

Oliver Stewart
RAIB Recommendation Handling Manager



28 March 2024

Mr Andy Lewis
Deputy Chief Inspector of Rail Accidents

Dear Andy,

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

I write to provide an update¹ on the action taken in respect of recommendation 9 addressed to ORR in the above report, published on 12 November 2020.

The annex to this letter provides details of actions taken in response to the recommendation and the status decided by ORR. The status of recommendation 9 is **'Closed'**.

We do not propose to take any further action in respect of the recommendation, unless we become aware that any of the information provided has become inaccurate, in which case I will write to you again.

We will publish this response on the ORR website.

Yours sincerely,

Oliver Stewart

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

Recommendation 9

The intent of this recommendation is to improve the robustness of Network Rail's processes for assessing the impact of changes to working practices which affect safety of track staff.

Network Rail should review and strengthen its process for the safety assessment of significant changes to working practices that have the potential to affect the safety of railway staff. This review should identify the extent to which the existing process promotes an adequate consideration of:

- a) the conditions that apply before the proposed change (such as the ways of working and how these compare to mandated processes);
- b) the impact on resource and staff workload
- c) any organisational changes, working practices or work force behaviours that are needed for the changes to be fully effective
- d) safety risk and identification of control measures to mitigate or eliminate that risk.

This recommendation may be best addressed in conjunction with Network Rail's response to recommendation 6 of RAIB's report into the near miss with track workers and trolleys at South Hampstead.

ORR decision

1. As previously reported, Network Rail commissioned RSSB to independently review its processes for managing the assessment of safety change and made a number of recommendations based on findings.
2. We know from our work with Modernising Maintenance that Network Rail has a change management process that is used for any significant changes to standards. Network Rail also provide evidence that standards changes are assessed for significance under CSM-RA. However, most standards changes would not attract this process as they are below 'significant' threshold.
3. We challenged Network Rail to explain how the assessment of the safety impact of significant changes to working practices has been assessed and strengthened. Network Rail confirmed that all significant changes (which all attract a legal requirement to be risk assessed), whether or not attracting the CSM-RA, are assessed.
4. We agree with Network Rail that part (c) of the recommendation is best-addressed by a proportionate Human Factors assessment of any proposed standard changes, where necessary. Network Rail has also updated its standards design and implementation standard, NR/L2/CSG/STP001.
5. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:

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

Status: Closed.

Previously reported to RAIB

6. On 10 November 2021 ORR reported the following:

Network Rail commissioned RSSB to independently review its processes for managing the assessment of safety change. The report has been issued and makes a number of recommendations aimed at improving Network Rail's processes for managing the assessment of safety change.

At our most recent meeting Network Rail indicated that the RSSB observations and recommendations were not of a very significant nature – but since then have decided that they are important enough that they should be addressed before closing the recommendation. Network Rail has therefore submitted a request to extend compliance to October 2022.

Update

7. On 22 February 2023 Network Rail provided the following closure statement:



[N210-05] Margam
Rec 9.pdf

8. On 6 November 2023 Network Rail provided the following additional information in support of the closure statement following a request from ORR:

Why and how did we simplify 019?

The Margam recommendations required a review of how Network Rail assures consistent deliver of the NR/L2/OHS/019 standard. One of the findings was that the standard was not written in logical easy to read format. The proposal supported was to simplify the standard to make it a process based document, clearly writing it in the order the a safe work pack was created.

The work looked at providing clear accountability for the roles involved in planning work, responsible manager, planner and the person in charge. It looked at incorporating good practice from those roles to enable better more efficient planning of work. This a first for a Network Rail standard.

To do the above the technical lead and project manager engaged with end users of the standard in Network Rail and the supply chain, this through workshops, surveys and interviews. We did this through done stakeholder mapping to make sure the required audience was engaged with.

We also commissioned an independent evaluation of issue 10 and 11 019 Standard to encourage greater openness of what the end user thought of the standard and what they wanted to see in a new version.

All the way through the work we continued to engage with end users through regular updates, emails, Teams sessions to confirm what we were doing met the end user requirements.

How did we get the message across?

On completion of the standard we had developed a range of briefing materials, PowerPoint briefing with supporting notes, a PowerPoint with a supporting voice commentary.

