

Oliver Stewart
RAIB Recommendation Handling Manager



28 July 2026

Mr Andy Lewis
Deputy Chief Inspector of Rail Accidents

Dear Andy,

RAIB Report: Runaway and derailment of wagons at Toton on 17 January 2021

I write to provide an update¹ on the action taken in respect of recommendation 3 addressed to ORR in the above report, published on 20 December 2021.

The annex to this letter provides details of actions taken in response to the recommendation and the status decided by ORR. The status of recommendation 3 is **'Closed'**.

We do not propose to take any further action in respect of the recommendation, unless we become aware that any of the information provided has become inaccurate, in which case I will write to you again.

We will publish this response on the ORR website.

Yours sincerely,

Oliver Stewart

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

Recommendation 3

The intent of this recommendation is to reduce the risks posed by staff not following rules or operating procedures correctly.

DB Cargo should review its current arrangements for supervising, monitoring and auditing safety in the yards and sidings which it manages or controls. This review should determine if the arrangements are sufficient to:

- detect regular or routine non-compliance to rules and operating procedures;
- identify the extent and underlying cause of non-compliances; and
- produce appropriate corrective actions.

DB Cargo should identify and implement any improvements needed to these arrangements

ORR decision

1. DB Cargo has reviewed arrangements for supervising, monitoring and auditing safety in the yards and sidings which it manages or controls. The findings of the review have been used to strengthen the standards and procedures used to identify non-compliances. DB Cargo have provided ORR with two examples of out of hours checks to demonstrate how the process works and the output it produces.

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

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

Status: Closed.

Previously reported to RAIB

3. On 3 December 2025 ORR reported the following:

DB Cargo is conducting a review of competence management which is expected to be completed by the end of 2025, with a view to closing the recommendation by March 2026, subject to implementing any changes identified by the review. We will consider if the review adequately covers arrangements for supervising, monitoring and auditing safety in the yards and sidings and therefore controls the risks posed by staff not following rules or operating procedures correctly.

The current status of the recommendation is insufficient response, but on the basis of the update provided we consider the status to now be open and acknowledge the anticipated completion date of 31 March 2026.

Update

4. On 16 June 2026 DB Cargo provided the following update:

In our previous response we updated that Post incident DB Cargo reviewed its protocols in place for monitoring and detecting routine non compliance within yards and sidings and that work was undertaken to improve the standards and procedures in place at the time of the incident.

DB Cargo have now implemented out of hours visits checks to be completed by Operations Managers on the basis of one per 'on call week', which equates to around 4-5 per week, and these are recorded within the Health and Safety Monitoring System to ensure full records. We attach a copy of one of these inspections to this response (though please ensure these are not made publicly available).

Any non-conformances are alerted to the employees on site, any deficiencies on an individual basis are handled through the normal competence channels e.g. if vehicles were found to be incorrectly secured. We encourage our manager to give any positive feedback following the checks to ensure recognition of good behaviours too.

Operations Managers undertake unobtrusive assessments on a regular basis, one per operations manager per month, and any common issues are communicated through weekly safety calls and safety alerts where wide spread issues are identified.

This full system has been in place since January 2026, with elements of it being commonplace for much longer, and the checks have helped to identify specific issues and any patterns in issues which have led to relevant, root-cause targeted containment measures being put in place to prevent reoccurrence. Where the underlying cause has been identified as misapplication of rules due to misunderstanding, DB Cargo has worked directly with the employees on site to clarify, and where necessary, improve local documentation to ensure understanding. These checks have been implemented to support the normal competency assessment process.

The Operational Safety Leads (part of Safety Team) also undertake monthly audits in yards and sidings which include a dip sample of the check undertaken by frontline managers to ensure that what we think is happening, is actually happening.

Alongside all of this is, DB Cargo has implemented red lines which all employees, visitors and contractors must work within. DB Cargo's 'Golden Rule' within these, is Stop. Discuss. Resolve. Review. This rule gives the power to everyone to stop and challenge anyone they believe to be acting unsafely, regardless of grade. More information can be found on our website: uk.dbcargo.com/safertogether.

DB Cargo feel that these additional processes ensure that any misapplication or misunderstandings will be spotted and rectified early and thus, we feel that the recommendation can now be closed.

Previously reported to RAIB

Recommendation 3

The intent of this recommendation is to reduce the risks posed by staff not following rules or operating procedures correctly.

DB Cargo should review its current arrangements for supervising, monitoring and auditing safety in the yards and sidings which it manages or controls. This review should determine if the arrangements are sufficient to:

- detect regular or routine non-compliance to rules and operating procedures;
- identify the extent and underlying cause of non-compliances; and
- produce appropriate corrective actions.

