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11 January 2017



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

Dear Andrew,

**RAIB Report: Near miss involving track workers near Hest Bank, Lancashire,  
22 September 2014**

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 16 July 2015.

The annex to this letter provides details of the action taken regarding this recommendation, the status of which is now '**Implemented**'. We do not propose to take any further action in respect of this recommendation, unless we become aware that any of the information provided becomes inaccurate, in which case I will write to you again.

We will publish this response on the ORR website on 12 January 2017.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Oliver Stewart', written in a cursive style.

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 to promote a review of working time limits that is consistent with current human factors research.*

Network Rail should reassess the working time limits and duration of breaks applicable to lookouts and provide staff with appropriately updated instructions and guidance based on these findings. This reassessment should make use of current research into vigilance activities akin to railway lookout duties.

### ORR decision

1. Network Rail has carried out a review of working time limits, including obtaining research in support of its 2-hour rule. Network Rail have issued a letter of instruction with the necessary information across the organisation and to principal contractors. Network Rail have also revised their training for lookouts and site wardens, with a focus on maintaining attention and awareness and the importance of taking breaks.

2. 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 implement it.

**Status: Implemented.**

### Previously reported to RAIB

3. On 7 April 2016 ORR reported that it was content with the measures Network Rail was taking to address the risk identified by this recommendation, although we made it clear that we thought the work could be completed sooner than June 2016. (See full response to RAIB at Annex B)

### Update

4. On 3 November 2016 Network Rail provided the following closure statement:



hest bank rec 1.pdf

5. Network Rail state in summary the following:

*Network Rail have reviewed the evidence relevant to ensuring that lookouts have appropriate rest after a duration of undertaking lookout duties.*

*A letter of instruction has been issued across Network Rail and our Supply Chain to instruct the changes.*

*A series of supporting documents were provided to assist the industry in implementing the arrangement.*

### *Background*

*Since 2009 there have been three fatal accidents involving individuals undertaking either lookout or site warden duties. A common factor in these accidents and other incidents has been that the lookout or site warden has had a lapse in*

*concentration that has affected their situational awareness.*

*A study of factors that affect a lookouts ability to maintain attention and awareness identified time on task as one of the factors that can affect an individual's ability to concentrate. Research undertaken by Network Rail ergonomics specialists that included interviews with lookout determined two hours as the maximum time an individual can continuously undertake lookout duties without a suitable break.*

### *Action taken*

*To implement the findings of the research LNE/EM implemented the maximum 2 hour duration. This was an agreed decision between both our staff and the senior leadership team.*

*The instruction found no impact on ability to perform work effectively with staff either taking a break or rotating duties so that the person performing lookout activity never spent more than 2 hours undertaking look out activity.*

*In October 2016 Network Rail issued letter of instruction (Letter of instruction: NR/BS/LI/385) via our standards portal*

*[Thhttp://networkrailstandards/BSI/StandardHeaderView.aspx?id=26528](http://networkrailstandards/BSI/StandardHeaderView.aspx?id=26528).*

*The instruction was issued out across Network Rail through the safety teams and via the Principal Contractors Licensing Team.*

*In addition we adjusted the training for both lookouts and site wardens. The Lookout/Site warden training was updated to include the finding of the Network Rail ergonomics research; particular focus was on maintaining attention and awareness and the importance of breaks. This was further enhanced by an eLearning package recently completed by all lookouts to provide them with similar information, including advising that a break should be taken after two hours of continuously engaging in Lookout duties.*

## Previously reported to RAIB

### Recommendation 1

*The intent of this recommendation is to promote a review of working time limits that is consistent with current human factors research.*

Network Rail should reassess the working time limits and duration of breaks applicable to lookouts and provide staff with appropriately updated instructions and guidance based on these findings. This reassessment should make use of current research into vigilance activities akin to railway lookout duties.

### ORR Decision

1. ORR is content with the measures Network Rail is taking to address the risk identified by this recommendation, although we have made clear we think the work could be completed sooner than June 2016.
2. ORR consider that lookout arrangements should be based on sound risk assessment with the two hour shift being the maximum. Local and personnel factors might make a shorter lookout period appropriate in some circumstances.
3. After reviewing all the information received from Network Rail, 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 June 2016.

**Status: *Implementation on-going.*** ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

### Information in support of ORR decision

4. Network Rail wrote to ORR on 17 December 2015 stating:
 

*Human factors research paper, 'The Role of the Lookout: the implications of research on vigilance' prepared by Emma Lowe for Network Rail in 2011 recommended that a break after two hours continuous duties should be given whilst undertaking lookout duties. In 2015, the report was reviewed and the two hour limit was considered to still be relevant (based on research into soldiers on sentry duty and air traffic controllers as comparable roles).*

*Guidance on applying the two hour rule was included into the Lookout eLearning, to be undertaken by all lookouts from July 2014, and has been included in initial lookout training.*

*The two hour rule for lookouts on LNE was mandated by the LNE Route Management team in 2014, and a paper proposing to extend this mandate nationally was agreed by Trackworker Safety Group in May 2015 and by Network Rail Route Managing Directors in November 2015. A letter of Instruction to the standard for The Safety of People Working on or Near the Line NR/L2/OHS/019.*

*Details of the new rule will be cascaded to the industry, in particular to those responsible for planning and resourcing work to be fully mandated and implemented by the end of June 2016.*