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6 August 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 update¹ on the action taken in respect of recommendation 3 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 3 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 9 August 2021.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Oliver Stewart', written in a cursive style.

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 risks associated with a COSS being the only route by which railway safety information is provided to their workgroup. It applies only on relatively large construction sites on which it is practicable to provide such information.

Network Rail, liaising with Principal Contractors, should identify and provide a process for implementing, where practicable, improved arrangements for communicating safe working limits to all workers on large construction sites not separated from the railway by a permanent barrier. This communication, such as signage highlighting lines which have recently reopened, should increase the likelihood of staff recognising and then challenging the proposed safe system of work

ORR decision

1. Network Rail has collaborated with its Principal Contractors to produce good practice guidance for communicating safe work limits on work sites not separated from the live railway by a barrier.
2. Changes have been made to Engineering Supervision (ES), COSS and PTS training aimed at improving communication of safe work limits. Network Rail have also made changes to standards to take account of the CDM regulations 2015 and to improve clarity of technical content, role responsibilities and accountabilities.
3. 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

4. On 4 August 2016 ORR reported that it was content that the action plan presented by Network Rail would address the intent of the recommendation and that action would be taken by 31 January 2017.

Update

5. Network Rail provided the following closure statement on 15 June 2021:



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6. Network Rail state the following:

Network Rail collaborated with the Infrastructure Safety Liaison Group (ISLG) who represent the Principal Contractor (PC) community, to establish good practice arrangements for improved arrangements for communicating safe working limits to all workers on large construction sites not separated from the railway by a permanent barrier.

ISLG produced a good practice guide that they issued (see appendix).

Since the incidents at Heathrow, COSS Initial and recertification training has been updated to ensure correct briefings are given on the working limits. PTS training has also been updated which includes understanding what a briefing from a COSS should contain and how to challenge anything they do not have understood or safe systems of work. The Worksafe standard has also been updated. Throughout all the Track Safety training over the last 4 years the PTS and COSS training have been amended to encourage better behaviours on site and how to challenge anything that staff do not feel is safe.

In November 2017 Engineering Supervisor (ES) training was updated (version 25.0), this included understanding and explaining the safe working limits.

A further review of the ES role was held in a working Group in March 2019 which looked to see if any further improvements to training was required; including worksites and how staff come to the understanding that the line is clear for the passage of trains as per rule book and 019 requirements etc. Although no changes were required around safe working limits ES training is always subject to an annual review.

Several Network Rail Standards have been updated since this recommendation including:

NR/L2/OHS/019 Safety of People at work on or Near the line (introducing enhanced clarity and accountability to specific roles).

NR/L2/OHS/0044 Planning & Managing Construction Work (Section 12 focuses on Assurance Reviews). The standard applies to all construction work undertaken by or on the behalf of Network Rail, and covers any asset owned, managed, or occupied by Network Rail.

This standard provides a framework for recording arrangements made during the planning and management of construction work and specifies the content, order and minimum information headings for:

*Construction Phase Plan (CPP)
Work Package Plan (WPP)
Task Briefing Sheet (TBS)*

This standard was changed to reflect the Construction (Design and Management) Regulations 2015. The whole standard has also been revised to improve clarity of technical content, role responsibilities and accountabilities. The following are key changes:

- 1. Standard is now Level 2 new reference: NR/L2/OHS/0044.*
- 2. Re-defined its scope, and now explicitly applies to all construction work, and helps comply with CDM 2015.*
- 3. Provides a means for cross functional working. This applies to the whole of Network Rail and contracting community. It also gives a means for the use of the Risk Control Manual.*
- 4. Provides clearer guidance on significant risk.*
- 5. The standard gives greater emphasis on competence management to sign off documents and document control; and*
- 6. The standard give more emphasis on planning; mandates Business Units measure the 21-day criteria for submitting significant risk WPPs, while giving flexibility in a devolved business to manage its own risk and set its own requirement/s.*
- 7. Reviewed and revised the CPP, WPP and TBS templates.*
- 8. The templates have a cascade of information from CPP, WPP and the TBS.*
- 9. Provided a structure for significant risk WPP's to be identified and scheduled earlier in the planning process.*
- 10. Mandated significant risk WPP's are required to be submitted 21 consecutive days in advance of the work commencing or otherwise agreed in advance.*
- 11. Mandated TBS's are required to be provided a shift in advance of the work.*
- 12. TBS requires the preparer to detail information so they can be contacted by site staff.*
- 13. Removed the risk assessment process in the TBS template, and provided a more robust process for escalation, including site condition amendments; and*
- 14. It has the previous job titles removed. It now cross references the Network Rail CDM Plan, Engineering Standard NR/L2/INI/02009, and NR/L2/OHS/0047.*

Summary

Having reviewed all the evidence shown and explained above, those planning the work and setting up the sites safe systems of work have clear instruction about how to communicate the safe working limits to all workers on large construction sites not separated from the railway by a permanent barrier. This is now included in the Construction Phase Plan (CPP), Work Package Plan (WPP) and Task Briefing Sheet (TBS). The ISLG good practice guide also offers guidance on the different types of Systems of Demarcation available.

