

Oliver Stewart
Senior Executive, RAIB Relationship and
Recommendation Handling

Telephone 020 7282 3864

E-mail oliver.stewart@orr.gsi.gov.uk

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

Dear Andrew,

RAIB Report: Near miss between a train and a track worker at Peterborough on 20 July 2018

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 5 June 2019.

The annex to this letter provides details of actions taken in response to the recommendations and the status decided by ORR. The status of recommendations 1 & 4 is 'Implemented' and the status of recommendations 2, 3 & 5 is 'Implementation on-going'.

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 16 April 2020.

Yours sincerely,

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

A handwritten signature in black ink, appearing to read 'Oliver Stewart', with a stylized, cursive script.

Oliver Stewart

Initial consideration by ORR

1. All 5 recommendations were addressed to ORR when the report was published on 5 June 2019.
2. After considering the recommendations ORR passed all 5 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 intent of this recommendation is to minimise the exposure of site lookouts to the risk of being struck by moving trains.

Network Rail should promote an amendment to the Rule Book (GE/ RT8000) to require Controllers of Site Safety and Safe Work Leaders to default to placing their site lookouts in a position of safety, unless this is not practicable to implement the safe system of work, eg the site lookout needs to be positioned elsewhere to achieve unrestricted sighting of intermediate / distant lookouts or trains, give a warning by touch, or be close by to give an audible warning.

ORR decision

4. Network Rail have made a proposal to RSSB to amend the railway rule book to clarify that a lookout should remain in a position of safety, as required by the recommendation. RSSB have accepted the proposal and expect to publish the amendment by the end of 2020.
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
 - have taken action to implement it

Status: Implemented

Information in support of ORR decision

6. On 7 November 2019 Network Rail provided the following initial response:

Action Plan

The Rule Book GE/RT8000 series of Modules is an industry document held by the RSSB (Rail Safety Standards Board) any amendments required this will need to be agreed by their representatives at the TOM-SC (Train Operations Managers Safety Committee) committee meeting.

Network Rail WFS Team will apply to them for any TNC to the module of the rule book whilst consultations take place.

Having reviewed the text in HB7 of GE/RT8000- General Duties of a Controller of Site Safety (COSS) states that:

Arranging Lookouts (Distant and Intermediate) page 15 of the handbook 'you must make sure that any distant or intermediate lookouts are located in a position of safety', this text will be required to be inserted into page 13 of the module Arranging lookouts.

An amendment to GE/RT8000 HB3 section 4 will also be required to add 'lookout to remain in a Position of Safety' not just where to stand.

To complete this work, through an RSSB working Group could take up to 12 months sooner if processes are already in place to amend modules.

Completion date – 31 December 2020

Recommendation 2

The intent of this recommendation is to reduce the risk of track workers being struck by a train as result of a breakdown in the communications between a Controller of Site Safety / Safe Work Leader and site lookout at the site of work, and the intermediate and distant lookouts.

Network Rail should:

- a. investigate the common practices used by Controllers of Site Safety / Safe Work Leaders and site lookouts to communicate with intermediate / distant lookouts using flag signals to indicate 'all clear' at the start of work and after a train has passed, and 'work complete';
- b. seek to understand the reasons for the unofficial systems of communication currently used and the risks that they introduce;
- c. investigate ways of improving communication between those at the site of work and intermediate / distant lookouts, including the use of technology;
- d. implement, across its network, an improved system of communication, based on the findings from (a), (b) and (c) above, including training of relevant staff and promoting amendments to the rule book as necessary; and
- e. implement effective arrangements for the monitoring, audit and review of the improved system of communication that it puts in place.

ORR decision

7. Network Rail are undertaking work to implement a consistent national approach to communications using flags between the COSS/SWL and lookouts. This will primarily be done by promoting a change to the Rule Book and subsequent changes to lookout training. Network Rail is also carrying out work to understand the reasoning behind use of unofficial systems.

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 implement it by 31 December 2021.

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

Information in support of ORR decision

9. On 7 November 2019 Network Rail provided the following initial response:

Action Plan

Network Rail have investigated the common practice identified above and have found that it is standard practice throughout the regions and routes, and in certain areas different methodologies are applied in the same Region.

To gain a consistent approach to this practice which does have benefits with making it consistent (one national approach). An update to the Industry Training Material (amendments) will be required through Network Rail Training 'Lookout Training Materials' and to the Rule Book Modules GE/RT8000 HB3 Duties of the Lookout & Site Warden section 4; 5; 6 & 7.

