

**Oliver Stewart**  
**RAIB Recommendation Handling Manager**



7 February 2024

Mr Andy Lewis  
Deputy Chief Inspector of Rail Accidents

Dear Andy,

**RAIB Report: Train driver struck and fatally injured by a passing train near West Worthing station on 1 February 2022**

I write to provide an update<sup>1</sup> on the action taken in respect of recommendations addressed to ORR in the above report, published on 16 February 2023.

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**'. RAIB have addressed recommendation 2 directly to the Department for Transport. The status of recommendation 3 is '**Open**'.

ORR will advise RAIB when further information is available regarding actions being taken to address these recommendations.

We will publish this response on the ORR website.

Yours sincerely,

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<sup>1</sup> 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 16 February 2023.
2. After considering the recommendations ORR passed recommendation 1 to Govia Thameslink Railway and recommendations 2 & 3 to RSSB 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. ORR also brought recommendation 1 to the attention of all TOCs, FOCs, OTM operators and Network Rail as it was concluded that that there are equally important lessons for them.
4. This annex identifies the correspondence with end implementers on which ORR's decision has been based.

### **Recommendation 1**

*The intent of this recommendation is to ensure that traincrew working for Govia Thameslink Railway have adequate access to toilet and washing facilities.*

Govia Thameslink Railway should undertake a review of the toilet and washing facilities which exist over all the routes it operates. It should implement any measures identified as being necessary to control the risks identified and ensure that there are sufficient toilet and washing facilities available, that traincrew know where these facilities are, and that they have time to use them without an unreasonable wait. This recommendation may apply to other train operators, including those operating passenger, freight, and engineering trains without onboard toilet facilities.

### **ORR decision**

5. Govia Thameslink Railway (GTR) has reviewed the provision of toilet and washing facilities available to on-train staff, in line with the requirement of the recommendation. The outcome of the review has been a review the operational plan linked to turnaround time and toilet break opportunities; promotion of preparedness for starting a journey and the understanding that, sometimes the need for unscheduled PNB arises; more information of the whereabouts of facilities at stations on route; and establishment of a monitoring system to identify diagrams/locations subject to regular unscheduled PNB. Full details of toilet and washing facilities are being published for each route, with the aim of completion by the end of February 2024.
6. Although the recommendation was addressed to GTR, we also sent it to all other TOCs, FOCs and on-track machine operators, all of whom provided a response (see Annex B). A review of the responses prompted further correspondence with a number of operators, particularly around completion of

actions or timescales for doing so; the criteria used for determining what are sufficient toilet and washing facilities; and arrangements for unscheduled breaks.

7. The response received have identified some good practice among operators and where issues have been identified we are following up through our usual inspector liaison.

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

- taken the recommendation into consideration; and
- has taken action to close it.

**Status: Closed.**

### **Information in support of ORR decision**

7. On 7 July 2023 Govia Thameslink Railway provided the following initial response:

*As stated on page 39 of the RAIB report GTR had already undertaken improvement actions related to Recommendation 1 of the RAIB report, in that we should undertake a review of the toilet and washing facilities which exist over all the routes we operate. In the months since the publication of the RAIB report continued to review welfare arrangements for train crew, which I expand upon below.*

*We reviewed the new guidance on the provision of employee toilet facilities on GB railways (RSSB March 2022 attached) which draws attention to the safety risks arising from a lack of access to appropriate toilet facilities, such as:*

- *Leaving the train for emergency relief while not in a position of safety.*
- *Personal security issues in isolated locations.*
- *Adverse hot weather and working without optimal hydration (thus avoiding the need to use toilet facilities).*
- *Anxiety and distraction caused by being unable to go*

*After a review of our arrangements, we identified 4 improvement actions, which we believe will assure the adequate provision of welfare facilities and arrangements for Drivers and other onboard staff operating our trains. These are:*

- *Review the operational plan linked to turnaround time and toilet break opportunities*

- *Promoting preparedness for starting a journey and the understanding that, sometimes the need for unscheduled PNB arises.*
- *More information of the whereabouts of facilities at stations on route, to promote good decision making in answering the need for an unscheduled PNB.*
- *Set up a monitoring system to identify diagrams/locations subject to regular unscheduled PNB.*

**Action 1** - *We are committed to review operational plans linked to turnaround time and toilet break opportunities with H&S reps using data from the configured performance dashboard (see action 4). These reviews will be incorporated into the fatigue working group, as the factors influencing fatigue inducing work design and personal needs breaks often coincide.*

**Action 2** - *GTR does not penalise people for taking unscheduled PNBs when the need arises but recognises that some people may worry about causing a delay and choose not to delay the service, narrowing their options to less suitable solutions. We now regularly promote, preparedness for starting a journey and the understanding that, sometimes the need for unscheduled PNB arises in seasonal briefs to crews (see [Summer Brief below](#)).*



As covered in the Spring brief hydration is paramount to staying alert and maintaining concentration, in warmer weather your body will lose more water that will need to be replaced. If you are unable to drink water, observing Ramadan for example, guidance is available [here](#).

The danger of increased water intake is the need to use the toilet. Managing this can sometimes be overlooked, I for one know how distracting it can be wondering if I'm going to be caught short. Being distracted, and potentially pained, because you need to use the loo, is far from ideal when driving a train.

If you do find yourself needing to use the toilet as it is impacting your ability to drive a train safely, then please do so. You will not be punished for this, safety is always the number one priority.

Do not be afraid to stop the train if necessary, to use the toilet. If you are driving a unit not fitted with toilets, ensure you know what locations have toilet facilities available.

You must always advise the signaller why your train is at a stand, and that you are shutting down and leaving the cab. You will also need to complete a report, as with any train delay. This can help teams support individual needs and identify areas where driver welfare can be improved if genuine diagram issues are raised and reported.

**Action 3** - *The location of suitable facilities for train crew (PNB points), diagrammed for breaks, are learned as part of their route knowledge. However, there are toilet facilities at stations mid- route which will be less well known to*

*train crew. We conducted a survey to produce more information of the whereabouts of facilities at stations on route, to promote good decision making in answering the need for an unscheduled PNB (example of Penge West below), with this information being made available to all train crew, accessed via the company intranet, promoted by depot posters, with the offer of it being printed out (for those you prefer) and featuring in seasonal briefs. This has been completed for all routes operated by Southern trains and work is currently underway to complete all GTR routes to include Thameslink and Great Northern in the coming months.*

The guides are being produced and updated on a regular basis.

Select the route you require below for the most up-to-date version.

**Toilet Facilities Guide**

Victoria - Horsham via Mitcham Junction	Victoria - Epsom Downs via Mitcham...	Victoria - Dorking via Mitcham Junction	East Croydon - Tattenham Corner
East Croydon - Caterham	East Croydon - Three Bridges	Victoria - London Bridge	Victoria - East Croydon
London Bridge - Beckenham Junction	London Bridge - Sutton via Norbury	London Bridge - East Croydon	Littlehampton - Bognor Regis
Cosham - Southampton Central inc...	Eastbourne - Ore	Haywards Heath - Eastbourne	Barnham - Portsmouth Harbour
Three Bridges - Barnham	Three Bridges - Brighton	Brighton - Seaford	Brighton - Littlehampton
East Croydon - Watford Junction	Redhill - Tonbridge	Redhill - Reigate	Hastings - Ashford International
East Croydon - East Grinstead	East Croydon - Uckfield		

**GTR Intranet Site**

**Toilet facilities**

Briefings have been created so you can be confident to take an emergency PNB if you need to do so.

These briefings highlight where toilet facilities exist on routes.

Routes are added and updated regularly, scan the QR code below for the latest version.

If you want a printed copy, please contact your line manger.

Great Northern    GX    SOUTHERN    ThamesLink/

Example of poster at depots, directing crew to Intranet site



We understand that optimising hydration is key to maintain concentration and staying safe, in fact, we actively encourage you to do so. However, this can lead to the need to use the toilet more often.

Needing the toilet can be a cause for distraction and can impact your carry out your duties on a train safely. Whether you are a driver or on-board staff.

It is always best that you use the toilet during PNB, but we know this is not always possible. If you need to use the toilet mid-journey, ensure you take an emergency PNB so you can get back to safely carrying out your duties without the fear of being caught short.

You may have toilet facilities on board your train, however knowing where the toilet facilities are on your journey can give you the confidence to stop, use the toilet and get back to safely driving or working your train.

### **This briefing includes**

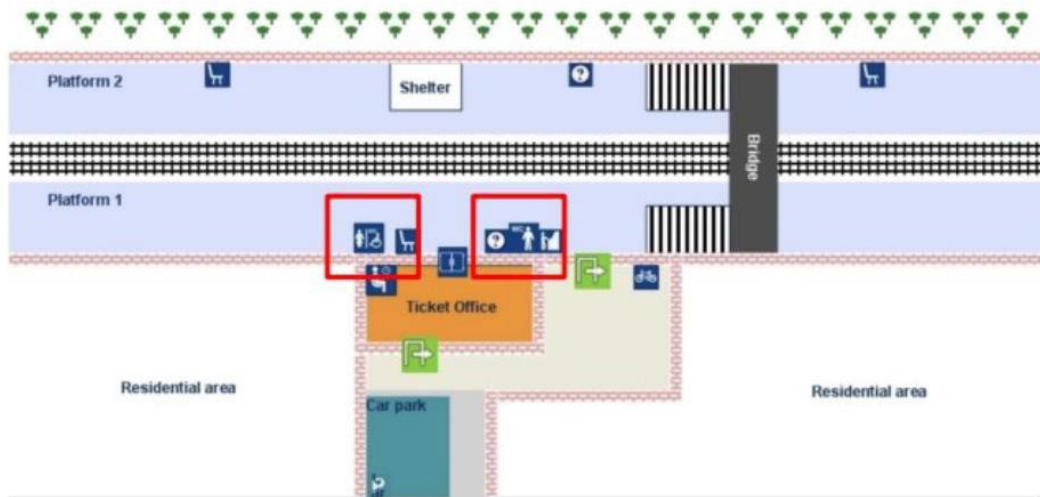
- How to take an Emergency PNB - Guide for drivers
- How to take an Emergency PNB - Guide for on-board staff
- Knowing where you can go
- Route Map - London Bridge to East Croydon

Press the contents icon in the bottom right for direct access to any part of the briefing.



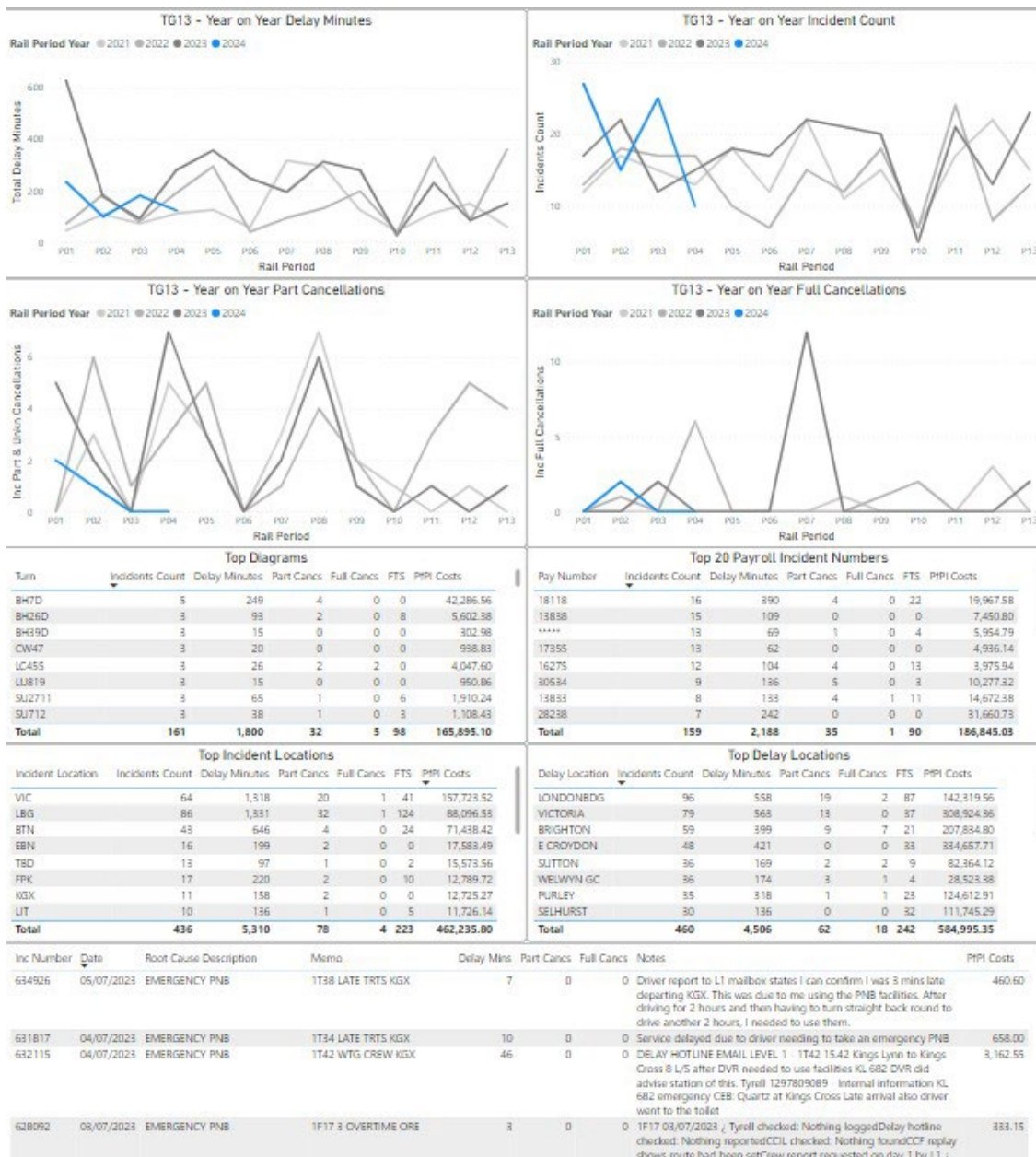
## Penge West

### Ground Floor



**Action 4** - The GTR performance team has configured a dashboard ([screenshot below](#)), which shows delays attributed to emergency PNBs, so that we can identify problem diagrams and monitor the effects of changes made to them. TU H&S representatives and managers have access to the dashboard to review performance, which in turn can be used to develop improved guidelines for train planners and local Staff reps in respect to work design etc.





*I believe that these actions implemented do ensure so far as is reasonably practicable, the welfare of our employees whilst they are at work and are aligned the recommendation made in the RAIB report. As we have not yet completed the survey and published full details of the whereabouts of all toilet facilities at intermediate stations on all the Thameslink and Great Northern routes, therefore I would welcome the opportunity to provide you with a further update in three months' time.*

8. On 6 November 2023 we wrote to Govia Thameslink Railway and asked the following:

Please can you confirm if you have completed all actions to address recommendation 1 from the West Worthing RAIB report, as set out in your letter. Please could you also explain why you consider the provision of toilet and washing facilities to be sufficient.

9. On 19 December 2023 Govia Thameslink Railway provided the following response:

*We are nearing completion of the publication of full details of the whereabouts of all toilet facilities, although we have made significant progress it is sadly not yet complete, the library of guides is quite extensive at this time as seen in the screen shot below . Since my last update we have completed the Thameslink Core, Midland Mainline, Kings Lynn to Cambridge, Letchworth Garden City to Cambridge. The remaining routes will be completed early in the new year. I believe finalises the actions taken in response to the recommendations made.*

*I would like to request another extension to this work up until the February.*

Toilet Facilities Guide

Cambridge North - King's Lynn	Letchworth Garden City - ...	St Albans - Bedford	Cricklewood - Radlett
Blackfriars - West Hampstead...	Victoria - Horsham via Mitcham...	Victoria - Epsom Downs via...	Victoria - Dorking via Mitcham...
East Croydon - Tattenham Corner	East Croydon - Caterham	East Croydon - Three Bridges	Victoria - London Bridge
Victoria - East Croydon	London Bridge - Beckenham...	London Bridge - Sutton via...	London Bridge - East Croydon
Littlehampton - Bognor Regis	Cosham - Southampton Central...	Eastbourne - Ore	Haywards Heath - Eastbourne
Barnham - Portsmouth Harbour	Three Bridges - Barnham	Three Bridges - Brighton	Brighton - Seaford
Brighton - Littlehampton	East Croydon - Watford Junction	Redhill - Tonbridge	Redhill - Reigate
Hastings - Ashford International	East Croydon - East Grinstead	East Croydon - Uckfield	

## Recommendation 2

*The intent of this recommendation is that new rolling stock will be fitted with on-train closed-circuit television systems that include effective forward-facing closed-circuit television, in order to facilitate the investigation of incidents and accidents.*

The Department for Transport, working in conjunction with Rail Safety and Standards Board, should review standards and guidance, so that all new trains are fitted with effective forward-facing CCTV systems

## ORR decision

10. RAIB have addressed this recommendation directly to The Department for Transport, working in conjunction with RSSB. A request for help is to be raised with RSSB by DfT. RSSB have agreed a method for supporting delivery of Recommendation 2.

### Information in support of ORR decision

11. On 24 April 2023 RSSB provided the following initial response:

*At their request, we met with the Department for Transport (DfT) on 19 April. At this meeting, we agreed a method for how we would support their delivery of Recommendation 2. In brief, a Request for Help is to be raised with us, but DfT will update you on this via their own channels.*

### Recommendation 3

*The intent of this recommendation is to increase the availability of CCTV systems on existing rolling stock, in order to facilitate the investigation of incidents and accidents.*

The Rail Safety and Standards Board, working in conjunction with train and freight operating companies and rolling stock owners, should review the costs and benefits of retrofitting effective forward-facing CCTV to existing rolling stock not already fitted with such systems

### ORR decision

12. RSSB initially planned to address the recommendation with a project based on DfT analysis of fleets equipped with forward-facing CCTV. In October 2023 RSSB withdrew the project and decided to address the recommendation via a Limited Change Release. RSSB have been focussed on working with DfT to address recommendation 2. Now that the standard change has been completed, RSSB will focus on rec 3.

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

- taken the recommendation into consideration; and
- is taking action to close it.

**Status: Open.**

### Information in support of ORR decision

14. On 24 April 2023 RSSB provided the following initial response:

*DfT have agreed to share its analysis of fleets equipped with forward-facing CCTV, on which we will be able to build. We envisage a (ghost) project being created to aid reporting and provide some resource, as we will need engagement with industry to gather the required information, which will then need to be collated and the response produced. However, we will finalise this plan once the DfT analysis has been received.*

*We will update the ORR in the usual manner from this point on.*

## Responses to Recommendation 1

### Recommendation 1

*The intent of this recommendation is to ensure that traincrew working for Govia Thameslink Railway have adequate access to toilet and washing facilities.*

Govia Thameslink Railway should undertake a review of the toilet and washing facilities which exist over all the routes it operates. It should implement any measures identified as being necessary to control the risks identified and ensure that there are sufficient toilet and washing facilities available, that traincrew know where these facilities are, and that they have time to use them without an unreasonable wait. This recommendation may apply to other train operators, including those operating passenger, freight, and engineering trains without onboard toilet facilities.