Appendix

Below is a sample of text from the good practice guide:

To help describe the application of CDM roles and responsibilities, a series of generic project and site scenarios have been established that enable the effective planning of site arrangements necessary for the safe execution the work for each individual project. These arrangements are documented within the respective CDM Implementation Plans with project and site-specific arrangements being further communicated via the Pre-Construction Information and the Construction Phase Plan.

The Construction (Design and Management) Regulations 2015 'L series' guidance states:

"There can only be one Principal Contractor for a project at any one time. However, sometimes two or more projects take place on a site at the same time. This can occur if different clients commission adjacent works or if a client procures two truly independent, unrelated packages of work which do not rely upon one another for their viability or completion.

Where overlapping projects are running on a single construction site, it is best to appoint one Principal Contractor for them all. If this is not done, all the principal contractors must co-operate, and their plans must take account of the interfaces – for example in traffic management.

If there are circumstances where there is more than one Principal Contractor he reasons will be documented and the respective CDM Implementation and Construction Plans will document the specific arrangements, demarcations and agreements between the Principal Contractors who need to share a site and/or work adjacent to each other.



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Previously reported to RAIB

Recommendation 3

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Network Rail, liaising with Principal Contractors, should identify and provide a process for implementing, where practicable, improved arrangements for communicating safe working limits to all workers on large construction sites not separated from the railway by a permanent barrier. This communication, such as signage highlighting lines which have recently reopened, should increase the likelihood of staff recognising and then challenging the proposed safe system of work

ORR decision

1. ORR is content that the action plan presented by Network Rail will address the intent of the recommendation.
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
 - is taking action to implement it by 31 January 2017.

Status: Implementation ongoing. ORR will advise RAIB when actions to address this recommendation have been completed.

Information in support of ORR decision

3. On 20 May 2016 Network Rail provided the following initial response:

Network Rail will collaborate with the Infrastructure Safety Liaison Group (ISLG) to establish best practice arrangements for improved arrangements for communicating safe working limits to all workers on large construction sites not separated from the railway by a permanent barrier.

A good practice guide will be produced by Network Rail and issued by ISLG.

Review – Phase 1

Network Rail will collaborate with the Infrastructure Safety Liaison Group (ISLG) to undertake this review. This may involve creating a working group/focus group consisting of ESs, and COSSs. We will also get input for our ergonomics specialists and will research further what technological solutions, barriers, signage, revised RT3199 we can implement. This information will then be reviewed to evaluate the options and feasibility to develop an alternative improved working method/communication; introducing new or existing technology.

Develop Solution – Phase 2

With output of the Phase 1, we will produce a guide/instruction that will be issued by ISLG as a “good practice guide”.

Depending on the outcome of Phase 1, feasible solutions produced may include the use of existing and new technology for particular construction sites. The review will identify good practice solutions that can be issued across the industry.

Target completion date: 30 September 2016

Plan implementation and Trial – Phase 3

Although a formal trial plan will need to be developed (trial length and number of sites, etc) we aim to begin trialling the “new work method” on large construction site no later than September 2016. We will work with our IP colleagues and ISLG to identify worksites and businesses that can suitably resource the trial. ISLG and Network Rail (Rupert Lown Network Rail, and Stuart Webster-Spriggs; ISLG Chair will be accountable for the trial and producing the trial report with recommendations.

Target completion date: 1 November 2016 (TBC: approx. 8 weeks of trials)

Implementation – Phase 4

Implementation will be determined following the trial feedback and recommendations received. When implementing the ‘new method of control’ Network Rail and ISLG will consider what ‘priority’ it will have i.e. whether it should be mandated or under what situation should the new ‘guide’ be used, and how it should be phased into BAU. In doing this ISLG and Network Rail will need to consider training or briefing (to be considered in phase 3).

Target completion date: 31 January 2017