An application will be made to the RSSB, TOM-SC committee to request amendments to GE/RT8000 HB3 and set up of a working group to decide what the consistent signals should be, this will take about 12-18 months to request the changes, have the change request approved, set up the industry working group, approval of the changes by the TOM-SC committee and final changes published, in the Rule Book.

A further working group or part of the same remit will look at the reasoning behind the unofficial system in use, if there is any technology that could help and implement throughout the business with an effective monitoring system, this would take an additional period of time 12 further months.

Completion date – 31 December 2021

Recommendation 3

The intent of this recommendation is to reduce the risk to track workers working under lookout warning, by removing the potential for confusion arising from having multiple work groups and distant lookouts in close proximity.

Network Rail should provide guidance and training for its staff holding the Controller of Site Safety / Safe Work Leader competency, on the actions to be taken if more than one group wants to use a safe system of work with distant / intermediate lookouts that overlap at a location.

ORR decision

10. We note that Network Rail are undertaking a review of the coordination of lookout protection for different work groups on an open line. We consider it unlikely that Network Rail will be able to demonstrate that it is reasonably practicable to carry out work with separate groups using overlapping look outs safely, and this should form the basis of the review.

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 31 March 2021.

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

Information in support of ORR decision

12. On 7 November 2019 Network Rail provided the following initial response:

Action Plan;

Network Rail will as part of the PDSW team review of setting up and delivering SSOW investigate with Delivery Units the practice of open line working (which is on a reduction following recent incidents) tasks.

This review will require 12 months to review the practices around the country where multiple teams are planned to work in the same locality using lookout protection.

Actions will be that Delivery Units will be required to co-ordinate planning for open line working.

Where two or more teams arrive at a location to work using lookout protection arrangements will be discussed and where practical separation by time will be introduced, one team returning later to complete their task this will be on priority of the work PPF.

Following a review of this investigation and how Network Rail Staff Plan and deliver certain tasks action will be to work using more with protection SSOW.

Completion date – 31 March 2021

Recommendation 4

The intent of this recommendation is to reduce the risk to track workers on the LNE&EM route by reducing the amount of work undertaken with lookout warning by improving the planning and management of maintenance tasks to better utilise existing resources and track access opportunities.

Network Rail should increase engagement of all maintenance sections across the London North Eastern and East Midlands Route, with the route's 'Safe and Effective Working' project, so that as many of its cyclic maintenance tasks as possible are undertaken in planned possessions or using line blockage protection systems.

ORR decision

13. Network Rail has reduced the amount of work done across the LNE and East Midland routes using unassisted lookouts by increasing awareness and encouraging the use of Safe and Effective Working methodologies.

14. ORR is working strategically with industry to move risk mitigation up the hierarchy of controls. The recommendation addresses the interim mitigation.

15. 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.

Information in support of ORR decision

16. On 4 November 2019 Network Rail provided the following initial response:

Action Plan

Engagement and increased acceptance of Safe & Effective Working methodologies from all Maintenance Sections is now at a demonstrable all-time high:

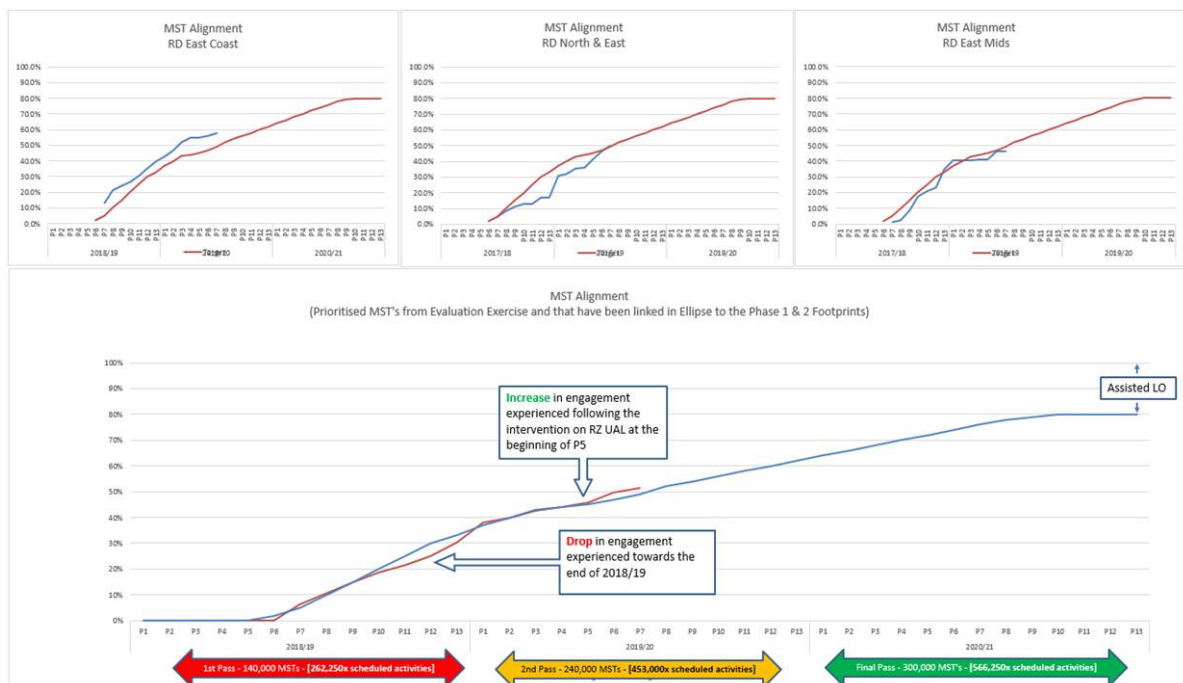
1. *In Planning Week 17 of 2019/20 an intervention on the planning and delivery of work using Unassisted Lookout was introduced across the whole London North Eastern and East Midlands Route.*
2. *This intervention served as a catalyst to purge both the acceptance and active engagement by all Maintenance Sections via an additional*

authority/authorisation level to the acceptance of Red Zone Unassisted Lookout.

3. The intervention increased the associated challenging of acceptable Safe Systems to more appropriate methods for the tasks being undertaken and localities of the planned delivery.
4. The methodologies of S&EW (i.e. planning and management of maintenance tasks to better utilise existing resources and track access opportunities) was rapidly seen by the Maintenance Sections previously resisting change, as S&EW is the only way to positively address the heightened level of scrutiny on their choice of hierarchical safe systems employed to deliver work.
5. Continuation with the existing S&EW Rollout across all 144x Work Group Sets including the design and securing of cyclical access strategies followed by the alignment of cyclical MSTs.

Evidential increase in Engagement:

- As a collective, the ‘LNE&EM’ Route is currently ahead of projected target with regards MST Alignment (see large chart)
- Biggest gains in engagement seen in the Leeds and Sheffield areas (now RD North & East).
- East Coast has remained relatively strong from the outset.
- Bedford and Derby are also engaging well since P5 2018/19.



Recommendation 5

The intent of this recommendation is to significantly reduce the number of routine work activities that are undertaken at the lowest level of the hierarchy for safe systems of work in Network Rail company standard NR/L2/OHS/019.

Network Rail should:

- a. reduce the number of cyclic maintenance tasks that are undertaken with lookout warning by establishing improved planning processes to substantially decrease the reliance on lookout warning by enabling more pre-planned activities to take place in planned possessions, or using line blockages protection systems; and
- b. implement effective arrangements for the monitoring, audit and review of these revised planning processes

ORR decision

17. Network Rail are undertaking a number of initiatives which together should help reduce the number of routine maintenance tasks undertaken with lookout warning. Progress with this work is covered in monthly update meetings with Network Rail to discuss the Improvement Notices issued in relation to track worker safety.

18. 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 September 2021.

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

Information in support of ORR decision

19. On 7 November 2019 Network Rail provided the following initial response:

Action Plan;

As part of the Near Miss Reduction Programme, Safe and Efficient Working, Network Rail is looking at the number of tasks currently permitted using lookout protection warning. An improved planning possess SSOWPS 2 is being developed along with the competence requirements of the planners.

A further 12 – 18 months will be required to review and set out a delivery plan for all the Routes and Business units which have provided supporting information of how they will participate directly to the National Near Miss reduction programme and what they have prioritised to achieve it. (See attached Near Miss Reduction: Deep Dive and Route involvement and timeline, a delay to the delivery of this

could be because of the recent changes to Regions and Routes and staff movements).

As part of the above plans a more robust assurance regime is set in place as per the plan. Further work is being undertaken to reduce the numbers of tasks currently using lookout protection by encouraging safer method of protection arrangements and if still required senior manager signoff to support open line working.

Completion date – 30 September 2021