### 1) On 11 August 2023 Arriva Rail London provided the following initial response:

*Please see our response to the actions stated (these follow consultation with our Unions, H&S Reps and Head of Operations):*

- **Max journey time**
  - *1hr 6mins Stratford to Clapham Junction*
- **Max time booked in sidings**
  - *The longest one of our Drivers is booked to dwell in a siding without toilet facilities is Kensal Green Turnback Siding for 51 mins in the early hours (Diag WN18 - Tuesday to Friday)*
  - *Before driving into the siding, the Driver has 10 mins in Willesden High Level platform, which includes the 6-min change-ends allowance. The door to the depot & staff toilet is on that platform & has to be passed as they change-ends*
  - *I recall 1 occasion where a Driver has previously asked to pull out of the sidings, into Willesden & back again to enable a toilet break. This was arranged*
- **Arrangements for drivers during train delays etc**
  - *No toilets on trains*
  - *We always seek to ensure trains are never stranded between stations during disruption*
  - *Every station is staffed & has a staff toilet*
  - *Stranded train policy exists to ensure trains are not stuck between stations for more than 1 hr (policy kicks in after 10 mins). If looking like more than 1 hr, then a controlled evacuation should be planned to commence within the 60 mins*
- **Bottles on the line/ indications of areas where there may be an issue**
  - *Feedback from Driver H&S reps & DMs suggests the following:*
  - *NL1401 outside Stratford on the Down NLL. We have a project underway looking into the provision of easier/faster access to the toilet facilities on Stratford platform. We are also looking into the possibility of stepping-back of Drivers at that location, which will increase the time allowance there to facilitate toilet breaks that don't result in service delays (& the potential for any perception that Drivers don't have time for toilet breaks)*

- **Drivers' awareness of location of welfare facilities and of actions to take if they need access to them during a journey/in a siding.**
  - Drivers are aware of all toilet facilities at terminus locations/depots/sidings
  - Drivers call Control if they need an emergency PNB. Control can either run the train 'fast' to a turnaround point, arrange emergency relief or arrange for train to be held at a station for the Driver to use the staff facilities.

### On 6 November 2023 we wrote to Arriva Rail London and asked the following:

Please can outline the criteria used for determining that toilet and washing facilities are sufficient, whether these criteria have been met, and if not, what further action you intend to take.

### On 18 January 2024 Arriva Rail London provided the following response:

*Apologies for the delay but your question has raised many debates as we have not undertaken a specific exercise to determine that toilet & washing facilities are sufficient, but we have several checks & measures in place that would ensure it would be identified & reported very quickly if that were the case. As such:*

- *New workings are consulted-in with the relevant trade unions (TU). Our most recently added services include the Barking Riverside extension to the Barking-Gospel Oak services, & the Romford-Upminster line. We always involve the TU fully with the introduction of new services, as we did with Barking Riverside & Romford stations, which included the provision of staff-only toilet & washing facilities on the platforms.*
- *Planned general inspections (PGIs) are undertaken every month on all depots & stations, which includes staff toilets & washing facilities. TU H&S reps accompany the relevant operations manager (or deputy) on every 3rd PGI tour. This ensures the facilities are available & fit for purpose.*
- *We monitor service delays & cancellations in forensic detail. Each one is 'root cause coded' & we have a specific category for 'Emergency PNBs' aka 'delay-causing toilet breaks'. These are tracked and spikes in the trend analysis attract managerial focus. A working example is Stratford, where an upturn in Emergency PNBs resulted in work streams looking into improved access to toilet & washing facilities, together with a project looking into the possibility of stepping-back of Drivers at that location, which will increase the time allowance there to facilitate toilet breaks.*
- *Drivers, Managers & H&S reps are encouraged to report locations on the route where there is a build-up of urine-filled bottles on the trackside. The only current location is NL1401 outside Stratford on the Down NLL & we are addressing that situation as detailed above. It must be noted that freight & engineering trains are often held at that signal, & so it is likely that some or all of those bottles are from those Drivers, but for the sake of safety, we are assuming they are coming from our Drivers.*
- *We have introduced an additional level of H&S meetings in the Operations directorate, and we have worked with the reps to develop the relationship to the best it has ever been. This provides the platform for open discussions that cover every aspect of the Drivers' role, including welfare facilities.*

## 2) On 27 July 2023 Avanti West Coast provided the following initial response:

*From AWCs perspective*

- *FFCCTV is fitted to all AWC rolling stock in operation and is accessible at short notice*
- *The fitment and use of GSM-R in all AWC rolling stock prevents any of our Drivers requiring to go track side, our operating instructions also advise this.*
- *Managers complete daily due diligence checks to ensure all Drivers are wearing and carrying the correct PPE and also checked on CMS assessments when carried out as part of their cycle*

## On 6 November 2023 we wrote to Avanti West Coast and asked the following:

Please can outline the criteria used for determining that toilet and washing facilities are sufficient, whether these criteria have been met, and if not, what further action you intend to take.

## On 5 December 2023 Avanti West Coast provided the following response:

*In terms of your question regarding our review please see below*

*Following receipt of the report the below criteria was applied in our review*

- *Do we have any instances whereby trains are stabled for prolonged period of time?*
- *Do our trains have a provision of UAT Toilets? (universal access toilets)*
- *Are toilets available at all of our messroom/traincrewed locations*

*In answer to question 1 – we do not have any instances of trains stabling in sidings , all of our trains are depot based or station based*

*In answer to question 2 – all of our fleet includes direct access ( no need to go trackside) for drivers to access toilets if required*

*In answer to question 3 – all of our messrooms and manned locations have provision of UAT and none UAT toilets*

## 3) On 3 July 2023 Babcock Rail provided the following initial response:

### Recommendation 1

#### a) **Current measures taken and Babcock/Jointly owned fleet status.**

*Babcock Owned Machines Welfare Fitment*

Asset ID	Model	Owner	Working Location	Welfare Fitted?	Possible ?	Comments
77002	AFM	JV	England	No	Yes	Not accessible from 1 or more driving cabs, subject to feasibility study

73803	PL 08	Babcock	Scotland	No	Yes	Not directly accessible from either driving cab, design to be investigated for feasibility.
73915	Unimat 08 Compact	Babcock	Scotland	No	No	Machine too small to accommodate welfare facilities
73932	Unimat 08 S&C	Babcock	Scotland	Yes	Yes	Not accessible direct from either driving cabs
73934	Unimat 08 Compact	Babcock	Scotland	No	No	Machine too small to accommodate welfare facilities
77001	AFM	JV	Scotland	No	Yes	Not accessible from 1 or more driving cabs, subject to feasibility study.
73914	Unimat 08 S&C	Babcock	England	Yes	Yes	Not accessible direct from driving cabs
73933	Unimat 08 Compact	Babcock	Scotland	No	No	Machine too small to accommodate welfare facilities
73904	Unimat 08 S&C	Babcock	Scotland	Yes	Yes	Not accessible direct from driving cabs
73916	Unimat 08 Compact	Babcock	Scotland	No	No	Machine too small to accommodate welfare facilities

*In Summary; three Babcock Tamping machines are currently fitted with welfare facilities, the two jointly owned AFMs (via SB Rail) and 73803 could potentially be retrofitted subject to a feasibility study.*

*The Compact tampers are too small, there is no space on these small machines to retrofit welfare facilities.*

*An approach to equip the AFMs with welfare facilities has been made (via out joint venture partner, Swietelsky) to the supplier of the OTMs currently fitted. I understand there is a 6 month wait for the machine to be assessed for fitment. Network Rail have also been approached for a view on similar funding arrangements that were put in place for previously for the machines currently fitted.*

*In addition to the above:*

- *All track renewals sites have on site welfare facilities.*
- *NWR have also supplied cabins in some sidings with toilets and washing facilities that we can access e.g. Stirling, Portobello, Inverness.*
- *Machine transits are usually of a short duration.*
- *When tamping maintenance sites, again, the majority of the shifts are of a short duration due to the limited rules of the route access/possession times.*

### **b) Measures proposed to be taken**

*Babcock are developing proposals to undertake re-builds of certain assets and replacement of others. Where New machines are being specified these will have welfare facilities fitted as part of the build process. In the event Babcock's Compact Tamping machines are to enter a re-build programme then these OTMs will still be too small to accommodate welfare facilities. The nature of operation of the Compact Tampers being relatively short and light means they can access areas and lines that some other bigger and heavier machines cannot to undertake essential track maintenance activities.*

### **c) Why implementation of welfare facilities is not necessary**

*Babcock's view is that welfare facilities are necessary on OTMs.*

*However, the design of OTMs and the nature of the equipment they carry in order to undertake track maintenance means that it is not currently possible to ensure that any welfare facilities fitted could be accessed directly from both driving cabs and all operating cabs. The effect of this that a driver or operator would still have to leave his cab and walk down the machine to access the welfare facilities.*

*This could only be achieved by equipping welfare facilities to each driving and operating cab. This would have the effect of making the machines larger and heavier with the consequence of OTMs having further route restrictions due to increased RA and more limited stabling opportunities due to increased length. Maintenance depot access could also be compromised due to increased length of machines.*

*The above response contains details of potential plant investments that are commercially sensitive. Please advise if there is any further clarification or information required from the above response.*

### **On 6 November 2023 we wrote to Babcock Rail and asked the following:**

Please can outline the criteria used for determining that toilet and washing facilities are sufficient, whether these criteria have been met, and if not, what further action you intend to take.

### **On 21 December 2023 Babcock Rail provided the following response:**

*Please find below Babcock's response to your follow-up email (6<sup>th</sup> Nov 2023) and request for further clarification in relation to recommendation 1 following the investigation into the above fatality.*

*It is noted that On-Track Machines and Locomotives have not traditionally been fitted with welfare facilities and does pose a problem for the rail industry. This is a national issue as has been raised in RSSB research and Guidance documentation, this is also a topic for discussion at the various cross industry working groups, M&EE Networking group for example. Several Babcock OTMs have been retrofitted with welfare facilities, some are being assessed for feasibility of fitting and others are not able to accommodate welfare facilities due to their small size.*

*The points raised below relate to Babcock Rail operations in Scotland, Swietelsky operate south of the border and can provide their own response to any further queries from the ORR. Swietelsky have been provided with your follow-up correspondence.*

1) *Use of Babcock's Welfare Procedure and compliance with Network Rail's procedures, please see attached.*

- *Babcock Procedure - SQM/W/113 Provision of Welfare Facilities for Staff*
- *Network Rail Procedure - NR/L3/INI/CP0036 The Provision of Welfare Facilities*



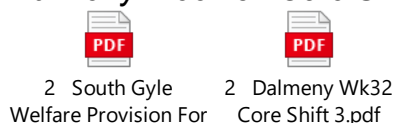
1 NR standard - 1 SQM W 113 iss 6  
NRL3INICP0036 IssueProvision of welfare.d

2) *Track Renewals sites have welfare facilities provided that can be used by the OTM Crews, these are planned by the Rail Systems Alliance Scotland Planning Teams. Please see attached examples of booking forms. These are booked for each renewals site. For track renewals shifts access to the welfare facilities provided by Network Rail Delivery Units*



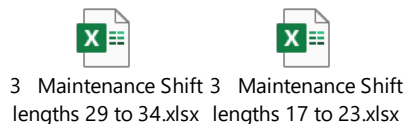
is also available see (5) below.

- *South Gyle Welfare Provision Form*
- *Dalmeny Week 32 Core Shift 3 page 5*



3) *Maintenance Tamping Shift Length. Babcock's OTM Crews have access to Network Rail's welfare provided by their Delivery Units.*

- *Weeks 17 - 23 average maintenance tamping shift 6.8 hrs*
- *Weeks 29 – 34 average maintenance tamping shift length 5.8 hrs*



4) *Machine transit shift length, transfer of machines from one location to another in preparation for a working shift or travel to a maintenance location. Attached is data from Weeks 28 – 31, over this 4 week period Babcock undertook the following:*

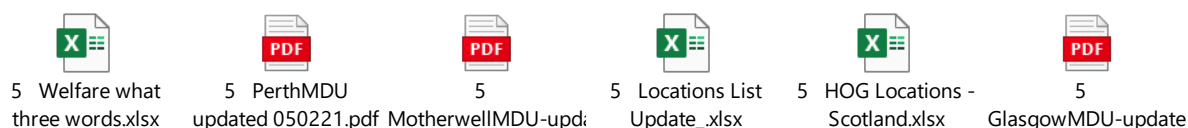
- *38 transit shifts*
- *Average transit 2hrs 21 mins*
- *1 transit at 5h, 1 at 4h 48m and 1 at 1h 45m.*

*The average transit shift is short at 2h 21mins, there are however a small number of longer transit shifts. Several of SB Rail tamper fleet are fitted with welfare facilities. The design of the OTMs means that the welfare facilities are not accessible directly from either driving cab.*



5) *Network Rail facilities within Scotland have been briefed and provided to the OTM Crews and Maintenance staff, these are available on their IPads. Please see attached information.*

- *PDF Maps for Scotland Region showing locations of Network Rail provided Welfare facilities*
- *Spreadsheet detailing welfare facilities provided by Network Rail with 'What Three Words' reference to assist in location.*



6) *Babcock undertake regular engagement sessions with our OTM Driving, Operating and Maintenance Crews, to date there has not been a complaint about being unable to access welfare facilities.*

- Safety Action Group
- Safety Stand Down days
- Periodic safety briefings
- Regular union engagement
- Plant Team Bi-monthly briefings

7) Further action Babcock are investigating:

- Assessment of whether the AFM is suitable to be fitted, Swietelsky (as part of the SB Rail JV) have engaged with Coolair Logan for the assessment and cost estimates.
- Investigate opportunities for funding from NR as per the previous round of welfare fitment to Tampers.

8) OTM Welfare Facilities Risk Assessment PLT OTM 113 RA has been produced, briefed and distributed to OTM crews via their iPad devices.



8 Plant OTM 113 RA  
OTM Welfare.xlsx

#### 4) On 8 August 2023 Balfour Beatty provided the following initial response:

The start point of the review process was to circulate the RAIB report to all relevant persons within Balfour Beatty Rail including members of the central Engineering and Operations Team and subject matter competent persons. All RAIB reports received are circulated to relevant Balfour Beatty Rail personnel to provide the opportunity of determining Rail Services compliance with relevant UK legislation and rail industry standards.

Balfour Beatty Rail currently operate a number of different traction types throughout the UK which are often stabled at various locations which can change on a daily basis.

Balfour Beatty Rail have explored and implemented various methods to provide welfare and sanitation for its driver/operators, prior to the West Worthing fatality. The cost in terms of capital for some of this development was significant and a lengthy process was needed to continue operations with a reduced asset roster during the retrofitting process.

As a minimum, Balfour Beatty Rail provide potable water, means to make hot drinks, handwipes and sanitizers.

The provision of suitable sanitation on some machines however, is not possible due to the design of the machines and lack of available space.

- Balfour Beatty Rail have trialled and continue to use collapsible 'portaloos' on these machines which can be stored in a relatively small space on the machine and then erected for use. Use of these however has been found to be impracticable and offers little to no privacy. Coupled to this is also the issue of storing and then disposing of the 'waste'. They do however work as "Emergency" toilet resources.
- Balfour Beatty Rail have trialled the use of mobile welfare units for stabling points which whilst providing acceptable toilet and washing facilities, the logistics of requesting, placing and then removing from the numerous stabling points was not practical.
- When in a worksite and welfare arrangements are in place, driver/operators will use these facilities if within a reasonable walking distance

- *When stabled, the driver/operators will liaise with the infrastructure owner to ascertain if they have facilities on site and if these can be used by Balfour Beatty Rail. Where this is not possible, driver/operators will look for nearby public facilities.*
- *Drivers are empowered to make their own arrangements, including contacting signallers for a personal needs break (PNB) at a station where facilities are available depending upon location and circumstances.*

### **Individual business unit arrangements where different to the above:**

#### Tampers

- *The majority of the BB owned tampers 10/13 have been fitted with toilet and washing facilities and as such already meet the recommendation. The remaining 3 machines lack the available space and are in the process of being replaced by newer machines that come with welfare provisions as part of the design.*

#### MPV

- *All drivers are provided with PNBs owing to the significantly longer driving times compared with other business units.*
- *Drivers have been issued with disabled toilet keys for use at stations*

### **Proposal for going forward:**

*Balfour Beatty Rail will approach Network Rail as the main Infrastructure Owner for assistance in meeting recommendation 1, namely:*

- *That welfare provisions be provided at all worksites. Balfour Beatty Rail feel that Network Rail are best placed to provide these facilities as it is there staff, that control the safety and welfare of our own staff whilst within a worksite.*
- *That Balfour Beatty Rail be given access to the Network Rail welfare 'app' which would allow Balfour Beatty staff to be able to use track side locations and relay rooms etc where toilet facilities are available. These locations have all been fitted with keypad access codes, which are provided within the app.*

*Balfour Beatty Rail will of course, continue to innovate and challenge the status quo. We will review the RSSB's Report into the provision and accessibility of toilet facilities for employees on the Railway and also the Guidance on the provision of toilet facilities on Great Britain's railways to determine if we have missed any key steps or innovations that Balfour Beatty Rail have not yet employed.*

### **On 6 November 2023 we wrote to Balfour Beatty and asked the following:**

Please can outline the criteria used for determining that toilet and washing facilities are sufficient, whether these criteria have been met, and if not, what further action you intend to take.

