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31 March 2022

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

Dear Andrew,

RAIB Report: Track worker struck by train near Roade, Northamptonshire, 8 April 2020

I write to report[1] on the consideration given and action taken in respect of the recommendations addressed to ORR in the above report, published on 9 June 2021.

The annex to this letter provides details of actions taken in response to the recommendations and the status decided by ORR. The status of recommendations 1, 2 & 3 is **'Implemented'.**

We do not propose to take any further action in respect of the recommendations, 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 5 April 2022.

Yours sincerely,

Oliver Stewart

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

Initial consideration by ORR

1.   All 3 recommendations were addressed to ORR when the report was published on 9 June 2021.

2.   After considering the recommendations ORR passed recommendations 1 & 2 to AmcoGiffen and recommendation 3 to Network Rail asking them to consider and where appropriate act upon them and advise ORR of its conclusions. The consideration given to each recommendation is included below.

3.   This annex identifies the correspondence with end implementers on which ORR's decision has been based.

Recommendation 1

The intent of this recommendation is for all AmcoGiffen staff to maintain sufficient levels of competence.

AmcoGiffen should develop and implement formal performance monitoring and appraisal arrangements for identifying and developing the ongoing safety performance and competence of its work force, at all grades. The procedure should include elements of proactive monitoring of staff performance and competence, identify areas of concern, define development needs and monitor their implementation. Suitable information about staff should be made available to all relevant managers across the business

ORR decision

4.   AmCo has devised a "Performance Development Review" (PDR) process for it's employees, including site operatives, and provided evidence that implementation is underway. A proforma has been developed for documenting annual PDR conversations, which prompts a documented review and discussion of topics such as current and future training requirements, non-technical skills (NTS) and safety performance (the latter including consideration of any safety related incidents that an operative has been involved in).

5.   Appropriate safety related behaviours are described in a "ratings guidance" document supporting this process, and an explanatory guide for managers has also been devised. A "Skills ID" process focussing on technical competence has also been developed and improvements in COSS competence specifically targeted through the development of a "COSS Academy". Roll out of both these activities began in 2021.Completion of and adherence to their PDR and related processes by line and site managers is tracked by HR.

6.   AmCo has additionally increased the number of Rail Systems Managers (RSMs) that they employ, with newly appointed regional RSMs overseen by a Senior RSM. The RSM role involves delivery of internal training and mentoring on std 019 issues and, in conjunction with the SHEQ team, planning and delivery of proactive staff surveillance announced and unannounced) using a newly developed "std 019 audit template". AmCo also have arrangements in place for tracking and

documenting staff surveillance outcomes and actions arising, in the event of any negative findings.

7.   In respect of ensuring the provision of suitable information "about staff" to "all relevant managers across the business" AmCo state that information on safety performance will be taken from PDR records and added to newly developed "safety performance pages" which will be used to run reports for line/project management.

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

- taken the recommendation into consideration; and

- has taken action to implement it

Status: Implemented.

Information in support of ORR decision

6.   On 17 September 2021 AmcoGiffen provided the following initial response, which was supplemented by further information provided in response to queries arising:

The first recommendation from the report was;

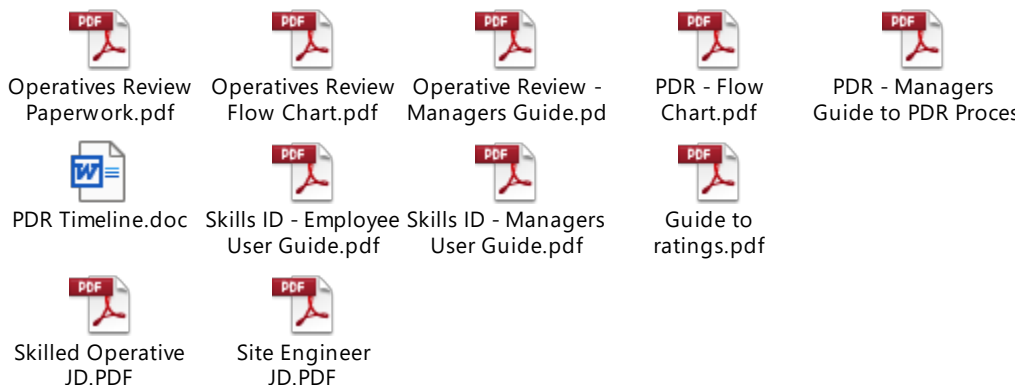*1. The intent of this recommendation is for all AmcoGiffen staff to maintain sufficient levels of competence*

