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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 Stoats Nest Junction on
12 June 2011**

I write to provide an update¹ on the action taken in respect of recommendation 1 addressed to ORR in the above report, published on 6 August 2012.

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 1 is '**Implemented**'.

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 on 19 April 2021.

Yours sincerely,



Oliver Stewart

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

Recommendation 1

The intent of this recommendation is to achieve, as soon as reasonably practicable, full implementation of processes intended to ensure that managers do not undermine the safety related responsibilities of controllers of site safety.

Network Rail should develop a time based programme which expedites the implementation of its existing activities designed to improve safety culture and qualities of safety leadership for:

- a. track maintenance staff; and
- b. their managers.

Activities covered by this programme should include steps to enhance the quality of safety leadership provided by the COSS, and to address the behaviour of managers when working on site such that this role of the COSS is not undermined

ORR decision

1. Network Rail has reviewed and made changes to how it trains staff and contractors with safety leadership responsibilities, including safety critical communication, risk perception and leadership. The changes made are aimed at improving safety leadership and safety culture on site, so the COSS is better equipped to make decisions on site which may have an impact on the safety of those working on track. PTS and other courses will also include sessions on how to challenge effectively – i.e. not to undermine roles such as COSS.
2. Part of Network Rail's original response relied on improvements that were to be delivered by Planning and Delivering Safe Work. These were never realised as intended. ORR has therefore delayed its decision until it had confidence that Network Rail had done more than the NTS skills referred to in the very first response. We are satisfied that the latest training for track safety skills as well as the safety culture work underway, will deliver the intent of this recommendation.
3. We have come to this decision based on regular progress meetings we have with Network Rail to discuss workforce safety in general and its response to our Improvement Notices in particular. These meetings have described changes to training and guidance to promote better safety leadership and a safety culture programme which is underway. These initiatives are, by their nature, continuously refreshed and reimagined – so are never completely 'implemented'. ORR is satisfied that sufficient has been done in this area that the recommendation can be considered implemented.
4. 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. On 15 February 2013 ORR reported the following:

Network Rail has indicated that it has developed and commenced three time based programmes (COSS non-technical skills programme – to commence in December 2012, Safety (Leadership) Conversations Programme and Managing Site Safety Programme) of activities to improve safety culture and qualities. In addition Network Rail has launched its Life Saving Rules Programme which encompasses all track maintenance staff.

ORR notes and is fully supportive of the Network Rail policy of including non Network Rail staff in its COSS NTS programme. ORR will monitor Network rail's implementation of the programmes.

Update

4. On 18 December 2018 Network Rail provided the following closure statement:



Stoats Nest 1
closure.pdf

5. Network Rail state in summary the following:

Network Rail launched the COSS Non-Technical Skills (NTS) Programme in January 2013 internally and June 2013 to the wider industry with 7,000 COSSes having attended the Development Day by May 2014. Attendance at the Development Day was prioritised towards those businesses/COSSes most likely to fulfil a supervision role beyond 2014.

The Planning & Delivering Safe Work programme has devised a new role of Safe Work Leader as the single accountable person for planning and safely delivering all work on or about the line. The SWL replaces the role of COSS and is being implemented progressively across all routes and activities starting in Anglia in September, with national rollout complete by January 2015.

The Lifesaving Rules (introduced in June 2012) have been accompanied by guidance for line managers on how to apply the fair culture consequences model in promoting compliance and acting when breaches are reported. That guidance is further enhanced in the material to accompany the refreshed rules being launched on 31 July 2014.

All of the most senior leaders in the business have been invited to the Leading Safety Conversations training to help them hold good safety conversations. By May 2014, just seven senior leaders remained to be trained and work continued to schedule their attendance.

The Managing Site Safety programme was delivered to all Maintenance Team Leaders over 2 years until 2011. As the programme was developed we recognised its value was largely by targeting it to Maintenance Team Leaders only, so the target audience was less than originally anticipated (3675 trained and a small number of places still being booked).

Continuing implementation of the Safety Leadership and Culture Change programme, two further development programmes have been developed and are now underway. Managing.

Safety conversations is targeted at the business leaders in the tier below those involved in the 'Leading safety Conversations' programme. Active Safety Management is an interactive programme started in June 2014 that includes non-technical skills and will cover staff across the business in all frontline leadership roles. In addition, all those in key line management roles will be involved in safety leadership assessment through the SAFE project for which the pilot started 7 July 2014.

