/5650/health-and-safety-compliance-and-enforcement-policy-statement-2016.pdf)

