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8 February 2023

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

Dear Andy,

**RAIB Report: Derailment at Castle Donington, Leicestershire on 21 January 2013**

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 January 2014.

The annex to this letter provides details of actions taken in response to the recommendations and the status decided by ORR. The status of recommendation 1 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 on 9 February 2023.

Yours sincerely,

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

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 reduce the risk of derailment if a stoneblower is unable to complete its planned work in the time available.*

Network Rail should review, and if necessary improve, the planning of stone blowing so that:

- there is sufficient time allocated within the duration of a possession to complete the work planned to be carried out; and
- if the duration of the possession is reduced after the work has first been planned, the implications for the completion of the work are examined, and the work re-planned so that the highest priority locations may be completed in the reduced time available.

## ORR decision

1. The link between the derailment and the recommendation is not clear in the RAIB report, in that it is not made clear how or which process deficiencies contributed to the derailment. Undoubtedly processes were not followed, but that is not to say that the mandated processes were deficient. In the event the impact on track geometry of not stoneblowing was not considered beforehand, even though it was planned to exclude the area. It was only considered after the possession by a section manager using their eye and judgement. The case for a specific review of the planning of stoneblowing is not made out since it would appear that there was no failure to plan properly, rather a local failure to understand and control the consequences of not being able to stoneblow the entire area.

2. On that basis, Network Rail, having carried out a review of planning of stoneblowing and addressed some issues around compliance with the standard, has addressed the recommendation. Initially we considered the response rather brief and replied asking further questions:

- has been any specific review of stoneblowing as a result of the RAIB report?
- If not – how can you have confidence that staff are making appropriate decisions?
- Is guidance provided to staff to assist in the sift matrix procedure?
- Is it, instead, NR's position that the existing process is quite fit for purpose – and was at the time of Castle Donnington – but was just not implemented properly?
- And, therefore, the recent audit gives greater confidence about improved compliance?

3. We received no reply and the matter was not pursued. A recent audit of open recommendations identified this, prompting a review of the initial response (which we consider adequate) and this paper.

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: Closed.**

### **Previously reported to RAIB**

5. On 16 December 2014 ORR reported the following:

Network Rail has not provided sufficient evidence to demonstrate it has addressed and implemented the recommendation. It is not clear that the standard referred to in the response is relevant to the recommendation. We also need more information on the assurance activity. We have requested further information from Network Rail.

### **Update**

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

*Network Rail held a review led by the Maintenance Compliance & Assurance Advisors for their respective Routes during August 2013. The review sought to confirm that the Routes were adhering to the process within the standard NR/L3/MTC/0210 and that the risk of undertaking a specific task in the time available had been taken into account during the risk assessment.*

*This review identified a number of issues with compliance and as a result action has been taken to re-establish the necessary actions both at and subsequent to the planning stage.*

*Following the initial review and action taken to correct deficiencies identified, the process has been subject to periodic assurance which is ongoing.*

## Previously reported to RAIB

### Recommendation 1

*The intent of this recommendation is to reduce the risk of derailment if a stoneblower is unable to complete its planned work in the time available.*

Network Rail should review, and if necessary improve, the planning of stone blowing so that:

- there is sufficient time allocated within the duration of a possession to complete the work planned to be carried out; and
- if the duration of the possession is reduced after the work has first been planned, the implications for the completion of the work are examined, and the work re-planned so that the highest priority locations may be completed in the reduced time available.

### Steps taken or being taken to address the recommendation

1. In its response of 16 April 2014 Network Rail provided the following information:

*Network Rail held a review led by the Maintenance Compliance and Assurance Advisors for their respective Routes during August 2013. The review sought to confirm that the Routes were adhering to the process within the standard NR/L3/MTC/0210 and that the risk of undertaking a specific task in the time available had been taken into account during the risk assessment.*

*This review identified a number of issues with compliance and as a result action has been taken to re-establish the necessary actions both at and subsequent to the planning stage.*

*Following the initial review and action taken to correct deficiencies identified, the process has been subject to periodic assurance which is on-going.*

### ORR decision

2. Network Rail has not provided sufficient evidence to demonstrate it has addressed and implemented the recommendation. It is not clear that the standard referred to in the response is relevant to the recommendation. We also need more information on the assurance activity. We have requested further information from Network Rail.

**Status: In progress. We expect to update RAIB by 31 March 2015.**