DB Cargo should identify and implement any improvements needed to these arrangements

ORR decision

1. DB Cargo is conducting a review of competence management which is expected to be completed by the end of 2025, with a view to closing the recommendation by March 2026, subject to implementing any changes identified by the review. We will consider if the review adequately covers arrangements for supervising, monitoring and auditing safety in the yards and sidings and therefore controls the risks posed by staff not following rules or operating procedures correctly.

2. The current status of the recommendation is insufficient response, but on the basis of the update provided we consider the status to now be open and acknowledge the anticipated completion date of 31 March 2026.

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

- taken the recommendation into consideration; and
- is taking action to address it.

Status: Open.

Previously reported to RAIB

4. On 20 December 2022 ORR reported the following:

DB Cargo has provided a response setting out measures to improve the competence of relevant staff through training and improved monitoring. It is not clear how the actions described address the recommendation and we have arranged to meet DB Cargo to discuss.

Update

5. On 12 November 2024 DB Cargo provided the following update:

Following the previous responses given on the work that DB Cargo has already completed to address these recommendations, we have considered the feedback that our response to recommendation 3 has been deemed to be 'insufficient'.

DB Cargo wish to highlight that a fundamental part of our safety management system is how we manage and assess the competence of our operational staff. Our Safety Assurance Managers are responsible for scheduling annual assessments of Ground Staff and Drivers to ensure that they are working in accordance with any rules and procedures applicable to their roles and responsibilities, which are associated to the work that they are required to undertake. This takes the form of an "on the job" assessment to assess how an individual completes the work and are unobtrusive and obtrusive.

Within our assessment of competence procedure, our Safety Assurance Managers are required to provide assessment scores to assess compliance in these areas, with any areas for improvement being identified and recorded. Those that are not compliant are either re-briefed immediately, or depending on the findings, they may be required to undertake a structured corrective action plan, to ensure that their competence and their application of rules and procedures is managed.

I can also advise that we have recently undergone a restructure within our safety team, which has included several new senior appointments. As such, I feel that considering the feedback, our assessment of competence procure would further benefit from a fresh review. This has already commenced, and I can advise that DB Cargo are acting as follows:

- 1. We have identified potential opportunities to complete further verification of competence checks on those assessing staff in safety critical operational roles. This will provide greater levels of assurance and standardisation across DB Cargo sites by ensuring that those that complete the assessments of staff (Safety Assurance Managers), are correctly monitoring and identifying when staff are not completing a task in accordance with a rule or procedure. To implement this further change (and any other identified changes), we believe this will involve some role specific changes, therefore our time bound plan is scheduled to complete by April 2025, to allow for consultation and training needs to commence and conclude. This is also in our 2025 safety plan.*
- 2. We have identified two posts within the central safety team (Operational Safety Leads) who will be required to complete regular compliance checks on the records and training plans that are associated to the assessment of competence procedure, to provide assurance that regular assessment cycles are being completed and any identified corrective plans are being documented and completed.*

6. On 13 October 2025 DB Cargo provided the following update:

DB Cargo reviewed its protocols around supervision, monitoring and audit, and work was undertaken to further improve the standards and procedures in place. Specifically, we now have a dedicated Audit manager who conducts internal audits, including operational audits. Organisationally, the Central Safety Team has been arranged so we have a dedicated Operational Safety team, with relevant operational competence and experience, and an Occupational Health and Safety team. The Central Safety Team have an ongoing site inspection plan, in which securing of rail vehicles is a specific element to the operational inspection. There are a minimum of 24 site inspections planned by the Operational Safety Team in 2025.

The DB Cargo Regional Operations Managers (ROM's) also carry out documented site inspections. As of 10/25 this process is in review. Once complete the proposed changes to the process should provide further assurance going forward.

DBC are also an active contributor to the RSSB Freight Safe Programme, and during 2025 have been running an internal wagon vehicle securing project. One of our Operational Safety Leads is actively contributing to the project looking at train preparation.

We also launched our Stop. Discuss. Resolve. Review. campaign in 2022, which stresses the importance of stopping either your own actions or those of others if something doesn't seem right. That power is given to all staff, to prevent any hierarchical blocks when it comes to safety and our safety comms today still push the campaign motto to encourage people to speak up.

Further work is also currently being undertaken on location management and competence management due for completion December 2025 respectively to further underpin the work completed immediately following the incident and demonstrates DB Cargo's dedication to continuous improvement.

Following the above, DB Cargo submit that Rec 2 has sufficient evidence to close, and Rec 3 is In Progress, whilst we await the finalisation of the competence management review at the end of 2025. We would anticipate that we would be in a position to provide a closing statement by March 2026, once any updates or improvements have had time to be implemented, settled and verified.

