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8 August 2019



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

Dear Andrew,

RAIB Report: Near miss with a group of track workers at Egmonton level crossing, Nottinghamshire, 5 October 2017

I write to report¹ on the consideration given and action taken in respect of the recommendations addressed to ORR in the above report, published on 9 August 2018.

The annex to this letter provides details of actions taken by Network Rail in response to the recommendations and the status decided by ORR.

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 on 8 August 2019.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Oliver Stewart', written over a horizontal line.

Oliver Stewart

¹ 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 9 August 2018.
2. After considering the recommendations ORR passed all 3 recommendations to Network Rail 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. This annex identifies the correspondence with end implementers on which ORR's decision has been based.

Recommendation 1

The intention of this recommendation is to both strengthen safety leadership behaviour on site and reduce the occurrences of potentially dangerous rule breaking by those responsible for setting up and maintaining safe systems of work (i.e. COSS, SWL, PIC) (paragraph 117a).

Network Rail should review its processes for monitoring and managing the safety leadership of its staff in COSS, SWL or PIC roles, in order to identify improvements such that only those who exhibit satisfactory safety attitude, leadership and compliance with safety rules and procedures, undertake these roles. The review should include consideration of the following:

- a) risk based analysis of the non-technical skills required for different work scenarios (ie under protection and warning systems of work);
- b) evaluation of the effectiveness of non-technical skills training since its initial introduction;
- c) assessment tools (eg COSS pre-course workbook, 360 degree feedback) to assist managers with monitoring the ongoing suitability of staff for safety leadership roles; and
- d) using re-certification training and assessments, independent of line managers, to reinforce good safety leadership and the importance of compliance with the rules.

Network Rail should then implement the identified improvements to relevant working practices and procedures.

ORR decision

4. We are aware of work Network Rail is doing to improve the non-technical skills of track workers to improve safety leadership, but the information provided in the formal initial response does not cover everything we know is being done. We are awaiting a more detailed response from Network Rail and will update RAIB as necessary.

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
- is taking action around non-technical skills, but have not yet provided ORR with a detailed plan

Status: Progressing. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

6. On 11 January 2019, Network Rail provided the following initial response:

Network Rail produced a report in 2013 regarding changes to Controller of Site Safety & Safe work Leader (COSS&SWL) and introducing Non-Technical Skills (NTS) assessments. We need to collate further information from other groups and sources who have worked on this topical area.

NR already has plans in place to create Safety Leadership Competence/Capability, which will include sociometric testing and personal behaviours.

A separate report was done, which has informed the decision making, this with the changes to Controller of Site Safety & Safe work Leader (COSS & SWL) and Non-technical Skills (NTS) this work has been progressing in stages since 2013 and will be reviewed again, for further review for COSS training with the Training team.

Proposals have been put in place to change the recertification training and assessment for NR Staff, which will mirror industry best practice and bring the identified improvements to NR through changes to the relevant working practices and procedures.

Timescale: 31 January 2020

Recommendation 2

The intention of this recommendation is to mitigate the potentially adverse effect that client-contractor relationships can have on the integrity of the Worksafe procedure when contract workers are not willing to challenge unsafe systems of work set up by Network Rail staff in safety leadership roles, due to the fear of losing future employment (paragraph 117a).

Network Rail should assess the effectiveness of its existing processes when its staff act as COSS, SWL or PIC to a team of contractors on site, and consider what additional measures can be taken to enable effective challenge in the event that an unsafe system of work is set up. Options for consideration should include:

- a) using only those who are experienced in managing contractors;

- b) including an experienced COSS from the contractor team to review the system of work prior to commencing work;
- c) using an additional Network Rail staff member as part of the work team to perform a challenge function; and
- d) reinforcing the importance of inviting questions as part of the safety brief.

Network Rail should then implement the identified improvements to relevant working practices and procedures

ORR decision

7. As with the response to recommendation 1, we are aware of work Network Rail is doing to improve safety leadership. We are awaiting a more detailed response from Network Rail and will update RAIB as necessary.

8. 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 improve on site client/contractor relationships

Status: Progressing. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

9. On 11 January 2019, Network Rail provided the following initial response:

Network Rail believe that the way this has been written it is not practical to complete, the text in the recommendation, differs from the intent explained.

To complete some work which will show the Revised NR/L2/OHS/00112 – Worksafe Procedure currently out for Working Group and Stakeholder review due for publication in June 2019 will have an independence requirement now (all Worksafe's raised will be logged by the Supply Chain Organisation control (SCO 24/7) and get a unique call reference number and be able to use the contact log for escalation process. (on Call Process) Details can be attached but will be draft.

Work embedding the NR/L2/OHS/019 Safety of People at work on or near the line continues and improvements are being seen, there has been a PDSW Working Group Post Implementation Review (PIR) the outputs of this are required to be studied by the Workforce Safety team to inform and be incorporated into a further response.

Timescale: 31 January 2020

Recommendation 3

The intent of this recommendation is to clarify the working instructions for track workers on the correct use the Train Operated Warning System (TOWS) when working with noisy tools and/or when at the end of a TOWS area, so that there is safe and consistent practice across the network (paragraph 118).

Network Rail should:

- a) supplement its working instructions for TOWS to include clear instructions for the protection arrangements that must be in place when working with noisy tools and/or when working at the ends of a track section fitted with TOWS;
- b) brief out the enhanced instructions to its staff and contractors and include them in training material for all relevant track competencies; and
- c) include checks in the certification and re-certification assessments of staff in safety leadership roles that they are familiar with how to use TOWS in all situations they are likely to encounter.

ORR decision

10. We are content that Network Rail has a suitable plan in place to improve the work instructions and training material it provides for staff when using TOWS.

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

- taken the recommendation into consideration; and
- is taking action to implement it by 30 January 2020.

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

Information in support of ORR decision

12. On 11 January 2019, Network Rail provided the following initial response:

Network Rail standards require any person working on or near the line would have a Safe System of Work (SSOW) in Place compliant with NR/L2/OHS/019 Safety of People at Work on or Near the Line, which has a requirement for the SSOW to be tested prior the commencement of any work taking place. To support the SSOW and where additional Safety Measures are required warning systems such as TOWS can be deployed/activated, following an internal review it has been identified by Network Rail that a full NR/SP/OHS/501 the Track Warning System Standard review as per the standards process should take place to.

Action 1 by June 2019 - formulate a working instruction to support current TOWS training and use. Use the information within the work instruction to be incorporated into the Full Review and Rewrite of the 501 standard

Action 2 by June 2020 - Complete the review and rewrite of the 501 Standard and implement its findings into the training materials.

Timescale: 30 January 2020