

Oliver Stewart
RAIB Recommendation Handling Manager



7 February 2024

Mr Andy Lewis
Deputy Chief Inspector of Rail Accidents

Dear Andy,

RAIB Report: Track workers struck by a train at Margam on 3 July 2019

I write to provide an update¹ on the action taken in respect of recommendation 2 addressed to ORR in the above report, published on 12 November 2020.

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 2 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.

Yours sincerely,

Oliver Stewart

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

Recommendation 2

The intent of this recommendation is to improve the level of monitoring and supervision of planners and track workers so that safe planning and site behaviours are cultivated and maintained.

Network Rail should carry out a detailed investigation at delivery units and depots of how management is monitoring and supervising section planners and staff working on or near the track, to check that safe work plans are being generated, and implemented safely on the ground. It should then use the findings to develop and implement improved procedures on monitoring and supervision, and assess and address any related staff resource requirements.

ORR decision

1. The Network Rail plan to improve monitoring and supervision of planners and track workers consisted of three main pieces of work: training of planners; roll out of RailHub; and safety audits to improve assurance of Delivery Units planning in line with NR/L3/OHS/019.

2. We challenged Network Rail to provide evidence of monitoring planners' compliance with 019 requirements through assurance activities and evidence of monitoring trackworker compliance with safe work packs, through assurance activities. Network Rail have provided a sample of evidence of supervision and monitoring of planners and track workers' 019 compliance through planned assurance work.

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 close it

Status: Closed.

Previously reported to RAIB

4. On 10 November 2021 ORR reported the following:

ORR found it difficult to identify what, precisely, would address the recommendation from the rather widespread activity Network Rail described in its initial submission. We expect the work being done to address this recommendation to be joined up with work to address recommendation 7 but we wanted clearer identification of relevant work streams for each recommendation.

Following meetings and discussions Network Rail submitted a revised plan. This has the potential to be more targeted, but we are still concerned that disproportionate effort might be devoted to trying to achieve the "detailed investigation" referred to in

the recommendation, when there is abundant evidence already of how monitoring, checks and assurance require to be strengthened.

We did not receive feedback on this recommendation on October 15th. Subsequently we have been advised that the response to this recommendation is being reconsidered in conjunction with the response to recommendation 7. Southern Region have responded with evidence to demonstrate how their existing monitoring and assurance addresses the issues which motivated the recommendation. This evidence is being evaluated. If it is accepted as suitable and sufficient then similar evidence will be sought from the other Regions with a view to demonstrating that effective monitoring and supervision is now in place and that the recommendation has been superseded by events in the field.

Update

5. On 14 August 2023 Network Rail provided the following closure statement and supporting documents:



Margam RAIB Rec 2
Closure Statement.doc



019 Lifecycle FAP
Protocol 22-23 _ FINA



Anglia SHEP - P7.pdf



Central SHEP - P7.pdf



East Coast SHEP -
P7.pdf



RBC Section Planner
- Period 9 - Week 4 U

Previously reported to RAIB

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ORR decision

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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
 - is taking action to implement it by 30 October 2023.

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

Information in support of ORR decision

5. On 1 February 2021 Network Rail provided the following initial response:

Action Plan

Action Plan (with milestones)

The intent of the Head of Maintenance Principles and Standards within the below action plan is to use our work streams in GRAI, RBC and Assurance to address the key components of the required action plan

1: Rewrite NR/L3/MTC/MG0221 Network Operations non-operations staff management self-assurance procedure to move management to confidently check and assure themselves that the necessary safe work planning is in place and being adhered too. The GRAI longform assurance assessments that are currently being undertaken in a separate work stream will be used in conjunction with the re-write to help improve our first line of defence of assurance. This will be rolled out with interactive and instructional briefing video content so that management and our people know what good assurance looks like and so that they understand their roles in the assurance regime and why it is important. **January 2022**

2: Role Based Capability to be rolled out to all planners and Section Managers within the organisation to provide necessary grading and upskilling through individual action plans designed to recognise an individual's weaknesses and then provide a tailored improvement plan to enable them to meet the requirements of the role. **October 2023**

3: Rewrite NR/L2/MTC/SE0117 standard to ensure that checks are carried out against the plan and the standard set out in 019, paying attention to the use of the hierarchy and questioning whether a different method of protections can and should have been used. Also include a check on the relevance of the work being undertaken. **October 2022**

Evidence required to support closure of recommendation

- Relevant standards mentioned are re-written to address the issues above, briefed out and implemented across the routes and regions
- Briefing of assurance standard to be in a video format detailing what assurance is and what good looks like
- Evidence of briefings undertaken and recorded
- All section managers and planners are to be recorded through the RBC scheme with action plans as required.

6. On 18 June 2021 Network Rail provided the following updated action plan:

Action Plan

Details provided to ORR at initial discussion:

- Maintenance TA to lead a review of the safety inspections at section level across the network for all disciplines in all regions

- Findings from review to inform best practice and shortcomings
- Lean methodology to be used to identify root causes and the implementation of control measures
- Standards framework to be updated to reflect additional / new ways of working
- Staff resources should also be considered as part of the review

ORR Comments:

Role based capability for planners is rolling out now. What level of supervision will this reach in the organisation? Adequate leadership supervision required to close out the enforcement notices. Need the different levels of management to understand their role in assurance. Resource requirements must be clear.

Action Plan (with milestones)

Undertake investigation and review findings before responding on how they will be implemented.

This is an underpinning action to achieve improving track worker safety. Implementation to be coordinated through national team and Regional leads. Field work should be lead through Workforce Health Safety and Environment Advisors working with Compliance and Assurance Advisors across DUs.

Reviews and reporting will be coordinated through the safety task force and implementation of its programmed activities.

Investigation requirements:

- i. A remit – evidence to be collected and how (needs consensus say 2 months)
- ii. A model of what good looks like to inform evidence collection and evaluation – to be informed by process development and current planning initiatives / programmes (3 months in parallel)
- iii. Evidence collection (3 to 6 months)
- iv. Any immediate actions to be implemented through close call system?
- v. Review of evidence, actions within the system to improve conformance implemented at Regional level (6 to 9 months)
- vi. Findings for systemic changes in standards, processes, systems, e.g. planning systems, training packages, monitoring and assurance arrangements for central action to be jointly agreed by Regions (for stuff they do not do themselves) (9 to 12 months) – implementation plan to follow

Evidence required to support closure of recommendation

To be determined once level of change identified and means to implement it agreed.