

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



27 March 2024

Mr Andy Lewis  
Deputy Chief Inspector of Rail Accidents

Dear Andy,

**RAIB Report: Child nearly falling through a missing toilet floor, South Devon Railway on 22 June 2017**

I write to provide an update<sup>1</sup> on the action taken in respect of recommendation 1 addressed to ORR in the above report, published on 30 January 2018.

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 1 is **'Closed'**.

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

We will publish this response on the ORR website.

Yours sincerely,

Oliver Stewart

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

## Recommendation 1

*The intent of this recommendation is that the South Devon Railway's safety management system should be independently reviewed and any changes identified as necessary should be implemented.*

The South Devon Railway should engage an external party (to be agreed with the ORR) to review South Devon Railway's safety management system and the way it is being implemented in practice. The review should examine all aspects of and if necessary any revisions to the system that should be implemented including:

- i. governance, policy and leadership;
- ii. management control and communication;
- iii. risk assessment and the identification of additional control measures;
- iv. how the competence of employees is developed, assured and maintained;
- v. monitoring, review and auditing of compliance to the safety management system (paragraphs 87 and 88).

Any changes identified as necessary by this review should be implemented and reported to the ORR.

## ORR decision

1. South Devon Railway (SDR) had previously provided a response to the recommendation setting out the findings of the independent, external audit (by Richard Lemon) and changes made to the safety management system as a result. We have assurance from the railway that all actions from the audit have been closed and further development of the SMS has been done. We did a general inspection of the SMS in 2022 and made no adverse comment.

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

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

**Status: Closed.**

## Previously reported to RAIB

3. On 29 January 2019 ORR reported the following:

SDRT has provided an adequate response that summarises the findings of the audit, and broad actions they are taking to deliver the recommendations to a stated

timescale. We are planning to visit SDRT in early 2019 to ascertain their progress with completing the actions detailed in the work plan.

## Update

4. On 13 February 2024 South Devon Railway provided the following update:

*As per our discussion, I can confirm that we completed the actions outlined in our letter of 10 August 2018.*

*We were subject to a follow-up inspection from [name redacted] on 29 and 30 January 2019 where the items covered by the RAIB recommendation were reviewed, along with a general inspection of the SDR. Our belief after the closing discussion at that inspection was that [name redacted] had considered that the matter was closed, however I'm afraid we don't appear to have received a confirmation of this in writing after the visit.*

*Regarding the specific points below:*

*iii) Risk assessments were reviewed by departments and managers following a briefing on the risk assessment process.*

*iv) The competence matters were addressed. Specifically:*

- A Duty Officer CMS was created with an assessment regime including theory and practical assessments.*
- Guards assessments were formalised and interlocked with the rostering system to prevent any guard who had not had an assessment within the set timeframe from being able to work a train.*
- The Signalling department CMS was reviewed. All documentation is now uploaded to our electronic competence record system to allow for easy auditing and to prevent any being shown as competent without the paperwork to confirm this.*
- All CMS were updated to show that assessors required the same competence elements as the roles they are assessing require.*
- The footplate training logs and assessment forms were included into the SMS.*
- The role of station staff (including Station Masters) was reviewed.*
- A task based assessment regime was introduced for fitters and continues to be expanded.*
- The competence of diesel fitting staff was assured.*
- A CMS (including task-based assessment regime) for Permanent Way staff was introduced.*
- Formal selection and suitable briefing for assessors was introduced.*

*v) Monitoring, review and audit of the SMS was improved, including ensuring relevant managers become "owners" of SMS documents as they are reviewed, with an additional authorisation level. Internal reviews of the SMS have been carried out as part of continuous improvement or in response to incidents on the SDR, other heritage railways or the mainline network where there are transferable lessons.*

*Since the above work was completed a lot has moved on at the SDR and many of the actions completed above at the time have been reviewed and improved again. There has also been a change to the operating company structure to remove the risk of influence from sole individual shareholders that had been a significant concern to the ORR at the time of the toilet floor incident in 2017, as well as a new management team.*

*We are currently carrying out a lot of work to review and update the SMS prior to the main 2024 operating season, and enhance many areas, making use of RM3 and the new ORR SMS guidance to ensure we are complying with the requirements of ROGS and other H&S legislation. A full internal audit of the SMS is also going to be carried out to feed a new action plan for continuous improvement over the next 5 years.*

## Previously reported to RAIB

### Recommendation 1

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- v. monitoring, review and auditing of compliance to the safety management system (paragraphs 87 and 88).

Any changes identified as necessary by this review should be implemented and reported to the ORR.

### ORR decision

3. SDRT has provided an adequate response that summarises the findings of the audit, and broad actions they are taking to deliver the recommendations to a stated timescale. We are planning to visit SDRT in early 2019 to ascertain their progress with completing the actions detailed in the work plan.