We have then broken down the remaining text into three parts;

1.1 AmcoGiffen should develop and implement formal performance monitoring and appraisal arrangements for identifying and developing the ongoing safety performance and competence of its work force, at all grades

AmcoGiffen has developed a Performance Development Review (PDR) process that is being rolled out across all grades throughout the business. The following documents are enclosed to illustrate this:

- *Operative Review Paperwork*
- *Operative Review Flow Chart*
- *Operative Review – Managers Guide*
- *Staff Review Cascade Page Screen Shots (within Managers Guide to PDR process)*
- *PDR Review Flow Chart*
- *Managers Guide to PDR process*
- *PDR Timetable*
- *Example job descriptions*
- *Skills ID Employee User Guide*

- *Skills ID Manager User Guide*
- *Guide to employee ratings*

Operatives Review Paperwork.pdf   Operatives Review Flow Chart.pdf   Operative Review - Managers Guide.pd   PDR - Flow Chart.pdf   PDR - Managers Guide to PDR Proces

PDR Timeline.doc   Skills ID - Employee User Guide.pdf   Skills ID - Managers User Guide.pdf   Guide to ratings.pdf

Skilled Operative JD.PDF   Site Engineer JD.PDF

The PDR process has been designed using two formats. Staff employees will carry out their PDRs utilising Cascade (the business' chosen HR system) and operative employees will carry out their PDRs using paper documentation which will then be electronically stored.

The rollout process began in July 21 when Operative PDR paperwork was sent, via post, to all operatives along with a job description specifying accountabilities, behaviours, technical competencies and key tasks for their specific role. Employees are required to sign their job description as an acknowledgement of understanding their responsibilities within it. Staff (who also received their job descriptions by post) will be given access to their PDR pages on Cascade w/c 9 August.

All will have the opportunity to familiarise themselves with the PDR process, discuss their job descriptions with their line managers and have informal one to one conversations in line with the PDR process, from the above dates to the end of the year. The formal PDR process timetable will commence in January 2022 in line with the enclosed timetable.

1.2 The procedure should include elements of proactive monitoring of staff performance and competence, identify areas of concern, define development needs and monitor their implementation.

Training will be provided to managers, staff and operatives on how to complete the documentation, carry out a PDR conversation, and effectively challenge performance across all areas using SMART objectives.

A significant investment has also been made to enrol 200 managers in the STAR manager programme. This first part of the programme is all about adopting new behaviours on the way to developing a more engaging style of management to develop the situational awareness and the confidence to have great conversations with their team members every day and in the moment.

The second part of the programme is then enabling managers to have more structured developmental conversations with their team members. Further information on the programme is attached.

HR Managers and Business Partners discuss performance, both technical and behavioural, at their monthly HR meetings with their internal stakeholders. People Plans are updated to reflect any notable information. This monitoring process is ongoing to ensure performance improvement is achieved.

1.3 Suitable information about staff should be made available to all relevant managers
across the business

HR will collate all PDRs for the use of gathering training and development information. Information will be shared via the People Plans, at the relevant level of the organisation, relating to performance and succession using information gathered via the PDRs.

Skills ID, which was rolled out in the first quarter of 2021, will continue to be used to hold technical competence information. This can be viewed by employees and managers and shared across relevant managers where required to understand technical competency levels across the business.

Later in the letter we explain our assurance process, with particular focus on Network Rail standard 019, safety of people at work on or near the line audits. Currently these audits are collated and analysed by project. Out next step is to also analyse these audits by the individual staff members with roles under the 019 standard which will also drive the checking of behaviours of team members on site. This will then allow the manager undertaking a PDR to review the audit reports relevant to how the staff member has performed in their duties under the 019 standard. This also recognises that the manager conducting a PDR might not be familiar with the staff member or indeed their previous manager in the case of a transfer to a different site.