### **On 20 December 2023 Balfour Beatty provided the following response:**

*As per your request dated 06th November 2023, Balfour Beatty Rail acknowledge receipt of your letter and understand you require a response with regards outlining what criteria we have*

*used for determining that toilet and washing facilities are sufficient, whether these criteria have been met, and if not, what further action we intend to take.*

*Balfour Beatty have utilised the RSSB “Guidance on the provision of employee toilet facilities on Great Britain’s railways” to aid its understanding of the accepted criteria. Our previous response outlined our current position with regards to this and our future stance. We have also liaised with our M&EE Networking colleagues via various industry groups to establish what we if at all, we can do better.*

*We believe that our current provision is suitable sufficient, but that that it could also be improved. I have outlined the reasons below:*

- *We have reviewed the guidance on the provision of employee toilet facilities on GB railways which draws attention to the safety risks arising from a lack of access to appropriate toilet facilities and updated our risk assessments accordingly.*
- *We have worked hard to ensure that all PNB breaks meet the minimum criteria. Maximum driving times are in line with industry norms and union approved. We regularly examine drivers diagrams to see if greater time provision to access toilets can be provided.*
- *I can find no record of any emergency PNB being required.*
- *We provide all staff with access to the M&EE siding surveys which clearly show where the nearest facilities are (If not already fitted to a machine).*
- *We have a proactive approach to health and wellbeing, supported by an in-house occupational health team, that delivers guidance to staff and managers on a range of related issues, including specific medical issues. Managers can make medical referrals, so that individual’s needs can be assessed and addressed. We can and have, proactively changed drivers rosters to accommodate any issues with access to facilities.*
- *Balfour Beatty operate a close call system utilising the Balfour Beatty Observation App. Observations play a vital role in Balfour Beatty’s drive to achieve Zero Harm and ‘Report all unsafe events and conditions’ is our third Golden Rule. I can see a small number of close calls (Less than 10) in our system relating to welfare facilities against a total 7843 observations this year which suggest that this form of monitoring is working for us as a business. All of the observations raised were addressed shortly after they were raised and these mainly related to the poor state of how individuals had left the toilets.*
- *Balfour Beatty recently carried out an employee engagement survey. Our Group Engagement score is the highest it’s ever been, rising for the sixth year in a row to a solid 81%. Compared to our peers, we’re 9% above the industry average and 8% above companies of a similar size. Participants of the survey all had an opportunity to pass along comments and I could not find any responses related to facilities.*

*When undertaking works on Network Rail infrastructure, it is the Principal Contractors (PC) responsibility to provide adequate welfare facilities. Ordinarily the PC provide facilities in the form of a site access cabin and associated welfare facilities. Balfour Beatty staff would sign in at*

*this location or be met and briefed by the site project staff on the 'Work Package Plan' (WPP) following NR Standard NR/L2/OHS/0044 which would include welfare arrangements.*

*We intend to fit toilets to any replacement vehicle where this is possible. We will also continue to work with our peers and Network Rail, to make access to welfare facilities easier and to make available PODs and HOGs such as those available on the Scotland route and to pursue the use of the Network Rail welfare app for contractors as available to NR employees.*

## **5) On 28 July 2023 c2c Ltd provided the following initial response:**

### **c2c response**

#### **1. What toilet & washing facilities are available for traincrew to use:**

##### **a. On board:**

*Our class 357 rolling stock have 1 toilet per 4 car unit (run in 4, 8 and 12 car formations) and our new class 720/6 rolling stock have 2 toilets per 5 car unit (will be run in 5 and 10 car formations).*

##### **b. At Stations:**

*22 of our 26 stations have customer toilet and washing facilities, which are open and available for use for most of our hours of operation. Additionally, we have staff only toilets available in most station booking/ticket offices during hours of opening, alongside dedicated staff toilets at Fenchurch Street, Barking, Upminster and Pitsea.*

##### **c. At depots and signing on points**

*We have multiple toilets available at both our East Ham and Shoeburyness depots and at our remote signing on points at Southend Central & Barking. We also have toilets available at Driver Personal Need Break rooms at Pitsea & Upminster*

#### **2. How is this information communicated to traincrew?**

*Availability and location of toilets on board, at stations or in depots is covered during inductions, and as part of our traction training courses. Should any facilities become unavailable at any time, alternative arrangements are shared by our Service Delivery Centre who are available 24 hours per day, 7 days per week.*

*We are also in the process of putting together a booklet to provide details of toilet locations, opening times and access arrangements (for those that are not open to the public), which will be distributed to all traincrew. We are aiming to distribute this booklet before the end of summer 2023.*

#### **3. What is our policy on access to toilet & washing facilities during work time?**

*There are allocated times for personal needs breaks in all Driver diagrams as per agreed Terms & Condition's. We also accept that there may be a requirement for train crew to make use of facilities outside of these times and will always deal sympathetically with any colleague who has the need outside of planned breaks.*

*The nature of the c2c operation is such that natural opportunities for colleagues to use toilet & washing facilities occur more often than on long distance routes. Our calling patterns mean that most station-to-station journey times are short, and we have very few diagrams that require a*

*train to be stabled away from a station or depot. In any case, with every train having at least one toilet on board, the time at risk is minimal, even in a worst-case scenario.*

#### **4. What guidance do we give to traincrew on what to do if they need to use facilities whilst driving?**

*Our maximum diagrammed continuous driving time is 65-minutes, and we have toilets available at stations and on board our trains. We train our Drivers to make well considered decisions when managing the risk of distraction and promote use of Non-Technical Skills (NTS) techniques that involves use of effective distraction and mitigation strategies.*

*All Drivers are trained and competent in Personal Track Safety (PTS) and therefore understand the risks associated with being on or near the line, how to identify and place themselves in a position of safety and what the correct Personal Protective Equipment arrangements are.*

#### **6) On 5 July 2023 Caledonian Sleeper provided the following initial response:**

*Caledonian Sleeper do not believe that any additional measures to implement the recommendation are necessary for the following reasons.*

1. *Caledonian Sleeper is locomotive hauled service, and our coaches have toilet and washing facilities on board that are available for staff to use.*
2. *The drivers of our services are supplied to us via a contractual arrangement with GBRf, we have discussed this recommendation with them and they provided the following response with which we fully concur;*  
*“Having considered the recommendation, I’m of the view that as far as the Caledonian Sleeper operation is concerned, GBRf have had no reports from staff regarding any issues with the welfare arrangements available to them and as you point out they are already in a routine of using the available station facilities that are provided at the stopping points on the route. If these were to be unavailable for any reason then they understand that the MkV onboard toilet facilities maybe used. Therefore, I see the recommendation as not applicable to GBRf staff assigned the Caledonian Sleeper operation owing to the number of welfare facilities that are freely available to them, including the Avanti West Coast mess room on platform 3 at Preston for the booked PnB’s.”*

#### **7) On 19 July 2023 CrossCountry Trains provided the following initial response:**

*All CrossCountry trains are equipped with toilet facilities which traincrew may use when needed and would not be allowed to enter service should this not be the case. Each train set has more than one toilet provided, so good contingency is in place should faults occur whilst in service.*

*Facilities that are used to take Personal Needs Breaks (PNBs) are regularly assessed (at least every three months) by managers jointly with trade union representatives to ensure they remain fit for purpose. Rostering and design of traincrew diagrams provide PNBs to ensure staff have every opportunity to remain refreshed and fit for duty.*

### 8) On 20 July 2023 Chiltern Railways provided the following initial response:

*I can confirm that at June's Annual Assembly of Delegates meeting, 'Item #19 - provision of toilets at turnaround and end regulation points', considered recommendation 1. The discussions were received by Chiltern Railways at Company Council level and our Driver's Council carried out a further review and concluded Chiltern Railways did not have a concern. This is because all trains have toilets, and with provisions at most stations, drivers have access to sufficient facilities. In August 2022, there had been a previous discussion at our Driver's Council meeting about Gerrards Cross station, as there are no toilets at this station and drivers sometimes terminate and move forwards from this location. It was therefore agreed with ASLEF that there will always be a working toilet on the train if it is scheduled to terminate at Gerrards Cross.*

*As part of driver training, the instruction provided is to use the toilets on the train or at the station. In emergency situations, they are instructed to contact the signaller and advise them of the issue (to allow other trains to be re-routed or diverted), use the facilities on the train, and then contact the signaller again when they are fit to resume driving. We know from our records that this has happened previously. Currently, this instruction is not documented in the training material but since the RAIB report was released, the training team have been using the incident as an example of why it is important to notify the signaller in these circumstances. As you can imagine, the use of the toilet is a common question that is asked during training. At the next iteration of the training standards, we plan to formally document this instruction.*

### 9) On 26 July 2023 Colas Rail provided the following initial response:

*Colas Rail Services response: The start point of the review process was to circulate the RAIB report to all relevant persons within Colas Rail Services including members of the Engineering and Compliance Team and subject matter competent persons. All RAIB reports received are circulated to relevant Colas Rail Services personnel to provide the opportunity of determining Rail Services compliance with relevant UK legislation and rail industry standards.*

*Colas Rail Services has two independent rail operations for both freight operations and on track machines (OTMs) as an infrastructure maintainer. Freight drivers, by the very nature of travelling long distances on the main line railway, can drive for longer periods than their OTM counterparts who typically drive shorter distances as the OTMs are dedicated to regional areas rather than a national operation.*

*Colas Rail Services freight drivers do not have specific rostering arrangements for drivers relating to personal needs breaks and welfare breaks but more a guideline that drivers have a 20-minute break scheduled into their work pattern between the 4th and 5th hour of duty. Drivers carry out their allotted duties in accordance with the rostered work plan and are empowered to make their own arrangements, including contacting signallers for a PNB break at a station where facilities are available depending upon location and circumstances. Driving hours are typically between three to five hours at any one time but average at around four hours for freight drivers. Freight locomotives have limited space available to accommodate a toilet and hand wash facilities for drivers and other staff on the vehicle therefore fitted on-board toilet facilities are not available. Colas Rail drivers have access to popaloo portable toilet equipment and fresh drinking water as a stores supplied item.*

*Colas Rail Services OTM staff operate 34 OTMs carrying out infrastructure maintenance activities on a daily basis, the company also operate rail grinding machines and rail milling machines that are fitted with onboard toilets and washing facilities. Of the 34 OTMs operated, 22 have on-board toilets fitted which leaves 12 without due to their smaller architecture with no space to accommodate toilets and hand wash facilities. Similar arrangements apply to OTM*

crews as to freight drivers with popaloo portable toilet equipment and fresh drinking water available as a stores item.

Where freight and OTM drivers undertake their working shifts in engineering possessions and welfare arrangements are in place, then drivers will use these facilities if within a reasonable walking distance from the train.

Colas Rail Services is actively engaged in working with other freight operators and the National Freight Safety Group and Rail Freight Operating Group in the production of Common Safe Systems of Work which is available to all freight operators. The new Common Safe Systems of Work will replace the existing methods of work as they become available. Code of Practice NFSG-COP-005 National Freight Safety Group Code of Practice: Common Safe Systems of Work (CSSoW) details the process and is currently available to all freight operators on the RSSB website in the Rail Freight Operators Group folder. These Common Safe Systems of Work include a section on welfare facilities for each location stating what is available and instructions on their use and how to access them using authorised walking routes and other relevant information.

### **Proposal for going forward:**

The company will review RSSB reports Report into the provision and accessibility of toilet facilities for employees on the Railway and also Guidance on the provision of employee toilet facilities on Great Britain's railways to determine active steps that can be taken to address driver's personal needs breaks. The company will review the options available including any innovative solutions and suitable emergency provisions that can be employed. The Colas Rail Services Engineering and Compliance Team's Head of Safety, as a member of NFSG, will be attending an introductory team meeting to provide representation from Colas Rail in seeking to join forces with other sectors as part of the rail industry welfare facilities programme.

### **Colas Rail reference documents available to all staff on the Document Management System:**

Procedure T02-404 Personal Track Safety for Accessing & Egressing Network Rail Infrastructure, this procedure mandates to all Colas Rail Services staff a safe method on how to access Network Rail Infrastructure or other Train operating company's terminals, depots or sidings to carry out their duties on OTMs, OTP or Trains.

Procedure T02-405 Personal Track Safety for Non-Sentinel Staff mandates that all Colas Rail staff within Colas Rail Services shall not go on or near the line, on Network rail managed infrastructure without a valid Colas Rail Personal Track Safety Card.

Procedure HS-A3-013 Provision of Welfare Facilities sets out the minimum requirements that shall be satisfied when establishing site welfare facilities. It additionally sets out requirements for maximising sustainability whilst establishing sites and welfare facilities.

Colas Rail Services Operating Notice RS-ON-367 (dated 03 March 2022) Train Driver Struck and Fatally Injured by a passing train near West Worthing Station. Operating notices are issued to all Rail Services staff. Those staff receiving operating notices are required to acknowledge receipt and return confirmation of having read the notice to the Operations and Standards Team for reference and audit purposes.





*Risk assessments for work within sidings and depots for both OTM and freight activities are available via the company Document Management System available to all staff*

### **On 6 November 2023 we wrote to Colas Rail and asked the following:**

The response identified a number of actions, such as reviewing the RSSB report into the provision and accessibility of toilet facilities. Can you confirm if any actions have been identified and the timescales for delivery.

### **On 21 December 2023 Colas Rail provided the following response:**

*Colas Rail fully understands the basic needs of drivers and their dignity and appreciates the health and safety risks that can arise from a lack of access to appropriate toilet facilities. As stated in the original response, the majority of our on track machines have toilets facilities on board whilst the freight locomotives do not have toilet facilities but alternative arrangements are in place to help mitigate this problem. Colas Rail is in the process of purchasing two new 09 tamping machines to add to our fleet with the new machines fitted with toilet facilities as part of the build process and will be delivered in 2024.*

*The Colas Rail freight locomotive fleet ranges in age from 17 class 70 locomotives that were purchased new from 2015 onwards to other locomotives up to 60 years old with none of the fleet having toilet facilities on board. However, whilst this is the current status of our fleet, Colas Rail do recognise our legal obligations and responsibilities and meet these obligations as best we can by alternative means as stated in our initial response.*

*The company appreciates how much the railway landscape has changed over recent years including our freight department's workload now including substantial private client work in addition to SCO haulage contracts. Colas Rail take into consideration the diversity of our driving staff which includes the age profile of drivers from new starters to those with several years of experience, we also welcome the introduction of women joining the company in the role of train driver and respect their needs of having access to toilet facilities and their personal dignity.*

*RSSB report Report into the Provision and Accessibility of Toilet Facilities for Employees on the Railway includes the health and safety risks of leaving locomotives for emergency relief, isolation and security issues and how these factors could result in fatigue, anxiety and distraction. These are valid points that Colas Rail are addressing. To achieve appropriate welfare arrangements for our drivers, we will review innovative solutions that are available but are aware that progression of this issue will be through both short term to longer term timescales to enable our driving staff to have access to adequate welfare provisions.*

*Colas Rail take the view that to improve welfare arrangements for drivers over the GB rail network, rather than being an issue for individual companies, requires co-operation and collaboration amongst those in the rail industry to take a joint initiative going forward. This subject is one that is being reviewed by the Rail Freight Safety Group (RFSG) of which Colas Rail is a member and is supportive of the proposed joint industry initiative. The RFSG meeting minutes (subject to approval) of 10 October 2023 contains relevant information on this subject. This is clearly not a short-term aspiration, but a timescale of planned progression is certainly achievable, but this is an industry decision. However, there are actions and initiatives we can and have taken a summary of which is provided below.*

## **Colas Rail actions and initiatives to date with some new and some being a continuance of existing processes:**

- *2023 saw the initiative to encourage greater face-to-face meetings including safety conversations and open dialogue between line management and staff with the emphasis on train drivers. The initiative includes both freight and on track machine drivers and is now paying dividends with the positive results of the initiative announced during a November stand-day at the Rugby Rail Depot. The stand-down days are attended with senior line management staff and heads of department in attendance and available to answer any points raised.*
- *The Colas Rail Fatigue Team was strengthened in 2023 and now has a significant impact on the hours drivers can work as it is recognised that fatigue can be a significant contributor to rail related incidents. Colas Rail procedure HS-A3-011 “Control of Excess Hours and Management of Fatigue” was amended in 2023 to include salient points from ORR guidance “Good Practice Guidance – Fatigue Factors.” The Fatigue Team have produced a form that evaluates fatigue factors before planned shifts commence for the purpose of evaluating possible triggers that could cause fatigue and the potential for an incident occurring.*
- *The Colas Rail Services Health, Quality, Safety and Environment Team produce monthly publication that are forwarded to all staff, both safety critical and non safety critical on a variety of topics which are relevant to our staff. The monthly magazine by way of example in November contained the topic of Attention Deficit and Hyperactivity Disorder (ADHD) to promote an awareness and understanding of the subject and how it can affect people’s behaviours and possible outcomes if not addressed.*

## **Extract from the HSQE Teams monthly publication for November 2023.**

*Adults with ADHD may find they have problems with: •organisation and time management •following instructions •focusing and completing tasks •coping with stress •feeling restless or impatient •impulsiveness and risk taking. Some adults may also have issues with relationships or social interaction.*

*The purpose of including this topic in our response is because it also allows staff to not only to recognise these potential problems within themselves but also within other staff members and allow positive action to be taken where the company would be supportive of the individual.*

## **Operations and Standards Team publications.**

- *The Colas Rail Operations and Standards Team produce Spring/Summer and Autumn/Winter briefs with the consistent message that safety must be at the forefront of everything we do. The points below is an extract from the 2023 Autumn/Winter brief that must be signed and acknowledged by all staff.*
  - *Safety must always be at the forefront of everything we do for all Colas Rail staff. Preparing yourself and the condition of Colas Rail assets remains pivotal for a successful period.*
  - *During the month of November Colas Rail Services will role out its driver days to brief the rule book changes being implemented in December. The driver days will also focus on the tools and advice beneficial for the safe operation of Colas Rail Services.*

- *Non-Technical Skills courses still remain a priority and it is mandatory that all staff attend the course. There has been positive feedback from our staff and have stated it has provided a positive influence on their everyday working.*
- *SPaD Working Group continues to attract positive attendance with more regions joining the group. SPaD mitigation must continue to be our focus.*

### **Non-Technical Skills Training.**

*Non-technical skills training is now mandatory within Rail Services for the purposes of reinforcing the importance of situational awareness, for example, when on or near the line or entering and exiting rail vehicles. Colas Rail form T02-9019 Train Driver Formal Assessment was reviewed and updated in 2023 to include RSSB guidance on Non -Skills (NTS) and includes an NTS category with a skills descriptor for reference purposes. NTS skills such as situational awareness, diligence, decision making and action and self management as examples are used by an assessor as part of the formal assessment. All completed train driver formal assessments are signed by an assessor and the completed forms verified that the correct process has been followed. This assessment form is part of the driver’s two-yearly assessment programme.*

### **Extract from table 9 of RSSB “Report into the Provision and Accessibility of Toilet Facilities for Employees on the Railway.”**

<i>Risk</i>	<i>Impact on individual</i>
<i>Emotional and physical (occupational health)</i>	<ul style="list-style-type: none"> <li>• <i>Stress, anxiety, loss of dignity and self-esteem</i></li> <li>• <i>Unnatural eating and drinking practices leading to health issues, including urinary infections and dehydration</i></li> <li>• <i>Exacerbation of existing health conditions</i></li> </ul>
<i>Work-related</i>	<ul style="list-style-type: none"> <li>• <i>Risk of misjudgement or poor decision making</i></li> <li>• <i>Lack of management support (direct or indirect) impacts morale</i></li> <li>• <i>Loss of focus and concentration</i></li> </ul>
<i>Behavioural</i>	<ul style="list-style-type: none"> <li>• <i>Breaking rules through personal needs</i></li> </ul>

*The company’s introduction of NTS skills as a mandatory training course and train driver assessments of these skills as part of their two-yearly assessment programme and other company measures including the freedom to raise any concerns with line management and HR demonstrate the improvements that have been made over recent years in the interests of staff welfare and lifestyle management. It’s pleasing to note that the NTS actions adopted by the company in 2023 for drivers are consistent with the RSSB extract.*

### **Extract from Colas train driver rail assessment form TO2-9019.**

*This extract is used as part of a driver's two-yearly assessment to help drivers underpin and enhance their driving skills tasks and to improve the driver's safety by helping them to anticipate, identify and mitigate against risks and errors when on or around railway infrastructure.*