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

- taken the recommendation into consideration; and
- is taking action to implement it, subject to ORR inspection

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

### Information in support of ORR decision

5. On 10 August 2018 South Devon Railway provided the following initial response:

*The South Devon Railway engaged Mr Richard Lemon as an external auditor to review the railway's Safety Management System (SMS) and the way it is being implemented in practice. Mr Lemon visited the railway between 2nd and 6th July*

2018 and has reviewed all aspects and produced a report entitled *South Devon Railway - Review of the Safety Management System and the way it is being implemented in practice*.

As directed by the RAIB report the South Devon Railway examined:

- i) *Governance, policy and leadership.*
- ii) *Management control and communication.*
- iii) *Risk assessment and the identification of additional control measures.*
- iv) *How the competence of employees is developed, assured and maintained.*
- v) *Monitoring, review and auditing of compliance to the Safety Management System (paragraphs 87 and 88).*

Dealing with each recommendation in detail:

**i) Governance, policy and leadership.**

*The audit states that Directors appear to have all the necessary professional competence for their roles, and all key areas are covered. There was however, the impression that not all Directors were fully supportive of the need to drive safety management forward following last year's incident and this had a negative effect in some areas. The whole board of Directors will ensure that full support is given to SDR managers to drive safety management forward and the message is delivered clearly to volunteers especially the inevitable minority who resent strong leadership and do not like change. The SORT Board is taking a proactive stance with all volunteers using inclusive language to address the concerns of everyone and stressing this action is necessary to keep all our staff and customers in a safe environment at all times. With 500 plus volunteers with differing levels of attendance this presents a challenge to management but one it is prepared to meet head on in ensuring the long term aims of the railway are met.*

**ii) Management control and communication.**

*As far as could be ascertained by questioning staff during the audit, Richard Lemon stated that this is well handled, and most staff appear aware of the 'bigger picture' particularly the implications of the June 2017 incident. Since the incident the SORT Board has implemented two weekly management meetings which cover all operational aspects focussing on carriages and the fitness to run reports for each individual vehicle and prioritising the maintenance regime to rectify faults. An example of the minutes from one of these management meetings was exhibited by the SDR's Defence Barrister during the court hearing.*

**iii) Risk assessment and the identification of additional control measures.**

*The auditor's recommendation is that risk assessments to be reviewed and verified by managers responsible for the processes, and assessments be available to all staff at the locations to which they apply.*

*This is now being actively implemented by the SORT Board with a timetable for completion by the end of December 2018.*

***iv) How the competence of employees is developed, assured and maintained.***

*Many of the auditor's recommendations cover the competencies and management of Safety Critical Staff. These are as follows:-*

- Specific competence criteria and assessment to be produced for the role of Duty Officer.*
- All guards to be subject to formal practical re-assessment periodically.*
- The Guards' Inspector to be re-assessed.*
- An update of all staff records in the Signalling Department is necessary.*
- All assessors must be competent in the tasks they assess.*
- The SMS to specify forms etc., used for Footplate training and assessment.*
- The duties of Station Masters to be reviewed, and if they undertake Safety Critical tasks, they must be properly trained and assessed as competent. This also applies to members of station teams.*
- A task based Assessment Process should be considered for all locomotive and rolling stock fitters.*
- Competence of staff signing off diesels as fit to run to be established.*
- A documented process to be established to evidence ongoing competence of Safety Critical permanent way staff.*
- A process to be considered for train assessors in the skill of assessing. This now being actively implemented by the SORT Board with a timetable for completion by the end of December 2018.*

***v) Monitoring, review and auditing of compliance to the safety management system.***

*The implementation of the improved monitoring structure and the two weekly management meetings will improve the identification of causal factors and awareness of defects which are not remedied in the short term as described in paragraph 87 of the report.*

*The remedial measures and timetable for implementation described in iii) and iv) above will address the underlying factors referred to in paragraph 88 of the report relating to the risk of the inadequate management of the situation. The absence of a formal competence management assessment for staff involved with carriage maintenance is being addressed by the recommendations made by Richard Lemon.*

*It was considered by the auditor that the rewritten SMS was an excellent document and wished to thank the managers and staff of the South Devon Railway who were helpful and supportive throughout the audit.*

*The underlying processes were considered to be generally good but there are some areas where improvement and enhancement are necessary.*

*Richard Lemon did not specify a timetable for implementing his recommendations and the dates shown above for Risk Assessment and Competence are self-imposed timelines by the SDRT Board which will allow completion within the current running season. This will enable the 2019 season to start with much stronger risk assessment and competence regimes.*

**Conclusion**

*The SDRT Board have placed the highest priority on implementing the recommendations contained in the RAIB report and the audit and this will form an agenda item at the regular management meetings and full SDRT Board meetings where progress reviews and discussions will ensure the Safety Management System remains at the top of the railway's priorities going forward.*