We had developed an interactive briefing, again a first for a Network Rail standard. This an animation that featured avatars of the three key roles in the planning process talking through their roles and how they interacted.

The technical lead and project manager undertook 'Town Hall' briefings with end users of the standard. We did this to make sure it was a consistent voice delivering the briefing and give end users the ability to ask questions as appropriate. We also undertook dedicated briefing for Network Rail functions and supply chain groups such as RICA.

All other required standard briefing materials were developed for stakeholders, briefing notes for the changes.

9. On 10 February 2024 Network Rail provided the following additional information in support of the closure statement following a further request from ORR:

Non significant change is still required to be evaluated as part of the standard process which assesses the level of change when a remit is submitted. The standard system retains that assessment, a standard is updated recognising that it is not significant. The Standard steering groups oversee that risks from standards change are managed.

Previously reported to RAIB

Recommendation 9

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- e) the conditions that apply before the proposed change (such as the ways of working and how these compare to mandated processes);
- f) the impact on resource and staff workload
- g) any organisational changes, working practices or work force behaviours that are needed for the changes to be fully effective
- h) safety risk and identification of control measures to mitigate or eliminate that risk.

This recommendation may be best addressed in conjunction with Network Rail's response to recommendation 6 of RAIB's report into the near miss with track workers and trolleys at South Hampstead.

ORR decision

1. Network Rail commissioned RSSB to independently review its processes for managing the assessment of safety change. The report has been issued and makes a number of recommendations aimed at improving Network Rail's processes for managing the assessment of safety change.

2. At our most recent meeting Network Rail indicated that the RSSB observations and recommendations were not of a very significant nature – but since then have decided that they are important enough that they should be addressed before closing the recommendation. Network Rail has therefore submitted a request to extend compliance to October 2022.

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

- Taken the recommendation into consideration; and
- is taking action to implement it by 31 October 2022.

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

Information in support of ORR decision

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

Action Plan

Action Plan (with milestones)

The intention is to work with the RSSB for them to independently review our Network Rail processes for managing the assessment of safety change, proposal to be provided by:

- February 2021 Identify the key processes for change, for example standards and NRAP.
- April 2021 RSSB will undertake a review of those processes that impact significant changes to working practices that have the potential to affect the safety of railway staff, including:
 - the conditions that apply before the proposed change (such as the ways of working and how these compare to mandated processes);
 - the impact on resource and staff workload any organisational changes, working practices or work force
 - behaviours that are needed for the changes to be fully effective
 - safety risk and identification of control measures to mitigate or eliminate that risk
- Aug 2021 RSSB report received.
- Sep 2021 Review report for next steps/improvements

Evidence required to support closure of recommendation

Scope of work for RSSB to undertake work

Final report from RSSB having undertaken the review

A further date will be provided if the review concludes a requirement for process change.

5. On 28 October 2021 Network Rail provided the following timescale extension to 31 October 2022



Margam Rec 9.pdf

6. The reason Network Rail give for the extension is as follows:

The recommendation asked for Network Rail to review our organisational change process and its potential to affect the safety of railway staff following Margam. Further, Network Rail had undergone significant safety change during the Putting Passengers First (PPF) programme and our Trade Unions had expressed concern over how we undertook organisational change and importantly safety consultation – which is where this concern was raised. As a result of both Margam and the Trade Union PPF concerns the decision was taken to seek independent analysis and

review of NR's organisational change. The RSSB were requested to undertake an independent review of Network Rail's organisational change. The RSSB conducted this review of Network Rail's organisational change during April and May 2021 focusing on the NR/L2/HSS/020 Safety Validation of Organisational Change Standard. This review was completed against RSSB's 'Taking safe Decisions Model' to enable benchmarking to be undertaken. The Director of Regulatory Liaison has reviewed progress and concluded that while the RSSB review is helpful, Rec 9 is not simply a 'do a review' rec. RAIB's investigation found clear evidence that the way we had rolled out 019 v9 hadn't managed the change effectively: we had not embedded the new requirements into normal business practice in maintenance (or arguably operations if we take into account the subsequent Rowlands Castle near miss). We had previously recognised the need to refresh the 020 standard in a new IMS format but abandoned the change. We will now strengthen the process change element in that standard.