NTS category	Non-technical skill	Skill descriptor
1. Situational awareness Aware of what is going on and able to anticipate what could happen	1.1 Attention to detail	Can focus on details when needed, and identify unusual or unexpected things
	1.2 Overall awareness	Can step back from the detail to monitor and understand the overall situation
	1.3 Maintain concentration	Uses techniques to stay alert and manage distraction
	1.4 Retain Information (during shift)	Uses techniques to remember and recall information
	1.5 Anticipation of risk	Is alert to hazards, risks and errors traps, and responds
2. Diligence Careful, thorough, consistent and logical when completing a task	2.1 Systematic and thorough approach	Completes tasks using a logical and thorough approach
	2.2 Checking	Checks actions and information rather than making assumptions
	2.3 Follows rules and procedures	Complies with rules and procedures
3. Communication Communicating effectively through spoken, written, and non-verbal means	3.1 Listening (people not stimuli)	Listens, understands, and responds appropriately
	3.2 Clarity	Communicates clearly and concisely
	3.3 Assertiveness	Speaks up and challenges when needed
	3.4 Sharing information	Shares information at the right time to the right people
4. Decision making and action Making decisions and then taking action within area of authority	4.1 Effective decisions	Weights up information and options to make a decision
	4.2 Timely decisions	Makes decisions and takes action at the right time
	4.3 Diagnosing problems	Establishes the cause of problems
5. Cooperation and working with others Working with others in a positive, respectful and supportive manner	5.1 Considering others' needs	Considers the views and needs of others
	5.2 Supporting others	Cooperative, supports others and takes the lead when required
	5.3 Treating others with respect	Is respectful and polite
	5.4 Dealing with conflict/aggressive behaviour	Recognises and helps address challenging behaviour and conflict
6. Workload management Managing and prioritising workload	6.1 Selective attention	Can switch between different information and tasks when needed
	6.2 Prioritising	Can prioritise information and tasks
	6.3 Calm under pressure	Uses techniques to remain calm under pressure
7. Self-management Motivated, confident and prepared to do the job as well as possible	7.1 Motivation	Performs beyond the minimum requirements of the role
	7.2 Confidence and initiative	Can work independently but asks for help when needed
	7.3 Maintain and develop skills and knowledge	Keeps knowledge and skills up to date
	7.4 Prepared and organised	Is prepared and organised for work

### **10) On 26 July 2023 DB Cargo provided the following initial response:**

*In response to the GTR recommendation I can confirm that DB Cargo carry out the following in relation to driver rest breaks:*

- Each diagram that is put together is assessed to ensure there is adequate rest breaks added.*
- Each rest break facility is assessed to ensure there are toilets and areas where the driver can sit and take rest, have access to drinking water and has the ability to warm food if required.*
- These locations are added to the Train crew compendium and are inspected as part of the safety reps duties.*

- *Since the guidance document by RSSB, Provision of Welfare Facilities for Rail Workers was released we have done further work to assess the risk for PNB locations*
- *We do recognise that there is still a potential for emergency rest breaks and that this presents issues on the network. We are working to look at emergency packs that can be issued to drivers in line with the guidance.*
- *We are also looking to set the standard that any new traction will have toilets fitted as a standard.*

**On 6 November 2023 we wrote to DB Cargo and asked the following:**

*Please can outline the criteria used for determining that toilet and washing facilities are sufficient, whether these criteria have been met, and if not, what further action you intend to take.*

**On 5 February 2024 DB Cargo provided the following response:**

*DB have an inspection regime in place for each site that is designated as a break location, and we have developed a check list for these locations that is used to ensure that the correct welfare considerations are in place as part of this regime.*

*Whilst we also have within our management system guidance to local managers on toilet facilities, we are now taking this into a standalone standard for Workplace Welfare.*

**11) On 3 August 2023 DC Rail provided the following initial response:**

*DC Rail has reviewed the RIAB report into the West Worthing incident. The Production Director and the safety team have initiated several additional processes relevant to Recommendation 1 of the report and sets out below the additional assurance processes and the existing policies that mitigate the human factors issues associated with this incident.*

*DC Rail carries out route risk assessments for all of its booked commitments. As part of this process, staff welfare is included and provisioned to ensure any relevant risks are mitigated. The risk assessment helps to construct the method of work (joint or otherwise), and this will detail welfare arrangements. This Method of Work and Risk Assessment documentation will ready an individual to undertake their duties across the given route and support them with where and how to access such facilities. This will also be covered during the route learning process.*

*As a relatively small enterprise, we are always seeking ways to accelerate maturation. As our work commitments become more routine, we aim to generate robust diagrams which will better support personal needs breaks and moments of rest during work hours. This will be supported by our diagram creator tool which we have recently incorporated into our new route competence tracker.*

*In addition to the above, DC Rail will look to proactively review all MOWs and RAs to ensure adequate welfare provisioning is detailed in all documents, any documents falling short, will be updated accordingly. This will include the detail of 'how' to access facilities as well as 'where' (i.e. safe walking route, day/night access).*

**Target completion date: December 2023.**

Finally, the DC Rail production team will review the content within the Rostering Principles Handbook to ensure that there is adequate consideration for the provision and access of welfare facilities, while treating length of time as a matter of sensitivity.

**Target completion date: October 2023**

## 12) On 7 July 2023 DRS Ltd provided the following initial response:

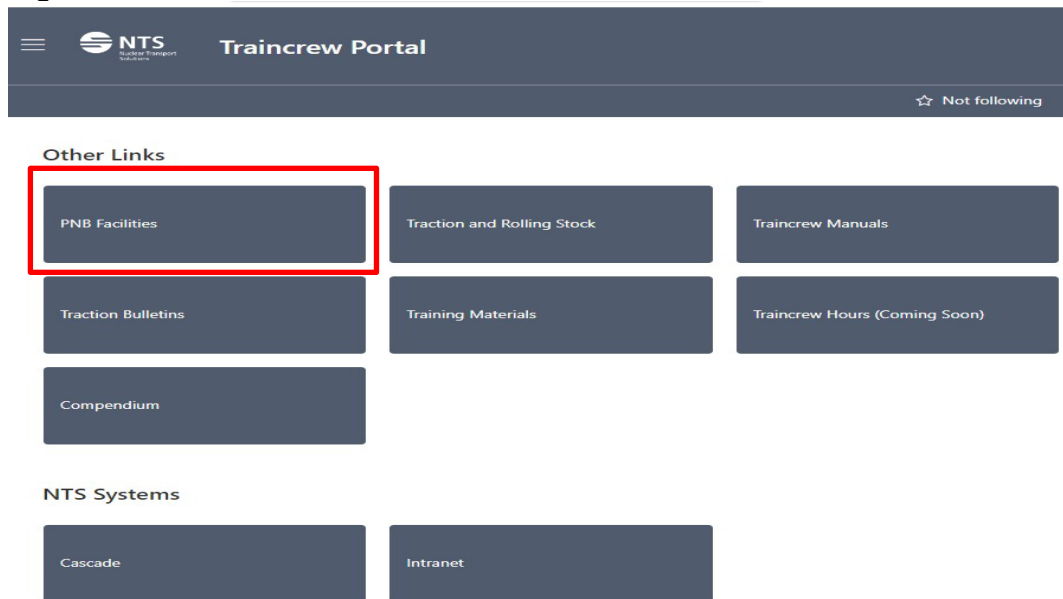
**“Sufficient toilet and washing facilities available, that traincrew know where these facilities are”**

A review is conducted annually, or prior to a new contract starting, to assess the proposed or current locations where personal needs break facilities are used/required (Fig 1.). All the current locations that Direct Rail Services operate have had this assessment done. This is recorded and available for Traincrew to access via the Traincrew Portal (Fig 2), which all Traincrew can access through their issued electronic device.

Fig 1. PNB facilities list

PNB location	Address (location details)	Owned by (company)	Approved	Access information (how we access facility)	Access to toilet facilities	Access to hot and cold water	Heating food facilities	Notes
Aberdeen Terminal	Craiginchess down yard, Greenwell road, Aberdeen	DRS	Yes	Access from railhead or the road gates are opened by Craibs staff	Yes	Yes	Yes	
Barrow BMT	Barrow Marine Terminal	NTS	Yes		Yes	Yes	Yes	
Barrow Docks Railhead	Barrow Marine Terminal	NTS	Yes		Yes	Yes	Yes	
Berkeley Railhead	Station Road, Berkeley, Gloucester, GL13 9RL	NTS	Yes	Access from railhead or road gates.	Yes	yes	yes	
Bescot Yard	Wednesbury W55 4AW	GB Railfreight	Yes	Off the Loco - by old signat box	Yes	yes	yes	This location is owned and maintained by GBRailfreight
Bridgwater Railhead	Rosebury Ave, Bridgwater, somerset, BA9 4PF	NTS	Yes	Access from railhead or road gates.	Yes	yes	yes	
Carlisle Kingmoor depot	Etterby RD, Kingmoor Depot, Carlisle, CA3 9NZ	DRS	Yes	Via Security	yes	yes	yes	Station facilities
Carlisle Station	Court Square, Carlisle. CA1 1QZ	Avanti	Yes	T Key entry				Were not allowed during Covid but might be again soon.
Coatbridge	Gartsherrie Road, Coatbridge, ML5 2DR	J G Russell	Yes	Within ESSOW	yes	yes	yes	H & S check has taken place and agreed
Coatbridge Terminal	Freightliner Terminal, 100 Gartsherrie Rd, Coatbridge ML5 2DR	Freightliner	Yes	Press Buzzer 24/7 attendance	Yes	Yes	Yes	No issues
Crewe Basford Hall	Gresty Rd, Crewe, CW2 5AA	Freightliner	Yes	Access from road gates and rail gates.	Yes	yes	yes	This location is owned and maintained by Freightliner
Crewe Coal Sidings	Gresty Rd, Crewe, CW2 5AA	NTS	Yes	Access from rail gates	Yes	yes	yes	
Crewe Gresty Bridge	Gresty Rd, Crewe, CW2 5AA	NTS	Yes	Access from road gates and rail gates.	Yes	yes	yes	
Crewe Station (platform 5)	Nantwich Road, CW2 6HR	Avanti	Yes	Access Platform 5	Yes	yes	yes	This location is owned and maintained by Avanti
Daventry Malcolms Terminal	Northampton NNG 7FT	Malcolms	Yes	Control Office	Yes	yes	yes	This location is owned and maintained by Malcolms
Daventry Russell / Sainbury's terminal	Northampton NNG 7FT	Russells	Yes	Control Office	yes	yes	yes	This location is owned and maintained by Russells
Doncaster Iports	Rossington, Doncaster, DN11 0BF	Iports	Yes	Open facility	yes	yes	yes	Iports facility and very well looked after
Drigg Railhead	Drigg LLWR	LLWR	Yes	No Key Code needed	Yes	Yes	Yes	
Dungeness Railhead	Dungeness road, Lydd, Kent TN29 9NB	DRS Rail head	Yes	Key safe - code given by Carlisle security	Yes	yes	Yes	
Edinburgh Station	Edinburgh Waverley Station princess street Edinburgh EH1 1BB	Network Rail	Yes	Key code - 8102 142	Yes	Yes	Yes	We are okay to use it but not sure it is approved
Garston Ford Car terminal	Speke, Liverpool L24 8QB	Ford/NTS	Yes	Off the loco or entrance gate with Security	Yes	yes	yes	Shared responsibility
Georgemas Terminal, Thurso	Georgemas Terminal, Thurso	DRS	Yes	Locked gate, Security staff unlock when needed	Yes	Yes	Yes	
Heysham	Heysham Railhead	EDF	Yes	Map sent to Traincrew for walking route and instructions.	Yes	Yes	Yes	Awaiting Commercial to confirm building number and location. Visit to be organised once confirmed.
Hunterston power station	Peelports LTD, Hunterston Terminal, Fairlie, Ayrshire, KA29 0AZ	EDF	Yes	PeelPorts Security Gatehouse	Yes	Yes	Yes	
Inverness Needlefield Yard	Longman Road, Inverness	DRS	Yes	Secure Entry. Code 7024A	Yes	Yes	Yes	
Lancaster station (platform 3)	Lancaster Station Lancashire LA1 5NW	Avanti	Yes	T Key	Yes	Yes	Yes	
Middlesbrough	Middlesbrough Station, Platform 1	Northern Trains	Yes	keypad code C1880Y	Yes	Yes	Yes	Monday to Friday 1100 - 1400 & RHtt season

Fig 2. Traincrew Portal



*The safe systems of work (SSOW) for these sites are issued to Traincrew when beginning route learning and signed by Traincrew on completion of route learning. These SSOW contain information on the location, use and access of the personal needs break facilities for each site.*

***“That they have time to use them without an unreasonable wait”***

*STP and WTT work is diagrammed, according to the current Traincrew Terms and Conditions, and these diagrams are available to all Traincrew via the Traincrew portal (Fig 3 and 4).*

Fig 3. Diagram access Traincrew Portal

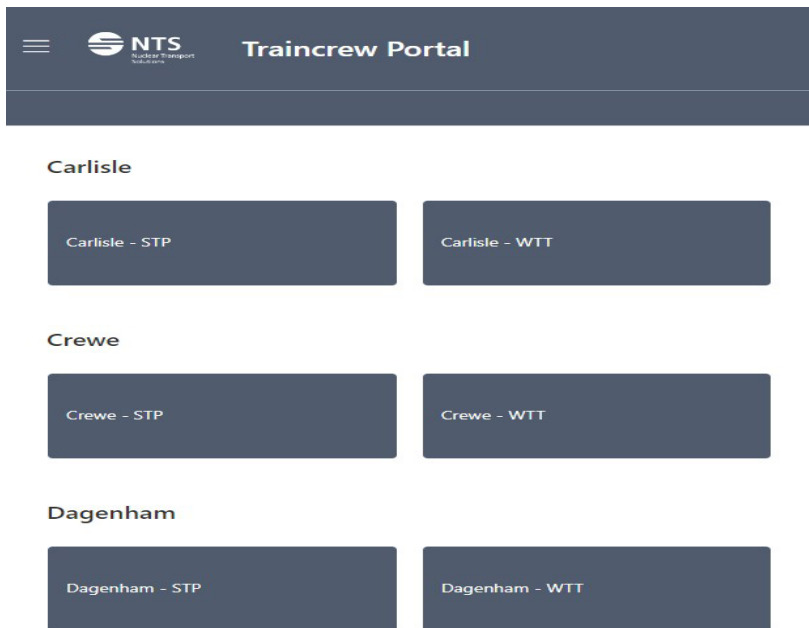



Fig 4. Diagram showing PNB at Teesport

Depot:	York	 <b>DRS</b> <small>AMENDED</small>	Driver		
Turn ID:	YK0203		On:	18:20	
			Off:	02:23	
			Hours:	08:03	
			Days:	FSX	
Traction	Activity	Location	Arr	Dep	Headcode
	BOOK ON	York BOP	18:20	18:40	
	CAR	York BOP			
		York Yard North Rec Sdgs			
	REL	YK0202			
66		York Yard North Rec Sdgs	19:13	19:18	4N51
		Middlesbrough	20:26	20:28	
		South Bank Tees Dock	20:49		
	FS	Shunt Eastern Sidings			
	PNB(30)				
	FS	Shunt Western Sidings			
		South Bank Tees Dock		00:12	4M51
		Skelton Bridge Jn.	01:44	01:50	
		York	02:00		
	RELD	by YK0201	02:03		
	ROLL BY		02:03	02:08	
	WALK	York Station		02:08	
	BOOK OFF	York BOP	02:18	02:23	
Additional Notes:					

*Traincrew personal needs breaks are defined by the length of the turn Traincrew are working. If the turn length is 9 hours or less, two twenty minute or one thirty minute PNB breaks will be scheduled.*

*If the turn length is over nine hours, two thirty minute or one forty five minute break will be scheduled. These breaks can only be scheduled, on the diagrams, to take place at the locations recorded in the PNB location assessment document.*



*This ensures that Traincrew have sufficient time to make use of the facilities at each of these locations.*

**On 6 November 2023 we wrote to DRS Ltd and asked the following:**

Please can outline the arrangements you have in place for when DRS staff need to take unscheduled personal needs breaks.

**No response received yet.**

**13) On 6 July 2023 East Midlands Railway provided the following initial response:**

*East Midlands Railway has considered this recommendation and the control measures that are already in place to mitigate this risk. For context, East Midlands Railway operates train services between Sheffield and London via Derby and Nottingham and Derby using Class 222 trains, Corby and London using Class 360 trains and regional services in the East Midlands, including the Liverpool to Norwich route, using Class 158 and Class 170 trains. All of the East Midlands Railway fleet has on train toilets.*

*Traincrew diagrams are planned according to planning rules that include personal needs breaks at an appropriate point within the shift. The longest continuous periods of train working within diagrams is around 3 hours 3 minutes, however in practice most diagrams allow access to station toilet facilities between the second and third hour. Toilet facilities are available at locations where crews book on duty and at strategic points where personal needs breaks are booked.*

*Traincrew are aware that if they need to use toilet facilities they are able to do so, even if this means a delay to the train. The expectation and practice is that they take the opportunity to use the facilities at suitable points so that the likelihood of an occasion where they need to use the toilet urgently is an exceptional event.*

*During discussions at EMR's Health and Wellbeing Group, the following scenarios were identified which could give rise to the need for urgent toilet use, however the group were comfortable that appropriate mitigations are in place:*

- *Lack of toilet facilities on a train;*
- *Keeping hydrated during hot weather;*
- *Employees with medical conditions requiring more frequent access to toilet facilities*
- *Train becoming stranded as a result of train failure or operational issue (e.g. track defect, electrical line isolation)*

*Generally the trains operated by EMR have more than one on train toilet per unit. The Class 360 fleet only has one toilet per unit and there is no internal walkway when units are operating in multiple formation, however most services are planned to operate as two units coupled together providing the ability for the driver to make use of the rear toilet if required during a station stop.*

*Where train toilet facilities are not working, traincrew are proactive in reporting these and there are occasions where fleet swaps are made to ensure that trains have working toilets.*

*Keeping hydrated in hot weather remains a key mitigation to operational incidents and has been included within the most recent safety briefing cycle. We have also changed the way in which Driver Safety Briefs are delivered to turn them into more active safety discussions. We aim to include the circumstances of the West Worthing fatality within an upcoming driver safety discussion.*

*In particular, we have reinforced the requirement that should the Driver or a member of traincrew need to leave the train for any reason, they need to consider their own safety as paramount and to ensure that the appropriate people are informed (e.g. signaller, control, other members of traincrew).*

*During timetable change, we consider the impact new diagrams will have on factors such as personal needs breaks and all new diagrams are consulted through the relevant Trades Unions. We are also mindful that changes to the infrastructure could occur that may reduce the number of toilet facilities across the network and have therefore update our change management checklist to ensure this is a consideration when any future changes are safety validated.*

#### **14) On 9 June 2023 Eurostar provided the following initial response:**

*The following two roles are classed as Eurostar International Limited traincrew who could fall within the scope of this recommendation, Train Driver and Train Manager. Both are covered by this response.*

*Eurostar International Limited operates class 373 and class 374 trains in passenger service. These are high speed passenger trains, approximately 400m long and are equipped with on board toilets with hand washing facilities, that are available for our train crew to use whilst they are working on board our trains. This includes when a train is in commercial service or as an empty coaching stock move. In addition we operate a class 08 locomotive which is used for shunting duties within the confines of Temple Mills depot. This locomotive is not equipped with toilet facilities.*

*Eurostar trains are stabled at our stations or in the maintenance depots. We do not regularly stable trains at any other locations.*

*At our UK and continental train crew booking on points and at our stations toilet and welfare facilities are available for use. These facilities have been reviewed in conjunction with our UK traincrew trade union appointed safety representatives.*

*Train Drivers also undertake driving duties at our UK train maintenance depot at Temple Mills, near to Stratford in London. At this location full toilet and welfare facilities are available for all staff members to use, with additional toilet and welfare facilities located within the main yard area of the depot, which are available to Train Drivers should they need to use them.*

*Train movements to, from and at Forest in Brussels (operated by SNCB the Belgian national railway operator), and Le Landy in Paris (operated by SNCF the French national railway operator) are undertaken by drivers employed by either SNCB or SNCF. Eurostar International Limited train drivers do not undertake train movements at these depots.*

*I am satisfied that the toilet and welfare arrangements that Eurostar International Limited has in place for its traincrew are adequate and that no further action is required to implement the recommendation.*

#### **15) On 3 October 2023 Freightliner provided the following initial response**

*Personal needs breaks (PNBs) are factored into all diagrams issued to drivers as per our national agreement with ASLEF. The selected locations are agreed in advance and are subject to regular inspection by both management and staff side to ensure suitability. This includes walking time to get to the location, and equipment and facilities available. Any issues with PNB locations, are raised by staff and the local safety reps and are dealt with by local management.*

#### **On 6 November 2023 we wrote to Freightliner and asked the following:**

Having reviewed the response we do not consider it sufficient to address the recommendation. Please can you set out if a review has been done and the criteria used to determine that there are sufficient toilet and washing facilities available, that traincrew know where these facilities are, and that they have time to use them without an unreasonable wait.