Recommendation 2

The intent of this recommendation is to ensure that AmcoGiffen assures itself that new projects and sites are operated in a safe and compliant manner.

AmcoGiffen should review the management arrangements and resources that are intended to ensure that work is planned, undertaken and reviewed in compliance with its safety management systems, particularly in the early stages of establishing new projects and sites of work. It should implement any changes identified as being necessary to provide adequate assurance of compliance

ORR decision

9.   Relevant management arrangements have been reviewed by AmCo since the incident, including processes and procedures described in the documentation listed below:

- HS66 – Safety of People at Work on or near the Line
- HS47 - Health, Safety, Quality and Environmental (HSQE) Inspections

- Q04 - Audits and Inspections

10.   Whilst the main focus has been on reviewing HS66 and related processes, HS47 and Q04 have also been reviewed and combined to reduce duplication and improve clarity.

11.   As a result of these reviews HS66 has been amended and updated and improvements made to supporting processes. The Safe Work Pack (SWP) request form has been updated to provide greater detail and specificity of TWS arrangements and a "line blockage" request template developed. The latter requires evidence that protection staff (such as site wardens) have been ordered as necessary and senior management approval before work can begin. Changes have also been made to the SWP register to incorporate evidence of "senior management assurance checks".

12.   In addition, a tablet based SWP system has been introduced, allowing the tracking of the SWP lifecycle from drafting to archiving, enabling closer scrutiny of SWP related KPIs. This is supplemented by the ongoing use of an updated tracker for the few paper SWPs that still remain.

13.   Regional Std 019 Champions (reporting to the newly recruited Rail Systems Managers), have been appointed and meet on a monthly basis to discuss issues and share lessons learned, with similar arrangements introduced for planners.

14.   Internal auditor numbers have also been increased and paper-based inspection and audit templates are gradually being replaced with online templates and tracking systems. These include a newly developed railway safety (std 019) template as well as one for more general "Site SHEQ" inspections. Both have open questions which, in combination, address issues highlighted by RAIB. Regional Representatives of Employee Safety (ROES) (who are involved in the delivery of site inspections) have also been appointed and are identified at the outset of every project through use of a standard "Contract Start-up Meeting Agenda" template.

15.   Finally, in respect of ensuring sufficient focus on the "early stages of establishing new projects and sites of work" AmCo have so far focussed on reviewing and standardising site set-up arrangements. However, they also have plans in place to ensure that auditing and inspection is targeted at the outset of every project, to ensure the adequacy of TWS arrangements in particular, as intended by the RAIB recommendation.

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

- taken the recommendation into consideration; and

- has taken action to implement it

Status: Implemented.

Information in support of ORR decision

7.　　On 17 September 2021 AmcoGiffen provided the following initial response, which was supplemented by further information provided in response to queries arising:

The second recommendation was;

2. The intent of this recommendation is to ensure that AmcoGiffen assures itself that new projects and sites are operated in a safe and compliant manner.

We note the reference to paragraph 97 and subsequent paragraphs that deal with compliance with NR/L2/OHS/019 'Safety of people at work on or near the line'. We have therefore focused our response on compliance with that standard and have broken that down into two parts;

2.1 AmcoGiffen should review the management arrangements and resources that are intended to ensure that work is planned, undertaken and reviewed in compliance with its safety management systems, particularly in the early stages of establishing new projects and sites.

Our management system procedure HS66 – Safety of People at Work on or Near the Line is our primary document that informs our teams regarding how we intend them to meet the requirements of the 019 standard. HS66 is supported by a series of additional guidance notes and forms to support the effective implementation of the procedure. These include, but are not limited to:

- *Guidance Note GN-01 – Line Block Guidance*
- *Guidance Note GN-02 – COSS Grading*
- *FM-RHS-008 – Rail Safe Work Pack Register*
- *FM-RHS-017 – Line Blockage Approval Form (which requires all line blocks with additional protection to be signed off by an Operations Director and those with only signal protection to be signed off by a Regional Managing Director).*

