

**Oliver Stewart**  
**RAIB Recommendation Handling Manager**  
T: 020 7282 3864  
M: 07710069402  
E-mail [oliver.stewart@orr.gov.uk](mailto:oliver.stewart@orr.gov.uk)

27 May 2021

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

Dear Andrew,

**RAIB Report: Unsafe events at Heathrow Tunnel Junction on 27 and 28 December 2014**

I write to provide an update<sup>1</sup> on the action taken in respect of recommendation 1 addressed to ORR in the above report, published on 16 December 2015.

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 1 June 2021.

Yours sincerely,



Oliver Stewart

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<sup>1</sup> 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 a more effective balance between audits of safety related paperwork and direct observation of on-site safety behaviour which would not be detected by a paperwork audit.*

Network Rail, liaising with Principal Contractors, should review management systems for monitoring railway safety arrangements on major construction sites not separated from the railway by a permanent barrier. The review should identify any improvements needed to ensure that, in addition to appropriate auditing of paperwork after completion of shifts, the management systems promote sufficient direct observation of on-site activities and workgroup questioning to give adequate confidence that mandated safe systems of work are being correctly implemented throughout each shift. Network Rail should then implement any improvements identified by the review.

## ORR decision

1. Following Network Rail's reopening of this recommendation it submitted an additional closure statement and supporting evidence in February 2018. In particular, this stressed that a range of physical checks, rather than paper-based audits, had been mandated across all of its supply chain – as envisaged by the recommendation.
2. However, ORR had evidence from inspection activity carried out that year that Network Rail's level 1 and level 2 assurance processes were not consistently well implemented. This was emphasised by the weaknesses in understanding of the 019 standard that were revealed by Margam, South Hampstead and other incidents. We were not satisfied that we could agree that there was the required scrutiny and confirmation that safe systems of work were being consistently correctly adopted.
3. Since then we have held a number of discussions with Network Rail – relating to several RAIB recommendations about workforce safety – as well as regular meetings to monitor progress against ORR inspection findings about the effectiveness of its assurance regime. It has described to us the development and adoption of the 'GRAI' model for assurance across its business: linking Governance, Responsibilities, Assurance and Improvement activities to deliver strengthened compliance with its HSMS.
4. The outputs have been described in detail in relation to other RAIB recommendations – but progress has been sufficient for us to accept that there is reason to be confident that real-time, on-site monitoring of work sites takes place.
5. 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

6. ORR reported this recommendation as 'Implemented on 14 February 2017. However, we confirmed to RAIB on 13 April 2017 by e-mail that Network Rail had advised us that they had re-opened the recommendation because when they reviewed it they were not completely satisfied with the actions they had taken to mitigate the risk and were developing a new action plan. On that basis we too re-opened the recommendation on our system as a live rec with a recommendation status of "Implementation ongoing".

### Update

7. Network Rail provided a closure statement and supporting evidence on 2 February 2018 with the following information:

*STE Workforce Safety Team would like to seek a closure acceptance for this recommendation. Network Rail has extensively reviewed and as a result re-shaped the Planning and Delivering Safe Work Programme. The Programme has been reshaped and is now delivering a number of the original core principals in a different and far more inclusive and engaging manner.*

*To achieve this Network Rail has reviewed and revised the standard Safety of Staff at work on or Near the Line (NR/L2/OHS/019) - copy attached The review identified the need to deliver:*

- a. A single controlling mind on site*
- b. That single controlling mind to be involved in planning of work*
- c. The need for task risk to be included*

*The standard has introduced stronger monitor arrangements to check that the planning activity undertaken by a safe work Leader or Engineering Supervisor are undertaken correctly. Where errors are found these are fed back into the planning system. The briefing for the role out of the new standard Safety of Staff at Work on or Near the line have been strengthened to focus those being briefed on the need to check that work is undertaken correctly and that the need for any changes are fed back into the planning system to enable lessons to be learnt. (See attached material)*

*In undertaking the review of Planning and Delivering Safe Work we reviewed the competency requirements for Controller of Site Safety, Safe Work Leader and Engineering Supervisor. We have not changed the competencies as we recognised that the weaknesses were in the monitoring regimes and hence altered the arrangements in standard Safety of Staff at work on or Near the Line (NR/L2/OHS/019).*

*Following the work completed by the review team set up to consider this recommendation, Which included ISLG members, Principal contractors and members from NR Major Projects, in coming up with the proposals in the attached*

*(item 01), which are very detailed and explain the process which have been followed in working through the recommendation action plan. NR Routes and Infrastructure Projects both Contractors and NR Management staff have held discussions and workshops, some of the output is attached in the report, which have identified a number of steps to be followed to achieve a consistent method of direct observations and recording of such.*

*The STE Workforce Safety Team have Identified that the current standards applied to Planned General Inspections and Safety Tours are not mandated on the IP Contractor Projects, The requirements for Infrastructure Projects (IP) to carry out PGSI or Safety Tours apart from the NR Staff working on the projects, is contained within IP Contractors own Project Management Programme for PGSI and Safety Tours to comply with written within project H&S Plans.*

*To enhance all the work currently in place with the improvements in Safety of People at work on or near the line NR/L2/OHS/019 Standard and the availability of the Various NR forms, It is the intention of the STE Workforce Safety Team to improve the current referenced standard from a MTC Level 3 to a Corporate L2, which will then be incorporated into All Business Units to apply a consistent approach. This will follow the normal Standard process within NR and could take up to 12 months for a remit and standard to be agreed and published.*

*In mitigation to support the request, NR/L2/OHS/019, Safety of People at Work on or Near the Line, has improved how site activity risks are managed as well as from contact with trains, with the introduction of the requirements of the COSS/SWL to be involved in the planning and the appointment of 'a Person in Charge' PIC, who hold a COSS/SWL competence who will understand the whole picture of the site of work, and self-assurance and monitoring, whilst we complete the necessary work to propose changing the standard available from a MTC L3 to a Corporate L2.*

**Previously reported to RAIB****Recommendation 1**

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