#### **On 30 January 2024 Freightliner provided the following response:**

*A further review of provisions is currently being undertaken, and communication with staff will follow through the established structure.*

#### **16) On 20 September 2023 GB Railfreight provided the following initial response:**

Toilet and Washing Facilities:

- *Our response is focussed on the fact that the risk is prevalent now and is currently mitigated through provision of toilets and washing facilities linked into the planning process of our existing operation. All activities are planned with personal needs breaks in the diagrams and using our Planning Compendium to ensure that the locations for these have the requisite facilities available and accessible.*
- *There is ongoing internal discussion of trialling onboard facilities (toilet) but this needs to be wrapped up into a project in order to progress and is linked to our overall Safety Plan under Health & Wellbeing.*
- *This will fall under Management of Change and there is a need to understand what new risks have been identified by undertaking this change both to GBRf operational staff and EMD maintenance staff and impacts to asset delivery as a result.*
- *The Class 66 locomotives are only scheduled to visit a depot every 6 months limiting scope for any maintenance intervention requirements related to welfare facilities such as toilets.*
- *Consideration also needs to be made around how any such portable toilet would be maintained as this brings about new risks that will most likely not be covered in the existing EMD maintenance contract, which will need to be managed correctly in order to not impact our employees' health, safety and wellbeing and our asset delivery.*

**On 6 November 2023 we wrote to GB Railfreight and asked the following:**

Please can outline the criteria used for determining that toilet and washing facilities are sufficient, whether these criteria have been met, and if not, what further action you intend to take along with the timescales for any actions.

**On 5 January 2024 GB Railfreight provided the following response:**

*I had discussed this with [name redacted] who was surprised that this was requested and on what grounds? He didn't believe there was a reply required and I think would speak to internal parties.*

*This we had responded on and if this being requested by all operators and you can give me more information or detail then we can oblige.*

*But we would potentially bring in the Industry groups NFSG and RFOG, but we were also part of the Industry Working Group that took place in December.*

*[name redacted] who was surprised conducted a Welfare Inspection as well, so we are actively working in the Industry Groups to progress this as a collective.*

**17) On 7 July 2023 Govia Thameslink Railway provided the following initial response:**

*As stated on page 39 of the RAIB report GTR had already undertaken improvement actions related to Recommendation 1 of the RAIB report, in that we should undertake a review of the toilet and washing facilities which exist over all the routes we operate. In the months since the publication of the RAIB report continued to review welfare arrangements for train crew, which I expand upon below.*

*We reviewed the new guidance on the provision of employee toilet facilities on GB railways (RSSB March 2022 attached) which draws attention to the safety risks arising from a lack of access to appropriate toilet facilities, such as:*

- Leaving the train for emergency relief while not in a position of safety.*
- Personal security issues in isolated locations.*
- Adverse hot weather and working without optimal hydration (thus avoiding the need to use toilet facilities).*
- Anxiety and distraction caused by being unable to go*

*After a review of our arrangements, we identified 4 improvement actions, which we believe will assure the adequate provision of welfare facilities and arrangements for Drivers and other onboard staff operating our trains. These are:*

- Review the operational plan linked to turnaround time and toilet break opportunities*
- Promoting preparedness for starting a journey and the understanding that, sometimes the need for unscheduled PNB arises.*
- More information of the whereabouts of facilities at stations on route, to promote good decision making in answering the need for an unscheduled PNB.*
- Set up a monitoring system to identify diagrams/locations subject to regular unscheduled PNB.*

**Action 1** - *We are committed to review operational plans linked to turnaround time and toilet break opportunities with H&S reps using data from the configured performance dashboard (see action 4). These reviews will be incorporated into the fatigue working group, as the factors influencing fatigue inducing work design*

*and personal needs breaks often coincide.*

**Action 2** - *GTR does not penalise people for taking unscheduled PNBs when the need arises but recognises that some people may worry about causing a delay and choose not to delay the service, narrowing their options to less suitable solutions. We now regularly promote, preparedness for starting a journey and the understanding that, sometimes the need for unscheduled PNB arises in seasonal briefs to crews (see [Summer Brief below](#)).*

## SUMMER HYDRATION AND TOILET BREAKS

As covered in the Spring brief hydration is paramount to staying alert and maintaining concentration, in warmer weather your body will lose more water that will need to be replaced. If you are unable to drink water, observing Ramadan for example, guidance is available [here](#).

The danger of increased water intake is the need to use the toilet. Managing this can sometimes be overlooked, I for one know how distracting it can be wondering if I'm going to be caught short. Being distracted, and potentially pained, because you need to use the loo, is far from ideal when driving a train.

If you do find yourself needing to use the toilet as it is impacting your ability to drive a train safely, then please do so. You will not be punished for this, safety is always the number one priority.

Do not be afraid to stop the train if necessary, to use the toilet. If you are driving a unit not fitted with toilets, ensure you know what locations have toilet facilities available.

You must always advise the signaller why your train is at a stand, and that you are shutting down and leaving the cab. You will also need to complete a report, as with any train delay. This can help teams support individual needs and identify areas where driver welfare can be improved if genuine diagram issues are raised and reported.

**Action 3** - *The location of suitable facilities for train crew (PNB points), diagrammed for breaks, are learned as part of their route knowledge. However, there are toilet facilities at stations mid- route which will be less well known to train crew. We conducted a survey to produce more information of the whereabouts of facilities at stations on route, to promote good decision making in answering the need for an unscheduled PNB (example of Penge West below), with this information being made available to all train crew, accessed via the company intranet, promoted by depot posters, with the offer of it being printed out (for those you prefer) and featuring in seasonal briefs. This has been completed for all routes operated by Southern trains and work is currently underway to complete all GTR routes to include Thameslink and Great Northern in the coming months.*

The guides are being produced and updated on a regular basis.

Select the route you require below for the most up-to-date version.

Toilet Facilities Guide

Victoria - Horsham via Mitcham Junction	Victoria - Epsom Downs via Mitcham...	Victoria - Dorking via Mitcham Junction	East Croydon - Tattenham Corner
East Croydon - Caterham	East Croydon - Three Bridges	Victoria - London Bridge	Victoria - East Croydon
London Bridge - Beckenham Junction	London Bridge - Sutton via Norbury	London Bridge - East Croydon	Littlehampton - Bognor Regis
Cosham - Southampton Central inc...	Eastbourne - Ore	Haywards Heath - Eastbourne	Barnham - Portsmouth Harbour
Three Bridges - Barnham	Three Bridges - Brighton	Brighton - Seaford	Brighton - Littlehampton
East Croydon - Watford Junction	Redhill - Tonbridge	Redhill - Reigate	Hastings - Ashford International
East Croydon - East Grinstead	East Croydon - Uckfield		

GTR Intranet Site



Example of poster at depots, directing crew to Intranet site



We understand that optimising hydration is key to maintain concentration and staying safe, in fact, we actively encourage you to do so. However, this can lead to the need to use the toilet more often.

Needing the toilet can be a cause for distraction and can impact your carry out your duties on a train safely. Whether you are a driver or on-board staff.

It is always best that you use the toilet during PNB, but we know this is not always possible. If you need to use the toilet mid-journey, ensure you take an emergency PNB so you can get back to safely carrying out your duties without the fear of being caught short.

You may have toilet facilities on board your train, however knowing where the toilet facilities are on your journey can give you the confidence to stop, use the toilet and get back to safely driving or working your train.

### **This briefing includes**

- How to take an Emergency PNB - Guide for drivers
- How to take an Emergency PNB - Guide for on-board staff
- Knowing where you can go
- Route Map - London Bridge to East Croydon

Press the contents icon in the bottom right for direct access to any part of the briefing.





**Action 4** - The GTR performance team has configured a dashboard ([screenshot below](#)), which shows delays attributed to emergency PNBs, so that we can identify problem diagrams and monitor the effects of changes made to them. TU H&S representatives and managers have access to the dashboard to review performance, which in turn can be used to develop improved guidelines for train planners and local Staff reps in respect to work design etc.



*I believe that these actions implemented do ensure so far as is reasonably practicable, the welfare of our employees whilst they are at work and are aligned the recommendation made in the RAIB report. As we have not yet completed the survey and published full details of the whereabouts of all toilet facilities at intermediate stations on all the Thameslink and Great Northern routes, therefore I would welcome the opportunity to provide you with a further update in three months' time.*

**On 6 November 2023 we wrote to Govia Thameslink Railway and asked the following:**

Please can you confirm if you have completed all actions to address recommendation 1 from the West Worthing RAIB report, as set out in your letter. Please could you also explain why you consider the provision of toilet and washing facilities to be sufficient.

**On 19 December 2023 Govia Thameslink Railway provided the following response:**

*We are nearing completion of the publication of full details of the whereabouts of all toilet facilities, although we have made significant progress it is sadly not yet complete, the library of guides is quite extensive at this time as seen in the screen shot below . Since my last update we have completed the Thameslink Core, Midland Mainline, Kings Lynn to Cambridge, Letchworth Garden City to Cambridge. The remaining routes will be completed early in the new year. I believe finalises the actions taken in response to the recommendations made.*

*I would like to request another extension to this work up until the February.*

Toilet Facilities Guide

Cambridge North - King's Lynn	Letchworth Garden City - ...	St Albans - Bedford	Cricklewood - Radlett
Blackfriars - West Hampstead...	Victoria - Horsham via Mitcham...	Victoria - Epsom Downs via...	Victoria - Dorking via Mitcham...
East Croydon - Tattenham Corner	East Croydon - Caterham	East Croydon - Three Bridges	Victoria - London Bridge
Victoria - East Croydon	London Bridge - Beckenham...	London Bridge - Sutton via...	London Bridge - East Croydon
Littlehampton - Bognor Regis	Cosham - Southampton Central...	Eastbourne - Ore	Haywards Heath - Eastbourne
Barnham - Portsmouth Harbour	Three Bridges - Barnham	Three Bridges - Brighton	Brighton - Seaford
Brighton - Littlehampton	East Croydon - Watford Junction	Redhill - Tonbridge	Redhill - Reigate
Hastings - Ashford International	East Croydon - East Grinstead	East Croydon - Uckfield	

**18) On 18 July 2023 Grand Central Rail provided the following initial response:**

*Grand Central currently operate a fleet of Class 180 trains and additionally, will be implementing the use of Class 221 units over the next month. Both Class 180 and Class 221 units have toilets fitted onboard (including wash facilities). Specifically, there are five toilets per Class 180 unit and four toilets per Class 221 unit.*

*The majority of traincrew Personal Needs Breaks (PNB's) are rostered to take place onboard a GC unit; and a large percentage of these take place when the unit is out-of-service / locked with no passengers onboard. As such, there are no issues in traincrew gaining access to the various facilities onboard our units.*

*There may be occasions, albeit limited, where traincrew are rostered to take breaks not onboard a GC unit. These would, however, take place at a location where facilities are available – such as a traincrew signing on point or a station with specific staff facilities (such as London Kings Cross station).*

**19) On 11 July 2023 Greater Anglia provided the following initial response:**

*All Greater Anglia's trains that are in operation has at least two toilets installed which can be used by traincrew in the event that access to other appropriate facilities is required. As well as this and as part of its review Greater Anglia along with the driver's company council representatives have reviewed all turn round locations and depots to ensure adequate facilities are available. From this review, two locations were identified where additional access to facilities would be beneficial. The first being at Great Yarmouth. A key to the station toilet has now been made available to traincrew so when the station is building is locked, these facilities can be used during turn around. A second location was identified, this being Southminster where a new facility will be provided for turnaround. This facility is currently under refurbishment and is expected to be available within the next four weeks.*

**20) On 1 August 2023 Great Western Railway provided the following initial response:**

*The RAIB report, highlights the risks of going trackside on open running lines. It is unclear why the driver decided to exit the cab without contacting the Signaller and obtaining a line blockage. The report suggests the driver may have exited the train to urinate as there were no toilets on this type of traction. GWR drivers are encouraged to use designated toilet facilities at all times (on & off train) if the requirement to do so arises.*

*All GWR colleagues must only go trackside during the course of their duties, and before doing so ensure that all adjacent running lines have been blocked by the Signaller. It is critical that the person requesting the line blockage comes to a clear understanding with the signaller which lines have been blocked - the requirements of **Rule Book Module TW1 (section 47)** must be adhered too.*

*In addition to the blockage of adjacent running lines, all GWR colleagues must use the required PPE before going trackside -as a minimum, safety footwear and high visibility clothing (Module G1 ).*

*Our rail industry continues to experience near misses whereby trackworkers / traincrew / maintenance staff narrowly avoid being struck by oncoming trains due to miscommunication with the Signaller (or not contacting the Signaller).*

*Think of the safety of yourself and others - do not take the risk; always get the adjacent running lines blocked and confirm with the Signaller before exiting the train.*

**On 6 November 2023 we wrote to Great Western Railway and asked the following:**

*Having reviewed the response we do not consider it sufficient to address the recommendation. Please can outline the criteria used for determining that toilet and washing facilities are sufficient, whether these criteria have been met, and if not, what further action you intend to take along with the timescales for any actions.*

**On 1 December 2023 Great Western Railway provided the following response:**

*This was passed on to me to provide a little more context on our response to the recommendations from the West Worthing fatality. I have re-attached the letter (of 1 August 2023) and our traincrew briefing for reference.*



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*Our interpretation of Recommendation 1 was that, due to the rolling stock involved and it being stationed at a location where it was not possible to alight in to a position of safety, the driver may have left the unit for personal needs in the absence of any other options.*

*GWR reviewed the potential of a similar scenario occurring on own our network. Primarily we reviewed the characteristics of our own rolling stock. We identified that our only active stock where the driver cannot reach toilet facilities without alighting is our Class 255 (short-form HST stock). From the timetable change on 11<sup>th</sup> December GWR will only be diagramming 3 SFHST units per day so they form a very small percentage of our fleet.*

*Additionally the 255 fleet now works locally between Plymouth and Penzance. Station stops are regular and many of our stations also have toilet facilities, in addition to those that can be accessed on the train whilst in a station platform. There are no out-stabling locations used that are similar to West Worthing, where a unit is stopped between running lines with no access to facilities. The 255 fleet is out-stabled at either Laira or Long Rock depot.*

*I hope this gives the required context to support our response.*

**21) On 27 June 2023 Harsco Rail provided the following initial response:**

*Under contract to Network Rail, Harsco Rail Ltd (HRL) drive, operate and maintain, but do not own, S&C Grinder OTMs, Mobile Maintenance Train (MMT) OTMs and as from the 27th May 2023, the Stoneblower OTMs.*

*The MMT has onboard welfare and toilet facilities and as such already meets the recommendation.*

*Both the S&C Grinder and the Stoneblower operate throughout the UK and as such can be stabled at various locations with these locations changing one a very frequent basis from daily to weekly.*

*Having operated the S&C Grinders since 2004 and the Stoneblower from 2012 to 2018 and then again from 27th May 2023, HRL have already looked at and implemented various methods to provide welfare and sanitation for its driver/operators, prior to the West Worthing fatality.*

*For welfare, HRL provide potable water, means to make hot drinks, handwipes and sanitizers. The provision of suitable sanitation on either machine however is not possible due to the design of the machines and lack of available space.*

*For sanitation, HRL provided collapsible 'portaloos' which can be stored in a relatively small space on the machine and then erected for use. Use of this however was found to be impracticable and offered little to no privacy, coupled to this was also the issue of storing and then disposing of the 'waste'.*

*Working with Network Rail, the provision and use of a Mobile Expanding Wellbeing Unit was trailed and while it provided acceptable toilet and washing facilities the logistics of requesting, placing and then removing from the numerous stabling points for the OTMs was not feasible.*

*When stabled, the driver/operators will liaise with the infrastructure owner to ascertain if they have facilities on site and if these can be used by HRL which is generally met with a mixed response. Where refused, the drivers will look for nearby public facilities.*

*When operating in possessions, the S&C Grinders have access to a welfare van at the nearest access point provided by NRL (The grinding ground support team). Stonblowers do not have any directly available toilet facilities. If facilities were required, it would mean leaving site to access the nearest public facilities. New machines being introduced from 2025 will come with toilet facilities built in. Stoneblowers do carry drinking water and facilities for making hot drinks.*

*Following the request for a response to the recommendation, HRL have approached Network Rail in assistance in meeting the recommendation, namely that access be encouraged, provided by all infrastructure managers / owners to HRL Staff where facilities are present.*

### **On 6 November 2023 we wrote to Harsco Rail and asked the following:**

Please can outline the criteria used for determining that toilet and washing facilities are sufficient, whether these criteria have been met, and if not, what further action you intend to take.