HS66 (Safety of people working on

HS66-GN-01-Line Block Guidance.pdf

HS66-GN-02-COSS Grading.pdf

FM-RHS-017 - Line Blockage Approval F

More recently we have begun rolling out ePic to make the distribution, review, use and collection of Safe Work Packs (SWP) easier, trackable and paperless. ePic is a tablet based software programme whose key features are;

- *Real Time: Using forms and processes within the SWP platform, that fully comply with Network Rail standards, users can manage, view and electronically sign safe work packs from anywhere in the rail network.*
- *Return worksite data for live monitoring via SWP: Real-time site reporting and workflow validation, allows users to work safely anywhere in the network.*
- *Add photos & notes: Return site distance calculations, lessons learned, close call and site notes directly within the ePIC app*

We formally appoint Responsible Managers (RM), with an in-house selection, training and appointment for the project process. The RM uses FM-RPG-011 – Safe System of Work Pack Request Form, to give the Planner a clear brief of the work to be undertaken and the details of the location to ensure that the task, location and operational risks are mitigated when collating the information into the Safe Work Pack (SWP).

We have a SWP Tracker in place which is used by RMs, Planners and Senior Management to track packs from creation to archive capturing the assurance checks along with any issues raised and closed out.

In terms of internal training and competence review we carry out the following activity:

- *Possession / Safe System of Work Planner general knowledge review questionnaire online.*
- *019 RM training – in depth RM training which provides the underpinning knowledge of the required contents of a Safe Work Pack. This entails both practical and theory assessment with an online pass / fail test.*
- *ALO Coordinator training – practical and theory assessment with an online pass / fail test.*
- *ALO Planner training – practical and theory assessment with an online pass / fail test.*
- *ALO RM training - practical and theory assessment with an online pass / fail test. Once completed these individuals are formally appointed and receive an appointment letter to carry out the duties on a specific project.*
- *ALO Tracker which must be kept up-to-date for audit.*
- *Since 2019 we have been running a Supervisor Academy programme and to date have put circa 200 supervisors through our modular six day programme. More modules are planned for the future.*
- *In 2021 we devised and began the roll out of Module 1 of our COSS Academy. This is done in small groups of six COSSs with two highly experienced facilitators using a combination of case studies and role play scenarios. The six main objectives of our COSS Academy are:*

  1. Understanding and practicing positive behaviours as a COSS
  2. Using and cross referencing all available information to determine location and which line is which
  3. Dealing with conflicting information – Only progress when 100% verified and sure
  4. Delivering clear briefings, checking people are paying attention and checking understanding
  5. Explaining to the team why as the COSS they are confident regarding location and line identification – inviting challenge and building trust
  6. Professional conversations with the Signaller about access and protection and protection arrangements

Attached are further details of both academy programmes.

COSS Academy
Brochure - Final.pdf

Supervisor Academy
Brochure.pdf

In terms of internal audit we have two 019 audit checklists in place:

> *1. 019 Office Audit / Assurance Checks*
> *2. 019 Site Audit / Assurance Checks*

These 019 audits are done using a prescribed set of questions and are being done in conjunction with our regular, wider safety inspections by both members of our SHEQ team and line managers. We recognise the importance of compliance with the 019 standard at the earliest part of projects and our audits will prioritise those new projects.

The information from these audits will be used to hold the appropriate conversations with staff members as described earlier and to also inform the content of our internal training so that we are focusing on the key issues.

We have a Senior Rail Systems Manager and BMS Assurance Manager coordinating our 019 assurance activity and have increased our pool of internal auditors over the last twelve months with formal internal auditor training.

We have recognised that additional resource is required to deliver our internal training, mentoring and undertake regular surveillance checks on our 019 staff. We have appointed an assistant to our current Senior Rail Systems Manager and are currently recruiting two further Rail Systems Managers. In addition we have reallocated two existing staff members to support the delivery of the internal training together with administrative support.

Once the Rail Systems Managers have largely delivered the first tranche of training they will also join the attendees on live shifts to coach and mentor the 019 duty holders in their roles. They will also carry our two recorded surveillance visits on each duty holder each year to ensure they are working appropriately to the standard and following their training.