Previously reported to RAIB

Recommendation 1

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- a. track maintenance staff; and
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Activities covered by this programme should include steps to enhance the quality of safety leadership provided by the COSS, and to address the behaviour of managers when working on site such that this role of the COSS is not undermined

Summary

2. Network Rail has indicated that it has developed and commenced three time based programmes (COSS non-technical skills programme – to commence in December 2012, Safety (Leadership) Conversations Programme and Managing Site Safety Programme) of activities to improve safety culture and qualities. In addition Network Rail has launched its Life Saving Rules Programme which encompasses all track maintenance staff.

3. ORR notes and is fully supportive of the Network Rail policy of including non Network Rail staff in its COSS NTS programme. ORR will monitor Network rail's implementation of the programmes.

Actions being taken to address the recommendation

4. Network Rail provided the following information on 30 October 2012.

Network Rail is currently developing the COSS Non-Technical Skills (NTS) Programme. This is aimed at incorporating non-technical skills (e.g. exhibiting the required behaviours) training and development into the COSS selection process as well as technical competence. Details of this have already been shared with ORR Inspectors – Martin Cooke, 15/08/12 and Daniel Bulcock, 05/09/12. The COSS NTS Programme will affect both new and existing COSSes, and will focus on the following skills associated with the effective practice of COSS duties:

- *Conscientiousness i.e. following the Rules no matter what*
- *Working With Others;*
- *Communications (including Conflict and Challenge);*

- *Willingness and Ability to Learn;*
- *Planning and Decision Making.*

The NTS Programme will deliver a Leadership Day for all new COSS entrants, and will provide a Development Day for all existing COSSes. The training programme will focus on the development and practice of these non-technical skills, but will also involve some situational and preferred work-styles analysis so that the individual builds an awareness of their areas for improvement as well as building a Development Plan to support progress. Set criteria, such as an individual's risk excitement, are expected to result in some candidates being identified as not suitable to hold a COSS competence

By reinforcing core non-technical skills in the individuals within Network Rail's workforce and those within the contracting fraternity, individuals will be armed with the skills to manage challenge and to make decisions in accordance with the technical rules, in both planned and unplanned situations.

As discussed with the ORR, the COSS NTS training and assessment programme will go-live for existing COSSes from December 2012 and it will be available to all new entrants and industry-wide by 30 June 2013. The attached process and timeline elaborates in further detail.

Our Vision for Safety and Wellbeing, launched in Summer 2012 reinforces safety as being at the core of everything we do. Our allied 11 Lifesaving Rules include one that clearly lays out the expectations for 'having a valid safe system of work in place before going on or near the line'. Supporting the Lifesaving Rules is a programme to implement a 'Just Culture' through the application of a consequences model where there are appropriate consequences associated with non-adherence to a Lifesaving Rule depending on the circumstances/behaviour that led to the breach. Most of the outcomes from the consequences matrix lead to support, training and other positive reinforcement of better decisions. The Lifesaving Rules are designed to support those who are faced with performance/safety decisions to enable them to make good safety decisions.

This is further reinforced by the launch of the Safety (Leadership) Conversations Programme – where training started in August 2012. The purpose of the Programme is to develop managers into accepting challenges on safety and holding good safety conversations to reinforce safety when performance is also an issue. Improving the skills of the managers to hold safety conversations with the workforce will help to reinforce the message of 'safety first'. We are committed to delivering training to the first 90 executive and senior leaders by December 2012 and to have reached all 450 by June 2013.

Front Line Supervisors are currently undergoing a Managing Site Safety Programme which focuses on non-technical skills development; so that Front Line Supervisors can support and reinforce COSSes in making good safety decisions to implement the most appropriate safe system of work. 2515 front line supervisors have

completed this programme in the last 12 months, and the remaining 2000 will be trained during 2013

ORR decision

5. ORR in reviewing the response and considering the documents provided by Network Rail has concluded that in accordance with the Railway (Accident Investigation and Reporting) Regulations 2005, it has:

- taken the recommendation into consideration; and
- is taking action to implement it
 - ORR continues to monitor the actions and will report again to RAIB if we become aware of an inaccuracy in what we have reported.

Status: Network Rail is taking action to implement the recommendation.