### **On 15 December 2023 Harsco Rail provided the following response:**

*The criteria used in determination was three-fold; Harsco Rail's experience to date in the operation and maintenance of the S&C Grinder; Stoneblower and Mobile Maintenance Train OTM fleets, taking into account any reported incidents that directly or in directly involved inadequate welfare provisions.*

*The information and recommendations as detailed in the RSSB document 'Guidance on the provision of employee toilet facilities on Great Britain's railways' dated March 2022.*

*The undertaking of a risk assessment, to determine Harsco Rail's current risks from the hazards posed, the level of mitigation currently in place and the identification of additional measures that could further reduce the risk.*

*The Mobile Maintenance Train is equipped with an on-board flushing toilet, with two key risks being that the toilet became unserviceable and, the driver being able to utilise the toilet during long transits. Mitigation to reduce these risks has been deemed sufficient.*

*The S&C Grinder and the Stoneblower do not have an on-board toilet and from March 2018, the date which the EHS Manager joined Harsco Rail, there have been no incident reports received that involved directly or in directly the provision of welfare facilities. While there is mitigation in place (as briefed in the letter dated 27/06/2023) further measures as identified via the risk assessment process to help reduce the risks have been identified as:*

- Harsco Rail employees having access to the Network Rail's Welfare App which identifies and locates toilet facilities.*
- Working with Network Rail SCO in the planning aspects to provide locations of where a personal needs break can be undertaken and that such a location has access to toilet facilities.*
- Personal needs breaks are planned in on known long transits of 3 hours or more with the breaks being at a location where there is access to toilet facilities.*
- Investigation in the provision of camping style chemical toilets, Harsco Rail has recognised that the technology in this area has moved on since it introduced the collapsible 'portaloos' a number of years previously. Harsco Rail Limited Unit 1 (Before No.20) Chewton Street Eastwood, Nottingham NG16 3HB United Kingdom Tel: +44 (0) 1773 539480 Web: www.harsco.com Registered in England No 977100 Registered Office: Harsco House, Regent Park, 299 Kingston Road, Leatherhead, Surrey KT22 7SG*
- With the life of the S&C Grinder being extended and working with Network Rail SCO, the investigation into the provision of an intermediate car which will contain welfare facilities of a flushing toilet and containerised effluent tank , mess room and a small workshop.*
- Replacement Multi-Purpose Stoneblowers being equipped with 'Cinderella' waterless toilets with the first of these machines planned to be introduced 2024.*

- *The provision of all stabling surveys to HRL staff which provide the nearest welfare facilities.*

**22) On 6 July 2023 Heathrow Airport Limited provided the following initial response:**

*Heathrow Airport Limited, as an IM, do not operate mainline trains as would a TOC. However, we do operate two separate automatic and driverless systems on our infrastructure. With respect to toilet facilities, these are available for all staff at Heathrow Airport as well as any staff employed by the TOCs serving our stations. This includes drivers, train staff, and station staff. Toilet facilities are available at all three of our mainline rail stations as well as the Tracked Transit System and the Heathrow POD system. Other PNB facilities are also available in these locations.*

**23) On 7 July 2023 Hull Trains provided the following initial response:**

*Hull Trains has taken note of the content of this report and whilst every AT-300 unit leased and operated by Hull Trains (5) has at least 5 toilets on board its services we also have the following arrangements in place to reduce the risk as identified:*

- *Each start/terminus location for Hull Trains traincrews has public and staff toilets available to use*
- *The majority of stations along our line of route have access to toilet facilities, namely Hull, Selby, Doncaster, Retford, Grantham, Stevenage and London Kings Cross*
- *Drivers are briefed that if they require the use of a toilet during a journey, where preferable to use the facilities at the closest station location but in an urgent situation they are to bring their train to a stand and use the on-board facilities even if it causes a delay to service*
- *Our Defective On Train Equipment procedure recommends the withdrawal of a unit if it has more than 4 toilets are unavailable for use on-board*
- *The pertinent points arising from this investigation has recently also been briefed out to safety critical on-board crews at their most recent round of safety briefs*

*We will continue to monitor this as part of our risk assessment and review processes with the full involvement of our trade union elected health and safety representatives.*

**24) On 17 May LNER provided the following initial response:**

**1 - Provision of toilet and handwashing facilities on train – Class 80x**

*LNER predominantly operates Class 80x trains in either five, nine or ten-car\* formations. Each Class 80x train is equipped with a number of toilets as indicated*



in the table below. None are specifically allocated to employees and are also available for use by passengers. Coaches below that are highlighted in red are located in the same vehicle as driving cab vehicles.

<b>Toilet type</b>	<b>Five-car</b>	<b>Nine-car</b>	<b>Ten-car</b> * (2x five-car units coupled)
<b>Space saver toilet</b> – WC, wash hand basin with hot/ cold water, soap, and hot air hand drier.	3 Coach C (x2) & D (x1)	8 Coach L (x1) Coach J (x2) Coach H (x2) Coach C (x2) Coach B (x1)	6 Coach C (x2) & H (x2) Coach D (x1) & K (x1)
<b>Accessible toilet</b> (Equality Act compliant) – WC, wash hand basin with hot/ cold water, soap, and hot air hand drier.	2 Coach A & E	2 Coach A & M	4 Coach A, E, F, M <i>Note: E&amp;F are also vehicles with driving cabs, but in the case of a ten-car formation would be the two intermediate driving cabs</i>

As such, our drivers have access to the toilet and handwashing facilities on Class 80x trains without having to leave the train as access to these facilities can be obtained directly from the driving cabs by walking through the train. The ease of access allows use of these facilities: -

- Before or after working a train
- During a booked station call
- At any intermediate point if the train is brought to a stand and the signaller is advised that an 'emergency personal needs break (PNB)' is required. This would normally occur at a station but could happen elsewhere.

## **2 - Provision of toilet and handwashing facilities on train – InterCity225 (Class 91/ Mark IV)**

LNER also operates a small number of legacy fleet InterCity225 (Class 91/Mark IV) trains, which only operate on the London-Leeds/York services.

Like the Class 80x fleet, the train is equipped with a number of toilets as indicated in the table below. None are specifically allocated to employees and are also available for use by passengers.

<b>Toilet type</b>	<b>Fixed formation</b>
--------------------	------------------------

<b>Space saver toilet</b> – WC, wash hand basin with hot/ cold water, soap, and hot air hand drier.	7 Coach B, C, D, E, H, K, M
<b>Accessible toilet</b> (Equality Act compliant) – WC, wash hand basin with hot/ cold water, soap, and hot air hand drier.	2 Coach L & F

As such, our drivers have access to the toilet and handwashing facilities on InterCity225 trains, when driving from the Driving Van Trailer (DVT) without having to leave the train as access to these facilities can be obtained directly from the driving cabs by walking through the train. The ease of access allows use of these facilities: -

- Before or after working a train
- During a booked station call
- At any intermediate point if the train is brought to a stand and the signaller is advised that an ‘emergency personal needs break (PNB)’ is required. This would normally occur at a station but could happen elsewhere.

The other driving cab within an InterCity225 train is located within the Class 91 locomotive and is physically separate from the train. As such, the driver would be required to leave the locomotive to access the toilet and handwashing facilities within the train. This would mean that a driver would only have access to these facilities: -

- Before or after working a train
- During a booked station call
- At an intermediate station that the train is not booked to call at if the signaller is advised that an ‘emergency personal needs break (PNB)’ is required. This would have to occur at a station and would require the driver to walk to the rear of the train to access the train via the traincrew door.

This risk is somewhat mitigated by the nature of the services that the InterCity225 trains (Class 91 leading) are scheduled to work. InterCity225 trains are captive to the London – Leeds/ York service and operate ‘stopping services’ on these routes with journey duration (in minutes between each calling point) as shown in the table below: -

Calling points Northbound	Headcode 1Nxx	Headcode 1Dxx (even)	Headcode 1Dxx (odd)
London King’s Cross	--	--	--

Stevenage	23	23	
Peterborough	30		47
Grantham	20	46	
Newark Northgate	13		
Retford	15		
Doncaster	14	31	50
Wakefield Westgate		17	17
Leeds		13	13
York	26		

Therefore, the maximum time in a Class 91 driving cab between **booked** station calls is between 46 and 50 minutes (highlighted in red above). The table above also shows that in these instances the presence of stations in-between, that even though the train is not booked to call, could be called at for the driver to undertake an 'emergency PNB'. In such instances we would expect the driver to advise the signaller of this for the following reasons: -

- To avoid causing the signaller concern – and acting accordingly – for a train stopped out of course with no communication from the driver.
- To ensure that the train is routed into the station for the unscheduled stop on a line with a platform. For example, trains not booked to call at Peterborough or Retford will normally be scheduled to run on 'through lines', that is lines through a station with no platforms.
- To allow the signaller, where necessary, to route the train onto a platform line that enables following trains to 'overtake' the train undertaking the unscheduled stop in order that delays to following trains can be minimised.

### **3 - Provision of toilet and handwashing facilities at booking-on facilities and rostered break locations**

LNER drivers book on for duty and/ or are rostered their break at the following locations where toilet and handwashing facilities are provided: -

<b>Location</b>	<b>Staff only toilets</b>	<b>Public toilets</b>
London Kings Cross	Mezzanine Floor, London King's Cross (East Side). 2x sets of toilets. Replicated on floor above. Shower facilities. Shared with GTR drivers and non-driving staff (i.e., Train Managers and On-Board Customer Experience Hosts)	Yes, located on the main concourse.

<i>Doncaster</i>	<i>Signing on block on platform 1 &amp; 3. 1x set of toilets. Shared with Northern traincrew and non-driving staff (i.e., Train Managers and On-Board Customer Experience Hosts)</i>	<i>Yes, located on Platforms 3 and 4</i>
<i>Leeds</i>	<i>Signing on point on 5<sup>th</sup> floor of Accommodation Block. 1x set of toilets and showers. Sole use by LNER staff but shared with non-driving staff (i.e., Train Managers and On-Board Customer Experience Hosts)</i>	<i>Yes, located on Platforms 8 and 14</i>
<i>Newcastle</i>	<i>Signing on point on 2nd floor of station offices. 3x set of toilets and showers. Sole use by LNER staff but shared with non-driving staff (i.e., Train Managers and On-Board Customer Experience Hosts). Only served by Class 80x trains.</i>	<i>Yes, located on Platforms 3,4 and 12</i>
<i>Edinburgh</i>	<i>Signing on point on 1st floor of station offices. 3x set of toilets and showers. Sole use by LNER staff but shared with non-driving staff (i.e., Train Managers and On-Board Customer Experience Hosts). Only served by Class 80x trains.</i>	<i>Yes, located in the travel centre/ food court block</i>
<i>Aberdeen</i>	<i>Signing on point. Facilities also available at Clayhills Depot. Only served by Class 80x trains. Drivers who are lodging also have these facilities in the hotels where they stay overnight.</i>	<i>Yes, located opposite taxi rank (limited opening hours)</i>
<i>Inverness</i>	<i>Signing on point. Only served by Class 80x trains. Drivers who are lodging also have these facilities in the hotels where they stay overnight.</i>	<i>Yes, located on main concourse (limited opening hours).</i>

*These facilities are checked as part of joint management & trade union health and*

safety inspections along with the normal planned general inspections undertaken by the station facility operator.

Arrangements are in place to ensure that toilets are cleaned, well-stocked and maintained by the station facility operator.

Location of toilet facilities are covered as part of depot inductions for new drivers.

#### **4 - Provision of toilet and handwashing facilities on maintenance depots**

LNER drivers are required to operate trains to and from maintenance depots as shown below. Each of these depots have toilet and handwash facilities available to LNER drivers which will be shared with: -

- Employees of the depot facility operator
- Employees of other train operating companies who also use that depot.

<b>Location</b>	<b>Depot Facility Operator</b>	<b>Types of train operated to/from depot</b>
<i>Bounds Green (London) Train Maintenance Centre</i>	<i>Hitachi</i>	<i>Class 80x only</i>
<i>Doncaster IEP</i>	<i>Hitachi</i>	<i>Class 80x only</i>
<i>Neville Hill (Leeds)</i>	<i>Northern</i>	<i>Class 80x and InterCity225</i>
<i>Heaton (Newcastle)</i>	<i>Northern</i>	<i>Class 80x only</i>
<i>Craigentinny (Edinburgh) Train Maintenance Centre</i>	<i>Hitachi</i>	<i>Class 80x only</i>
<i>Polmadie (Glasgow)</i>	<i>Alstom Transportation</i>	<i>Class 80x only</i>
<i>Clayhills (Aberdeen)</i>	<i>LNER</i>	<i>Class 80x only</i>
<i>Inverness (until May 2023)</i>	<i>ScotRail</i>	<i>Class 80x only</i>

These facilities are checked as part of joint management & trade union health and safety inspections along with the normal planned general inspections undertaken by the depot facility operator.

Arrangements are in place to ensure that toilets are cleaned, well-stocked and maintained by the depot facility operator.

Empty Coaching Stock (ECS) movements to and from depots are dealt with in the same way as a service carrying passengers in respect of the driver requiring an 'emergency PNB'. Most services are operated using Class 80x rolling stock or from the DVT on an InterCity225 train where the driver can access toilets without leaving the train.

Where the ECS movement is being driven from the Class 91 locomotive, this generally only occurs on movements between Leeds station and Neville Hill depot, a distance of approximately two miles, with toilet facilities available at Leeds station prior to departure and at Neville Hill depot on arrival.

## **5 - Rostering parameters**

*LNER drivers are rostered according to the principles agreed with ASLEF and detailed within Section*

*9.2 Hours of Duty and Diagramming of the 'Professional Drivers Agreement (PDA)'.*

*The key points are summarised below: -*

- *Maximum diagrammed shift length – 11 hours (10 hours maximum is aimed for)*
- *A rostered break will not be included within the first hour or last hour of the diagram.*
- *For diagrams of eight hours or less, a single break of at least 30 minutes will be provided.*
- *For diagrams of over eight hours, a single break of at least 45 minutes will be provided, or two breaks of at least 30 minutes at least one hour apart.*
- *The maximum planned period of driving without a break will normally be three hours and 30 minutes. The only exception to this will be, where for operational requirements, a maximum period of four hours and 30 minutes may be diagrammed. In all cases where this is necessary a break of at least five minutes must be provided within a maximum period of three hours and 30 minutes, away from the driving cab, involving no operational duties, and with access to a toilet. If necessary, this will incur a delay to the service.*
- *A maximum of six hours without a break can be diagrammed provided at least five minutes can be shown in the diagram away from the driving cab, involving no operational duties and with access to a toilet. If necessary, this will incur a delay to the service. Where a five-minute break cannot be shown, the period without a diagrammed break shall not exceed five hours 30 minutes.*
- *Diagrammed breaks will be based upon time away from the driving cab and will be at agreed PNB locations unless a specific agreement is otherwise reached. Where a diagram includes time on train with no driving duties diagrammed, a break provision may be made within this time if there is no sensible alternative and subject to agreement.*

*Generally, the maximum time continuous time (operating with no station stops) an LNER driver will be driving is around two-hours on non-stop London-York (and vice versa) services. These trains are formed of Class 80x trains, where, if required, a driver could undertake an 'emergency PNB' and access toilet and handwashing facilities without having to leave the train.*

*There are some services where the driving time is more than three-hours and generally occur on north of Edinburgh services to and from Aberdeen and Inverness. There are intermediate calling points on these services and these trains are only formed of Class 80x trains, where, if required, a driver could undertake an 'emergency PNB' and access toilet and handwashing facilities without having to leave the train.*

## **6 - Summary**

*LNER is satisfied that sufficient access to toilet and handwashing facilities are provided for our drivers through a balance of diagram design and the facilities*

*available on board the train, at stations where the driver can start and finish their journey and at depots where our trains are stabled and maintained.*

*Where a driver requires access to toilet or handwashing facilities outside of a scheduled break, this can be taken during a scheduled station stop or in extreme situations the driver can take an 'emergency PNB' en-route, with LNER fully accepting of the delay that may be caused against.*

**25) On 7 July 2023 LUMO provided the following initial response:**

*Lumo has taken note of the content of this report and whilst every AT-300 unit leased and operated by Lumo (5) has at least 4 toilets on board its services we also have the following arrangements in place to reduce the risk as identified:*

- *Each start/terminus location for Lumo traincrew have public and staff toilets available to use*
- *The majority of stations along our line of route have access to toilet facilities, namely Edinburgh, Newcastle, Stevenage and London Kings Cross*
- *Drivers are briefed that if they require the use of a toilet during a journey, where preferable to use the facilities at the closest station location but in an urgent situation they are to bring their train to a stand and use the on-board facilities even if it causes a delay to service*
- *Our Defective On Train Equipment procedure recommends the withdrawal of a unit if it has more than 3 toilets are unavailable for use on-board*
- *The pertinent points arising from this investigation has recently also been briefed out to safety critical on-board crews at their most recent round of safety briefs*

*We will continue to monitor this as part of our risk assessment and review processes with the full involvement of our employee appointed safety advocates.*

**26) On 5 July 2023 Merseyrail provided the following initial response:**

*Following review of the recommendation Merseyrail can confirm the follow:*

- *The three Traincrew depots across the Merseyrail Network have toilet provisions for both Male and Female staff.*
- *In addition, Merseyrail is fortunate to have facilities for both staff and public across its network, in the event a member of traincrew require a personal needs (PNB) break during a journey.*
- *Due to the design of the network an average station stop is approximately 2 minutes apart.*
- *The maximum journey time for Traincrew (terminal end to terminal end) is 90 minutes.*
- *All employees are aware that if they require a PNB it is acceptable to utilise the facilities available to them whether it be at a depot, or an intermediate station stop.*

- *All Traincrew are provided with the opportunity prior to being certified to undertake route learning which includes familiarisation of station specific information such as available facilities.*

## **27) On 7 June 2023 MTR Elizabeth Line provided the following initial response:**

*The use of toilet and washing facilities for a Personal Needs Break (PNB) are built into our train diagrams and part of our terms and conditions, these include access to toilet and washing facilities. Any request from a driver requiring an emergency PNB outside of these parameters would be considered on a case-by-case basis depending on the circumstances and from a welfare perspective. This is in order that we could monitor if an individual is having an emergency PNB on a regular basis, if this were the case, we would engage with them directly. This isn't something we've seen, but it is how we would manage if it were to occur.*

*The relevant excerpt from the MTREL terms and conditions is pasted below for reference,*

### **3.1 DIAGRAM LIMITATIONS**

#### **3.1.1 Continuous Driving**

*Continuous Driving is defined as the WTT time the train starts moving to the WTT time the train stops moving and the Driver gives up charge of a unit or reaches a turnaround point with a Cab Environment Break of a minimum of ten minutes, plus change end times, and where toilet facilities are provided.*

*A Cab Environment Break of a minimum of ten minutes, plus change end times, where toilet facilities are provided, constitutes a break in Continuous Driving.*

*Diagrams will not include Continuous Driving of more than four hours and thirty minutes.*

*However, a diagrammed toilet facility break must be included at least once within a 4 hour Continuous Driving period to enable Drivers to access toilet facilities.*

*Diagrammed toilet facility breaks of less than the minimum requirements for a Cab Environment Break, do not constitute a break in continuous driving.*

#### **3.1.2 Access to toilet facilities**



*At certain stipulated locations, where Drivers change ends on booked platforms, (and which are in close proximity to agreed toilet facilities), a minimum of 12 minutes between booked arrival and departure times must be included at least once within a 4 hour Continuous Driving period to enable Drivers to access agreed toilet facilities.*

*Locations agreed for this stipulation are Shenfield, Romford, Liverpool Street National Rail, Reading, Abbey Wood and Paddington National Rail.*

*Further review of the agreed facilities will take place as required at Drivers Functional Council level and should be akin to the already agreed stations.*

*It is accepted that due to unforeseen circumstances there may be occasions where a Driver needs access to toilet facilities outside of the booked time or for a longer period of time. On these occasions the Driver must inform the MTREL Control Room.*

3.1.3 *Diagrams signing on prior to 0500 in the morning will be a maximum of 8 hours in length.*

3.1.4 *Aggregate Driving*

*The limit on aggregate driving will be eight hours thirty minutes. Aggregate driving will be measured by adding together units of continuous driving as defined above.*

3.1.5 *Rest Day Working (RDW)*

*RDW will only apply where there is an agreement in place as sanctioned by the ASLEF Executive Committee.*

*Please refer to appendix C.*

## **28) On 1 August 2023 Network Rail provided the following initial response:**

*We write on behalf of Network Rail's Directly Operated Fleet (DOF) to provide our formal response to Recommendation 1 of the Rail Accident Investigation Board (RAIB) report pertaining to the tragic incident near West Worthing station on 1 February 2022.*

*In response to Recommendation 1, we have reviewed the welfare provisions for our On-track Machine (OTM) staff. Below, we have outlined our response, specifically addressing each vehicle type:*

The Network Rail, Directly Operated Fleet (DOF) are part of Route Services. The DOF comprises of the following:

- 8 x Plasser and Threuer Tamping Machines
- 6 x Plasser and Threuer ballast regulators
- 9 x Windhoff Multi -Purpose Vehicles (MPV) – these vehicles haul Overhead Line replacement equipment vehicles and are referred to as the Overhead Line Electrification Train (OLET)

### **8 x Plasser and Threuer Tamping Machines**

All eight of these vehicles have toilet/washing facilities fitted at one end of the vehicle but only three of these vehicle's toilet/washing facilities have been commissioned for use. The remaining five vehicles toilet/washing facilities require recommissioning, and these facilities are currently out of use.