Earlier in 2021 we devised (with the support of our external behavioural design agency, SODAK) and delivered a significant stand down workshop for everyone on our projects connected with our rail activity. The stand down had three main parts:

1. The local Supervisor or Manager asked people to be open and honest about any occasions in the past they had either knowingly or unknowingly found themselves too close to a live unprotected line.
2. As a team, to identify current or upcoming jobs where they felt there was the most risk of getting too close to live unprotected line.
3. As a team, to identify and agree what we will do more of to better support one another to make sure we're only ever on a closed protected line.

The feedback from the workshops was collated and fed back to teams on a national webinar to share learning and to inform later stages of our ongoing behavioural science programme.

2.2 It should implement any changes identified as being necessary to provide adequate assurance of compliance.

We also have a Good-2-Go 'Deep Dive' operational compliance check stand down material which we periodically use. These materials are used by Operational Managers to perform a detailed check on work planning and then to subsequently check how well teams have been able to implement the plan. Projects are stood down whilst checks are performed and only permitted to re-start with Regional Managing Director sign off. These exercises have been highly effective in encouraging thorough review and accountability.

The above assurance processes incorporate a focus on ensuring that the SWPs reflect the actual physical site, access points and work arrangements.

We have been working with the Risk Management Maturity Model RM3 and our own improvement plan, SHEQ 24/7 for a number of years. We have now brought these together using the results from our RM3 review to update and align our SHEQ 24/7 strategy from which we are focusing on six key areas;

1. Competence Management
2. Safety Critical Systems
3. Business Management System (BMS)
4. Behavioural Science
5. Assurance
6. Sustainability

Each of these focus areas is led by a member of our senior team with progress reviewed monthly at our management meeting, chaired by our Managing Director. Attached is a booklet explaining these focus areas which we are using to communicate to our staff and stakeholders.

AG SHEQ 247
Strategy A5 Brochure

Recommendation 3

The intent of this recommendation is to minimise the need for personnel to access the track.

Network Rail should review and amend the Electrical Safety Delivery programme to confirm that it takes account of the learning from the Roade investigation. In particular, it should consider ways of minimising the need for personnel to access the track, such as remotely operated earthing devices, and improved co-ordination and visibility of key information when planning and taking isolations of electrical traction supply and contact systems.

ORR decision

9.   ORR has been provided with a review of the OLE isolation process as a part of work we are doing for compliance with the Improvement Notices issued following the incident at Kensal Green on 25 December 2019, where a member of staff came into contact with live OLE. We have asked Network Rail to prioritise the recommendations that the report highlighted

10.   Following discussion with ORR, the scope of the Electrical Safety Delivery programme now covers AC and DC lines.

11.   On the basis of the programme set out and the actions taken, ORR consider that Network Rail has taken account of the learning from the RAIB Roade investigation.

12.   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.

Information in support of ORR decision

13.   On 20 September 2021 Network Rail provided the following initial response:

Action Plan
Please provide milestones with dates
Overhead Line Equipment 1. Develop a remit to inform the scope of a review of the OLE isolation process by 30th September 2. Complete a review of the OLE isolation process (planning and taking isolations of the electrical traction supply) and compare the findings with the scope of the Electrical Safety Delivery programme by 30th November 2021 3. Review proposed recommendations arising with relevant stakeholders by 31st January 2022 4. Finalise the report, including recommended next steps for OLE by 28th February 2022 The action owner is Martin O'Connor, Technical Network Head of Contact Systems AC/DC Following review by NRDD on 10th September further actions were requested to complete a similar review on Conductor Rail

Conductor Rail

1. Develop a remit to inform the scope of a review of the Conductor Rail isolation process by 28th February 2022

2. Complete a review of the Conductor Rail isolation process (planning and taking isolations of the electrical traction supply) and compare the findings with the scope of the Electrical Safety Delivery programme by 29th April 2022

3. Review proposed recommendations arising with relevant stakeholders by 31st May 2022

4. Finalise the report, including recommended next steps for Conductor Rail by 30th June 2022

The action owner is Martin O'Connor, Technical Network Head of Contact Systems AC/DC

Evidence required to support closure of recommendation

- The OLE report with recommended next steps
- The Conductor Rail report with recommended next steps