The following measures are in place for the provision of welfare facilities for our On-track Machine staff on the five vehicles on which the toilet/washing facilities are not commissioned for use :

- The Principal Contractor (PC) provides toilet/washing facilities at booking on locations and within engineering possessions where the vehicles are working. These are either static or can be mobile depending on work location
- The Safe System of Work Pack (SSOWP) detail's the location of toilet/washing facilities within the engineering Possession or worksite
- All vehicles have a supply of disposable gloves and handwipes

The vehicles with toilet/washing facilities commissioned for use are part of a contract with an external company 'Weedfree' who maintain and service the toilet/washing facilities on these vehicles.

### **6 x Plasser and Threuer ballast regulators**

These vehicles are not fitted with Toilet/washing facilities. These vehicles do not run on the GB Rail network individually, they are always coupled to a Tamping Machine and therefore no further measures are required regarding these vehicles.

The measures described for the Tamping machines will apply to these vehicles.

### **9 x Windhoff Multi -Purpose Vehicles (MPV)**

The Overhead Line Electrification Train (OLET) is split into three consists with a mainline driving cab at each end of the consist. Each consist comprises of a combination of Overhead Line replacement equipment vehicles which are hauled by an MPV. There are toilet/washing facilities in eight of these vehicles, In the event a

*driver is driving the vehicle without toilet/washing facilities the following measures are in place to enable access:*

- *Safe system of work set up i.e. line blockage or when in possession, Controller of Site Safety (COSS) to enable access to the toilet/washing facilities*
- *The Principal Contractor (PC) provides toilet/washing facilities at booking on locations and within engineering possessions where the vehicles are working. These are either static or can be mobile depending on work location*
- *The Safe System of Work Pack (SSOWP) detail's location of toilet/washing facilities within the engineering Possession or worksite*
- *All vehicles have a supply of disposable gloves and handwipes*

*Like the Plasser and Threuer Tamping Machines, these vehicles toilet/washing facilities are also part of the contract with 'Weedfree' for maintenance and servicing.*

*To give us assurance that we fully comply with Recommendation 1 of the report we have begun the process of developing a detailed implementation plan, outlining specific timelines, responsibilities, and resources required to commission the toilet/washing facilities on the remaining five vehicles. We would therefore request an extension until 29 September 2023, to enable the creation of an action plan to detail the required timescales for the commissioning of the toilet/washing facilities for the five vehicles that require it.*

**Network Rail provided a further response on 3 October 2023 which is as follows:**

Lead manager(s)	Caroline Meek
Recommendation	West Worthing 01/02/22 - ORR Letter
Implementation	National
Forecast Completion Date:	31 March 2024

#### Action Plan

Please provide milestones with Dates

##### **Background**

There are several significant issues with the CET systems as fitted to the machines (DR73114 - 118):

- The 2019 CET retrofit project re-used the existing pressurised water tank; there's no written scheme of examination for this, and we've not been able to identify a willing and suitable supplier to do develop one. The subsequent plan is for DG8 to design the water supply system to work with a small water pump instead of the pressurised tank. The latter will be replaced with a new insulated tank.

- The effluent discharge connection is on the walkway next to the cab door - there is a high likelihood that any spillages etc. would be walked straight into the operating cab. This will be reviewed once the toilets are commissioned to see whether the splashes can be controlled via absorbent pads etc.

#### **Action Plan**

The project steps are as below:

**Design of non-pressurised water system** - this will include vehicle surveys on sites around UK and provision of documentation / RAs to ensure ECR approval. User experience feedback includes requests for water level indicator, new water drain outlet, labelled/IDed components, and revised documentation (fault-finding guide, revised schematics, parts lists and review of maintenance / servicing tasks to reflect actual build).

**Installation of water pump and associated pipework** - site to be confirmed but may be Holgate / Swindon / Reading or Crewe.

**Commission and trial use of working toilet systems** - the duration of trials not yet known but will trials will confirm requirement for relocation of effluent extraction point.

**Removal of the ex-pressurised water tanks and installation of replacement water tanks** - readily available plastic water tanks suitably covered (as per TfW CI153 CET water tanks vs BS EN 45545 requirements), jump seat on water tank and new storage module).

#### Evidence required to support closure of recommendation

Approval of working installed equipment by:

- TSSA & RMT safety representatives
- Route Services SHEQ team representative

#### On 6 November 2023 we wrote to Network Rail and asked the following:

Please can outline the criteria you plan to set in order to determine if toilet and washing facilities are sufficient.

#### On 14 December 2023 Network Rail provided the following response:

The ORR's query is about our initial plan from the September submission:

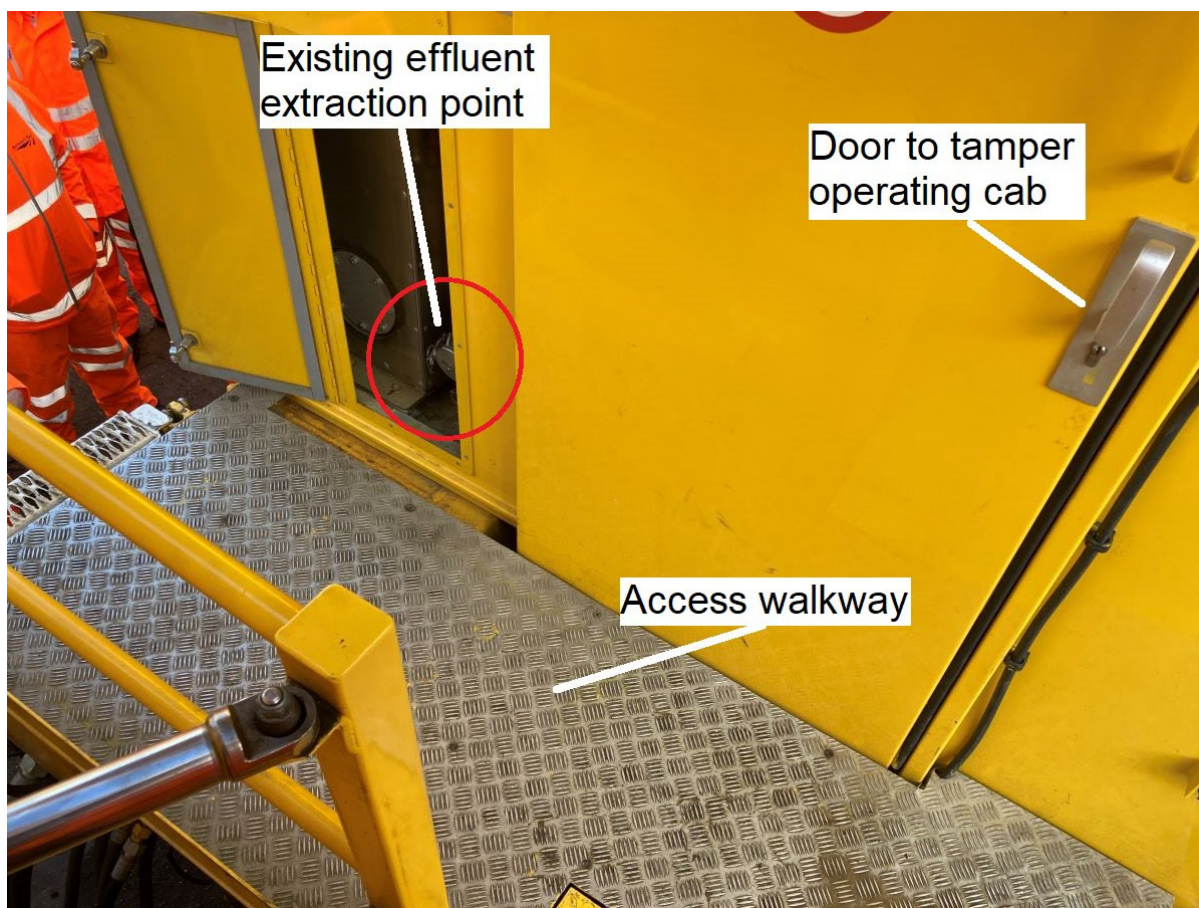
#### **"Action Plan**

The project steps are as below:

- *Design of non-pressurised water system - this will include vehicle surveys on sites around UK and provision of documentation / RAs to ensure ECR approval. User experience feedback includes requests for water level indicator, new water drain outlet, labelled/IDed components, and revised documentation (fault-finding guide, revised schematics, parts lists and review of maintenance / servicing tasks to reflect actual build).*
- *Installation of water pump and associated pipework - site to be confirmed but may be Holgate / Swindon / Reading or Crewe.*
- *Commission and trial use of working toilet systems - the duration of trials not yet known but will trials will confirm requirement for relocation of effluent extraction point.*
- *Removal of the ex-pressurised water tanks and installation of replacement water tanks - readily available plastic water tanks suitably covered (as per TfW CI153 CET water tanks vs BS EN 45545 requirements), jump seat on water tank and new storage module)."*

*It's this third bullet point that we're discussing; we're now not going to trial the existing effluent extraction point that's on the access walkway - there's the risk that raw effluent will end up in the operating cab. We're now going to move the effluent extraction point to where the water filling point is, as we can move the water pipework. I've attached a couple of photos to help illustrate this.*





**29) On 21 July 2023 Northern provided the following initial response:**

*All Northern multiple units are equipped with on-board toilets that are available for use by drivers, should the need arise. Should an on-board toilet become unavailable whilst in service and a comfort break is required, traincrew are able to contact Northern Control who will ensure that a suitable stop is made at a station with toilet facilities.*

**Northern provided the following further response on 6 February 2024**

*Personal needs breaks are built into our drivers' diagrams in accordance with traincrew terms and conditions, including access to toilet and washing facilities. All Northern multiple units are equipped with on-board toilets that are available for use by drivers, should the need arise. On-board toilets are subject to daily inspection and cleaning, including overnight servicing at Northern TrainCare Centres (maintenance depots) and outstations. Defective toilets in service are reported by conductors for inspection at the next suitable location where attention can be given. Should an on-board toilet become unavailable whilst in service and a comfort break is required, traincrew are able to contact Northern Control who will ensure that a suitable stop is made at a station with toilet facilities.*

Following further review it was determined that where scheduled PNB stops are considered insufficient, ROG would equip the locomotives with a collapsible, portable toilet (contained in a sealed bag) which could be strapped into a storage position, should an urgent need arise where PNB facilities are not readily available. This portable toilet can be positioned in the control room area. Used then secured for the remainder of the journey. The driver would notify control, who would arrange the maintenance provider to replace the portable toilet and safely dispose of the contents. An order has been placed for 20 portable toilets, The Engineering change and fitment plan of both the new tri-mode Class 93 and current Class 37 fleets is in progress with initial locomotives anticipated to be fitted towards the end of October 2023.

**31) On 6 July 2023 ScotRail provided the following initial response:**

*As requested, please find below a full explanation from ScotRail Trains Ltd in relation to report recommendation no 1 – Ensure that traincrew working for ScotRail have adequate access to toilet and washing facilities.*

*In determining our response, ScotRail have reviewed our current facilities and arrangements for traincrew toilet and washing facilities across both our fleet and network and after careful consideration have determined that our current arrangements are adequate and are well known to all of our members of traincrew. Our review looked into the following key areas;*

**ScotRail Fleet**

- *ScotRail's full fleet operate with a minimum of one toilet with washing facilities on board each 2 or 3 three car formation, with this number doubling in capacity for 4/6 car formation.*
- *Where units are arranged in 4 car formation, each formed train will have a minimum of 2 toilets with washing facilities on board, with this number doubling in capacity when in 7/8 car formation.*
- *For ScotRail HST's fleet, there are a minimum of 3 toilets for each 4-car formation and 4 toilets for each 5-car formation, each with washing facilities.*
- *All of our on-train toilet and washing facilities are maintained as per company approved vehicle maintenance instructions (VMI's), as recommended by manufacturers.*
- *To ensure maximum availability of operational and functioning toilets and washing facilities, prior to a unit returning back into service from a maintenance depot, it will go through the local CET facilities, ensuring that waste tanks are empty and water tanks are at full capacity. It is estimated that based on the storage capacities of our fleet, units can last up to 3 days without requiring water top up or waste removal.*
- *Where units enter into service from a stabling location, these units are scheduled to rotate through a maintenance depot every 2 days for maintenance activities including CET and water tanking*

**Traincrew Diagrams**



- *Each traincrew diagram has been developed to both start and end at a depot or station that has toilets including washing facilities.*
- *Each traincrew diagram has been developed to ensure that rostered personal needs breaks are taken and locations that have dedicated messing facilities, including toilets, and washing.*

**32) On 16 June 2023 Southeastern provided the following initial response:**

*At Southeastern we fully support the view that recommendation 1 should apply to all operators and had already begun work towards this on receipt of the RAIB report.*

*We recognise the need for a toilet break may arise at any point during a Drivers working day. To that end we have compiled a list of stations with accessible toilets, within the areas of our network where 707 and 376 units operate (these are the rolling stock types that have no onboard toilets).*

*Some accessible toilets are located within booking halls that are closed for parts of the day. We will be changing the locks on such doors to keypad systems to allow access for Drivers 24/7.*

*We will be making RADAR keys part of a Drivers personal kit issue to enable them to stop a train at a station on their list of accessible toilets when they feel the need to do so.*

*We have written a safe operating instruction for Drivers to follow when taking an unscheduled toilet break. This process can be summarised as:*

- *Inform the signaller of the unscheduled stop and location.*
- *Inform passengers there will be a slight delay, via the PA system*
- *Secure the cab*
- *Inform the signaller before restarting*

*We aim to have completed alterations to booking hall doors, provided RADAR keys to Drivers and fully briefed and embedded this process by the end of August 2023.*

*Where feasible we will review Driver diagrams to reduce instances of them only incorporating 707 or 376 units.*

**On 6 November 2023 we wrote to Southeastern Railway and asked the following:**

Your response describes a programme of work to fit keypads to booking hall doors to allow staff access to use the toilets 24 hours a day. Please can you set out the timescales for this work.

**On 1 December 2023 Southeastern Railway provided the following response:**

*We have completed the work required to ensure there are toilets available at stations for all Drivers operating rolling stock without toilets through the issuing of RADAR*

keys and providing combination locks to doors where required. We have completed this work with the single exception of Crayford Station, which has an order placed for a replacement lock and will be completed by the end of December 2023 (confirmed as completed on 14 December 2023).

**33) On 12 June 2023 South Western Railway provided the following initial response:**

*Following the publication of the RAIB report, SWR reviewed the findings of the report and recommendations at our Recommendations Review Group (RRG).*

**Recommendation 1** - *Currently SWR operates 3 classes of trains that do not have customer toilets.*

- *Class 707 used on London Suburban routes and are being removed from service by September 2023 and transferred to South Eastern.*
- *Class 455 is used on London Suburban routes and will be progressively removed from service for scrapping from August 2023 when the class 701s enter service (class 701s have a customer toilet).*
- *Class 484 used on the Island line. Public toilets are available at Ryde St Johns and Ryde Pier Head along with colleague toilets at Shanklin. There are no sidings where trains will be stabled away from the maintenance depot at Ryde St Johns.*

*From RRG the Head of Operational Standards took action to liaise with the Train Planning Unit, Driver Depot Managers in the Suburban depots, and also the Route Training Manager about the recommendations. This was to establish if we have any sidings on the SWR suburban network similar to West Worthing where the driver was unable to safely depart the train by using an authorised walking route. I am pleased to state that we have not identified any locations where the driver is unable to gain access to a toilet and washing facilities.*

*In addition, we have also undertaken a review of toilet facilities at turnround stations to allow the traincrew to use facilities in ticket offices.*

**Learning point 1** – *The requirements for leaving a train and Personal Track Safety are covered within our Drivers Competence Management system and this is assessed regularly. In addition, SWR has undertaken a considerable amount of work at our engineering depots and sidings to reduce the risk of 3<sup>rd</sup> rail electrocution by installing new Hop Ups, walking routes, and safety barriers.*

**Learning point 2 & 4** – *The PPE issued to drivers meets the requirements of the standards. There are a number of styles the Drivers can choose from (boots or shoes) and these are all ordered via a preferred supplier. Checks are undertaken to ensure the correct PPE is used.*

**On 6 November 2023 we wrote to South Western Railway and asked the following:**

Please can outline the criteria used for determining that toilet and washing facilities are sufficient, whether these criteria have been met, and if not, what further action you intend to take.

**On 6 December 2023 South Western Railway provided the following response:**

*As part of this exercise, the first item the team needed to explore was what units didn't have toilet and washing facilities. Only 3 units were identified here (outlined in the initial response below). All other stock within our fleet offer both toilet and washing facilities to our customers, and are cleaned and maintained on a regular basis to ensure these are fit for passenger services. As such it was determined that these units have sufficient toilet and washing facilities on board.*

*Of the remaining 3 units, we identified 2 of them operate on our metro services (Class 707 and Class 455). These services are currently being phased out of passenger service on the network and are due to be replaced with modern trains (Class 701s) which have sufficient toilet and washing facilities on board and would meet the criteria set out. Given this transition is happening imminently, a task was then carried out to identify if there were any sidings on the SWR suburban network similar to West Worthing where the driver was unable to safely depart the train by using an authorised walking route and as such would pose an immediate risk to us. Following this activity, no locations were identified which met this criteria.*

*By way of an update to our original response, the Class 701 units are due to start going into passenger services before the end of the calendar year and the full role out is currently scheduled for completion by Spring 2024. Once this transition is complete all of our metro services will be fitted with toilet and washing facilities..*

*In terms of the one remaining unit which doesn't have washing facilities on board (Class 484s on the Island line), these are located on the Island Line, and there are no sidings where trains are stabled away from the depot at Ryde St Johns here. There are also public toilets and washing facilities available at Ryde St Johns and Ryde Pier Head, along with colleague toilets at Shanklin. Given this it was determined that there were sufficient washing facilities on the island line.*

**34) On 6 July 2023 Swietelsky Construction Company Limited provided the following initial response:**

*Recommendation 1 of the RAIB report concerned the adequate access to toilet and washing facilities, Swietelsky were asked to provide:*

*(a) full details of any measures taken to implement the recommendation: Swietelsky previously engaged Coolair Logan to assist in the retrofit of some of their OTMs which didn't have welfare facilities onboard as part of the OEM's original build specification. The OTMs within Swietelsky's fleet which have already been retrofitted with welfare facilities are: DR73940 and DR73941.*

*(b) full details of any measures that you propose to take to implement the recommendation and the proposed timetable for securing that implementation:*

*Prior to receiving your letter regarding the RAIB report 02/2023, the remainder of machines in Swietelsky's fleet without welfare facilities were already planned to either be retrofitted or feasibility studies carried out. Swietelsky's two Plasser 09-4x4/4S tampers are to have a feasibility study completed with the aim of retrofitting them by the OEM when they are due for overhauls in 2024 and 2026 respectively, these are DR928001 and DR74002. The remainder of Swietelsky's fleet have feasibility studies planned with the same contractor that retrofitted their other OTMs. These feasibility studies will be completed by Coolair Logan before the end of 2023 and will cover: DR77002, DR77903, DR73109, DR73111 and DR73113. In the meantime, with the work carried out by Swietelsky's OTM fleet that is carried out on track renewal sites there are welfare facilities provided on site by the principle contractor. In addition to this, a number of the sidings where Swietelsky stable their OTMs have cabins with welfare facilities that have been provided by Network Rail.*

*(c) a full explanation as to why you do not think that any measures to implement the recommendation are necessary:*

*Part of Swietelsky's OTM fleet already have measures in place having recently invested in their OTM fleet and introduced four Plasser 09-4x4/4S tampers in 2020 and 2021. These machines have welfare facilities onboard as part of the OEM's original build specification. The OTMs within Swietelsky's fleet which have had welfare facilities since they were built are: DR75012, DR75013, DR75014 and DR75015.*

**35) On 29 September 2023 Transpennine Express provided the following initial response:**

*Following the direction of the above recommendation from the West Worthing RAIB report to all TOCs, TPE have reviewed the access to toilet provision against our train plan and locations. We can confirm that in terms of our rolling stock, we operate 51 class 185 DMUs with two onboard toilets, 10 Class 397s EMUs with four onboard toilets and 19 Class 802s with five onboard toilets, all of which would permit traincrew access to a toilet without leaving the train. In addition, we operate a small fleet of 11 Class 68 Locomotives with a rake of 5 Mk5A coaches, these coaches have four onboard toilets which would be accessible without leaving the train when driven from the DVT end, but not if driven from the locomotive end. Due to fleet deployment and driver training issues, we only typically operate two unit diagrams per day using these trains, and they will not feature in the December '23 timetable. In the current timetable this fleet only currently reverses in platforms at Manchester Piccadilly, Leeds, York and Scarborough stations.*

*Acknowledging that there is potential that all toilets could be out of service on a train, we have also reviewed the train plan with our Train Planning team and have confirmed that agreed walking routes (subject to planned general inspection regimes) are in place at any non-platformed turnround locations and personal needs break facilities are provided for wherever there is a longer turnaround or staff change.*

*Looking ahead, we are additionally looking at best practice elsewhere in the industry to see how we can provide our traincrew with information on what welfare facilities are available at which locations on our network.*

**36) On 29 August 2023 Transport for Wales Rail provided the following initial response:**

*Transport for Wales Rail has not undertaken any additional measures to implement the recommendation.*

*Transport for Wales does not propose to take any additional measures to implement the recommendation, for the train fleets currently in operation.*

*Transport for Wales Rail train fleets, currently in operation, are all fitted with at least one working toilet/hand washing facility, accessible by public and traincrew. In addition, designated facilities are identified to traincrew for use during physical needs breaks (PNBs). PNBs are clearly laid out in traincrew work patterns, commonly known as their "diagrams". The parameters of PNBs are discussed and agreed in partnership with union colleagues and provide sufficient opportunity for rest, food, and use of toilet facilities.*

*There is one current exception to this, for a small number of unfitted Class 153 vehicles. These are coupled to another unit, with an available toilet facility, for all planned services on our Wales and Cross Borders (WCB) routes. On our Cardiff Valleys Lines (CVL) routes, the unfitted Class 153 units operate on short routes (such as City Line and Cardiff Bay services). On occasion, where operational needs apply, these units can also be called upon to run without an additional unit attached to not cancel services. In these cases, the units are only permitted to work on the following services:*

- *Radyr — Coryton (City Line)*
- *Cardiff Queen Street — Cardiff Bay*
- *Cardiff — Penarth*
- *Newport — Cross Keys*
- *Chester — Crewe*
- *Llandudno Jn — Llandudno*

*Future Operations: Transport for Wales Rail intends to introduce, Class 398 tram/trains in the future. These will not be fitted with onboard toilet facilities. To compensate for this, additional facilities are being provided throughout the network (Cardiff Valleys Lines) where this fleet will operate. All these facilities will be accessible from train platforms, without the need to go on or about the line or the need trackside personal protective equipment. The introduction of the class 398s is already the subject of close cooperation and communication with ORR representatives, and we expect this to continue up to and beyond the fleet's introduction into passenger service.*

**On 6 November 2023 we wrote to Transport for Wales Rail and asked the following:**

Please can outline the criteria used for determining sufficient toilet and washing facilities are in place for tram/train operations and if any further work is planned.

**On 11 November 2023 Transport for Wales Rail provided the following response:**

*The basic plan is to provide station based toilet facilities so that customers and colleagues are always around 15 mins away from a toilet/washing facilities during journeys on the CVL.*

**37) On 27 July 2023 Varamis Rail provided the following initial response:**

*Below are our current control measures that we have in place in order to mitigate against our drivers having the need to egress the train for personal needs reasons.*

1. *Toilet facilities located nearby at Mossend and Birmingham (prior to departure)*
2. *Intermediate stations with toilet facilities should you require them. (Safety and Welfare prioritise punctuality)*
3. *On-Board chemical toilets for use during extended periods away from welfare facilities such as held in loops or failed train, etc.*

**On 6 November 2023 we wrote to Varamis Rail and asked the following:**

Your response refers to toilet but not washing facilities. Please can set out how the washing facilities your provide meet the intent of the recommendation, or if you are planning any work in order for them to do so.

**On 15 November 2023 Varamis Rail provided the following response:**

*We provide Hospital grade alcohol 75 percent, hand wipes and suitable bio-hazard waste bags for disposal. This is limited to 1 x 4 car train.*

*Our latest purchased rolling stock will have the drivers end toilets placed back into use with CET facilities and running water. We are having a complete redesign of the area behind the drivers cab to facilitate generous welfare facilities for our drivers, and staff in transit.*

**38) On 11 August 2023 Victa Railfreight provided the following initial response:**

*With reference to recommendation 1, Victa Railfreight (VRL) completed a review of all welfare facilities they operate within during the first quarter of 2022, regular health, safety and welfare visits are conducted periodically at all locations that include the inspection and checking of welfare facilities. Furthermore, the ORR completed inspection of VRL arrangements regarding lone working during the summer of 2022, this included welfare arrangements, the results have been very positive whereby it is stated that “ Risk assessment OPS/07/001 covers risks to lone*

workers and this is supported by documents OPS/08/001 and OPS/08/002 which record visits made both locations and staff to check on health, safety and welfare. SMS 01 Strategic Safety Management 7.6 covers employee Involvement and sets out the company's objective for engaging with staff on safety matters including the SMS. Staff are met during location visits conducted by managers and team leaders are encouraged to raise any issues or concerns they have then. There is also a 'Causes for concern' procedure (SMS 20) whereby staff can raise any concerns they have at any time." Due to the nature of VRL's activities, Traincrew are usually aligned to other FOC's, it is an expectation and policy that the allocating Operator will submit a suitable diagram to VRL prior to agreement and acceptance that records both the amenity and period of time allocated to allow our Drivers to effectively take breaks without hindrance. All Traincrew employed by VRL must demonstrate through our internal competency management system, they are familiar with all locations they operate within including facilities for personal needs.

### **On 6 November 2023 we wrote to Victa Railfreight and asked the following:**

*Having reviewed the response we do not consider it sufficient to address the recommendation. Please can you set out if a review has been done and the criteria used to determine that there are sufficient toilet and washing facilities available, that traincrew know where these facilities are, and that they have time to use them without an unreasonable wait.*

*The response refers to a review of welfare facilities being done in 2022. Please can you explain if the review found the provision of welfare facilities to be sufficient, or if further work was planned.*

### **On 9 November 2023 Victa Railfreight provided the following response:**

*To supplement and support our initial reply dated 11<sup>th</sup> August 2023, it should be noted that as a 'micro FOC', Victa Railfreights' current Train Operating activities are focussed around freight terminals, in particular Dove Holes in the Peak District and the Port of Tilbury rail complexes in Essex. At both of these locations, facilities are provided for traincrew (and shunter) physical needs and indeed improvements have been made to these facilities at both locations in the past two years.*

*Any main line haulage work in the future is likely to be over restricted distances and we will include assessment of the available facilities for drivers' physical needs as part of our "New Business review process", which forms part of our SMS.*

### **39) On 20 June 2023 VolkerRail provided the following initial response:**

*VolkerRail operates a fleet of On-Track Machines (OTMs) including Tampers and Ballast Regulators working for the Network Rail National Tamping Contract. This includes:*

- 4 x B66 Tamping Machines
- 3 x B45 Tamping Machines
- 4 x B41 Tamping Machines
- 2 x R24 Ballast Regulators

- 1 x 08 4x4 Tamper

*VolkerRail has in recent years implemented fitment of welfare facilities both as retrofit and for new machines. We can confirm that toilets are fitted to all B66, B41 and 08 4x4 Tamping Machines. Our B45 Tamping Machines and R24 Ballast Regulators do not have toilet facilities fitted due to space limitations.*

*We have shown our operating arrangements for VolkerRail's OTM fleet within 3 areas of activity as follows:*

- *OTMs in 'transit' running as a train on the mainline railway.*
- *OTMs working within an Engineering Possession on a Network Rail project renewals site.*
- *OTMs working within an Engineering Possession on a Network Rail maintenance site.*

### ***OTMs in the 'transit' running as a train on the mainline railway***

*Transit moves are planned dependent upon the workload requirements for the OTMs in question, these vary in terms of length and geographic locations. There is no set pattern in terms of these transit moves as would be expected for example a passenger operator. The process in terms of the planning of these moves is as follows:*

- *The work plan provided by Network Rail SCO is reviewed showing the transit move requirements to enable the work plan to be delivered.*
  - *Once agreed, the VolkerRail Planning Team submit train path requirements to Network Rail's train planning team.*
  - *Validated train paths should then be provided from the Network Rail train planning team to VolkerRail. It should be noted that this does not always happen and, in these circumstances, VolkerRail have to send a VSTP (Very Short-Term Plan) to allow for the OTM transit movement to take place.*
  - *Train path timings for the majority of our transit moves are less than 2 hours.*
- sheet 2 of 3*

### ***OTMs working within an Engineering Possession on a Network Rail Project Renewals Site***

*In working mode on Network Rail Project Renewals sites, it is our understanding that welfare facilities are the Principal Contractors (PC) responsibility.*

*Ordinarily the PC provide facilities at these sites in the form of a site access cabin and associated welfare facilities. VolkerRail staff would sign at this location or be met and briefed by the site project staff on the 'Work Package Plan' (WPP) following NR Standard NR/L2/OHS/0044 which would include welfare arrangements. This is in addition to the OTM's which have welfare provision provided.*

*Though these worksites do not normally have adjacent lines open to traffic, it is possible that they could be open, and our Drivers and Operators could be at risk*



*from passing vehicles or indeed from other engineering vehicles should they leave the vehicle for any reason. On these occasions our Risk Assessment will apply to mitigate these risks such as control measures including access chains and barriers on door openings.*

### ***OTMs working within an Engineering Possession on a Network Rail Maintenance Site.***

*For maintenance contract works under the Network Rail National Tamping Contract our vehicles could be requested to operate anywhere on the infrastructure and at short notice. Our fleets always operate in a possession though it is possible that under T3 arrangements adjacent lines could remain open to traffic and that our Drivers and Operators could be at risk from passing vehicles or indeed from other engineering vehicles should they leave the vehicle.*

*It is our understanding that welfare facilities are detailed within the site specific 'Work Package Plan', provided by the client detailing where the nearest welfare facilities are located. VolkerRail staff would be briefed by the client's responsible person, which would include welfare arrangements. This is in addition to OTM's which have welfare provision provided.*

*Noting the above VolkerRail has held meetings in connection with the RAIB Report for West Worthing Station and have identified several areas for improvements for the management of personal needs breaks on all OTMs, whether they be fitted with toilet facilities or not, for transits moves and working arrangements as referenced above. We have detailed five key areas for improvement as follows.*

*i) Where transit journeys are known to be excessive, we shall request that our OTMs have a planned stop point to allow staff to use welfare facilities. This will involve naming specific rest points on the journey on the train path which will then be requested to the Network Rail Planning Team. We also intend to raise this matter at our meetings with Network Rail SCO.*

*ii) For all scenarios VolkerRail shall develop Risk Assessments for transit and working arrangements. This will entail several risk workshops to develop risk assessments to help mitigate the risk to our operating staff.*

*iii) VolkerRail regularly attends the Suppliers Safety Working Group. We have already requested discussions at the next meeting relating to welfare arrangements on site.*

*iv) We have recently checked the Professional Train Drivers Policy document but regrettably this does not detail any information relating welfare arrangements. We propose to raise this matter at the M&EE Network Group – Operations Subgroup to raise awareness and request inclusion of welfare facilities in the Professional Train Drivers Policy.*

*v) For procurement of new OTMs, we would recommend to Network Rail that toilet facilities are installed and upon their agreement these would be included*

within our procurement specifications.

**On 6 November 2023 we wrote to Volker Rail and asked the following:**

Please outline the criteria used for determining the improvements being made to toilet and washing facilities and when the improvements will be delivered.

**On 14 December 2023 Volker Rail provided the following response:**

*In connection with your email dated 6 November 2023 and our letter dated 20 June 2023 in which we identified five areas of improvement for the management of personal needs breaks on our OTMs including transits moves and working arrangements. Our updates against each of the areas are shown below:*

*i) Where transit journeys are known to be excessive, we shall request that our OTMs have a planned stop point to allow staff to use welfare facilities. This will involve naming specific rest points on the journey on the train path which will then be requested to the Network Rail Planning Team. We also intend to raise this matter at our meetings with Network Rail SCO. Update: Our internal Operations Planning Team reviewed the transit moves undertaken for our working area. This review found that transit moves exceeding 2 hours were relatively low. We are now requesting paths from the Network Rail Planning Team with stopping points enroute for transit journeys in excess of 2 hours. However, paths with stopping points are not always guaranteed by Network Rail.*

*ii) For all scenarios VolkerRail shall develop Risk Assessments for transit and working arrangements. This will entail several risk workshops to develop risk assessments to help mitigate the risk to our operating staff. Update: We have undertaken a review of risks and developed CRA399 Core Risk Assessment for OTMs with/without Toilet Facilities. The risk assessment has been briefed out to applicable VolkerRail personnel. A copy is attached for information. This document has also been shared at the Suppliers Safety Working Group as good practice. Despite this work being undertaken by the SSWG there will be many stabling points and sidings that do not have any welfare facilities. Could the ORR offer their guidance for such locations where welfare facilities will not be available on the infrastructure?*

*iii) VolkerRail regularly attends the Suppliers Safety Working Group. We have already requested discussions at the next meeting relating to welfare arrangements on site. Update: VolkerRail attended a recent SSWG and raised concerns about welfare arrangements on the infrastructure along with other operators. The SSWG has been tasked with collating information about all stabling points and determine what welfare sheet 2 of 2 facilities exist at these locations. This work remains in progress and when completed the SSWG will share the information. The next SSWG is planned for February 2024.*

*iv) We have recently checked the Professional Train Drivers Policy document but regrettably this does not detail any information relating welfare arrangements. We propose to raise this matter at the M&EE Network Group – Operations Subgroup to raise awareness and request inclusion of welfare facilities in the Professional Train Drivers Policy. Update: We are currently reviewing the VolkerRail Driver*

Policy document and will include guidance on welfare arrangements. We expect to conclude this no later than 31 March 2024.

v) For procurement of new OTMs, we would recommend to Network Rail that toilet facilities are installed and upon their agreement these would be included within our procurement specifications. Update: There are no further actions required for this item.

#### **40) On 29 June 2023 West Midlands Trains provided the following initial response:**

*West Midlands Trains operates approximately 1200 services daily across multiple routes, with a geographic footprint that covers over 150 stations, six routine maintenance depots and twenty traincrew break facilities. Managing and maintaining access to quality sanitation is a daily priority for our traincrew management. Each location has a designated manager responsible for escalating routine maintenance issues and managing facilities. There are Trade Union Health & Safety Representatives for all locations who act as additional 'eyes and ears' on provision / cleanliness of facilities. All of the West Midlands Trains fleets are equipped with PRM compliant toilet facilities, and we endeavour to maximise these with in-depot and remote CET facilities. Our newer fleets, such as the Class 196 DMU, have self-reporting, self-fixing, toilet amenities for the benefit of customers and crew.*

*In terms of timely access to toilets, all our traincrew diagrams, both for Drivers and Senior Conductors, are planned to parameters agreed with the respective Trade Unions, including within them 'Personal Needs Breaks' at no greater an interval period than five hours fifteen minutes. In practice, there is access to toilets within that maximum window.*

*Attached with this letter is our risk assessment of current toilet provision and availability, which includes more vulnerable persons. As an example, as part of work looking at the menopause and our Menopause Policy, we have also considered in particular the specific needs of Drivers requiring access to toilets at such times, making additional provisions for these.*



2023 Toilet RA  
RSSB1.pdf

*In recent years, we have focused specifically on female provision, with the installation of a female toilet on Tyseley carriage sidings and improvements in Worcester Foregate Street. In the coming year, we are working with local partners to improve existing but comparatively poor quality toilets at London Euston (with Network Rail) and Crewe (Avanti West Coast).*