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24 September 2012

Ms Carolyn Griffiths
Chief Inspector of Rail Accidents
Rail Accident Investigation Branch
Block A, 2nd Floor
Dukes Court
Dukes St
Woking GU21 5BH

Dear Carolyn

RAIB Report: Passenger train struck by object at Washwood Heath

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 24 January 2011.

The annex to this letter provides details of consideration given/action taken in respect of each recommendation where recommendations 1, 2 and 3 have been implemented² and recommendation 4 is in progress.

We do not propose to take any further action in respect of recommendations 1, 2 and 3 unless we become aware that any of the information provided becomes inaccurate, in which case we I will write to you again³. We expect to update you on recommendation 4 by 30 November 2012.

We expect to publish this response on the ORR website on 5 October 2012.

Yours Sincerely

Chris O'Doherty

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

² In accordance with Regulation 12(2)(b)(i)

³ In accordance with Regulation 12(2)(c)



INVESTOR IN PEOPLE

Initial Consideration by ORR

1 All four recommendations in the report were addressed to ORR when RAIB published its report on 6 March 2011. After considering the report and recommendations we directed all four recommendations to Network Rail asking them to consider and where appropriate act upon them and advise ORR of their conclusions.

2 Detail of the consideration given and the action taken in respect of each recommendation is included below.

Recommendation 1

The purpose of this recommendation is to put in place a clear requirement to have safe system of work documentation for staff and OTP checked by a competent person other than its author.

Network Rail should put in place a system that requires that all safe systems of work documents, including any subsequent changes, are independently checked by a competent person, and audit compliance with it.

Details of steps taken or being taken to implement the recommendation

3 In its response dated 20 April 2011 Network Rail stated:

Under the current Issue 8 of NR/L2/OHS/019, issued September 2010 with compliance on 4 December 2010, the supervisor can plan a Safe System of Work to protect staff from trains only if he has been trained as a Safe System of Work planner (formal competence). The Controller of Site Safety implementing the Safe System of Work would need to verify the plan at least a shift in advance and is the only person that can change the Safe System of Work on site. If challenged by a senior manager to change the Safe System of Work to an unsafe one, he/she must refuse under the Worksafe Procedure. This is only for protection of staff on site from trains and not for On Track Plant management, in line with the Rule Book, which is managed under different arrangements.

The Safe System of Work planning process, for plans to protect staff from trains, has been included as part of the NCAP Delivery Unit audits where the verification of plans by the Controller of Site Safety is included as part of the question set. These audits commence in 2011.

4 We felt the response only covered part of the recommendation, there was no information to indicate that Network Rail had considered either on track plant or including subsequent changes, although this was specifically mentioned in the recommendation. We wrote to Network Rail on 17 May requesting further information. In reply Network Rail provided the response below on 23 June 2011:

We believe that we can establish that there is a current requirement to create all the SSOW documents and that we have an (improving) audit regime and where the risk is appropriate we have a secondary check (lifting operations) BUT the inclusion of the clause “including any subsequent changes” significantly impacts the recommendation as well as the extension to all SSOW documents. Although, as per the initial response, there is a requirement on both the COSS and the Machine Controller to verify that they are happy with the proposed SSOW.

In practical terms, this would mean that a lift plan that had been created and checked which then needed to be changed on site (due to site conditions or unplanned work arising) would also have to have a secondary check before it could be executed.

On this basis, it is felt that the recommendation is impractical to apply as it is written with the focus on documentation for all SSOW activities but we should continue to develop our audit regime and review the outcome of these audits to drive future improvements.

ORR Decision

5 ORR, in reviewing Network Rail’s response, agrees that the intention of the recommendation has now been met. In their second response they do cover OTP and give the necessary assurance. The difficulty arises with the phrase ‘any subsequent changes.’ ORR agrees with Network Rail that it would be impracticable (and unwarranted) to have all SSOW independently checked on site. It is sufficient to have a robust audit regime for these processes.

6 ORR has therefore concluded that, in accordance with the Railway (Accident Investigation and Reporting) Regulations 2005, Network Rail has:

- taken the recommendation into consideration; and
- taken action to implement it so far as is reasonably practicable.

ORR does not therefore propose to take any further action unless we become aware that the information presented here becomes inaccurate, in which case we will write to RAIB again.

Status: - *Implemented so far as is reasonably practicable*

Recommendation 2

Network Rail should determine why its management systems did not prevent the unsafe system of work being used for the relaying and make the necessary changes to prevent recurrence. The investigation should also consider why staff did not attempt to invoke the Work Safe procedure and how the Work Safe procedure can be made more effective.

The purpose of this recommendation is to improve management surveillance and supervision at Saltley IMDU to detect instances of individual supervisors implementing unsafe systems of work and to reinforce the Work Safe procedure.

Details of steps taken or being taken to implement the recommendation

7 In its response dated 20 April 2011 Network Rail stated:

The investigation clearly identified that there were many unsafe working arrangements and unsafe practices on the site prior to the incident and yet not one member of staff thought of their own safety or the safety of others. It was clear that invoking the Work Safe procedure was not even considered. The staff have been re-briefed on how the Work Safe procedure can be invoked and how important it is that they understand their duty of care for their own safety and others.

Saltley Delivery Unit has introduced an action plan and they are working closely with all levels of staff to try and change the safety behaviour by achieving some key step changes:

- *A revised programme of site inspections and Safety Tours has been introduced by the Route Infrastructure Maintenance Director, Infrastructure Maintenance Delivery Manager and engineers to monitor safety behaviour and promote the use of the Work Safe procedure;*
- *The Route Infrastructure Maintenance Director and the Route Workforce Safety Advisor are carrying out spotchecks on large capex work sites;*
- *Managers are to continue with joint inspections with the local safety representatives to try and capture the views of staff in all aspects of safety;*
- *Arrangements to be made for safety representatives from the Stafford Delivery Unit to visit the Saltley Delivery Unit to encourage participation and promote the role of the safety representative;*
- *The IMDM team, engineers and section managers (including safety representatives) to review all site inspections to include behavioural issues;*
- *Include a feedback of inspections to all staff at the period end safety briefing;*
- *Carry out Safety Culture/Behaviour workshop at Westwood – delivered by the route and IMDM team, to engineers, section managers (complete);*
- *Carry out Safety Culture/Behaviour workshop – Saltley IMDM team to deliver to section manager/team leaders/front line staff.*
- *Change in Saltley delivery unit leadership team*

Having considered the response ORR did not feel that Network Rail had provided enough detail as to why staff did not attempt to invoke the Work Safe procedure.

8 On 18 May 2012 Network Rail explained further

Looking further into the reasons why the team did not invoke the Work Safe procedure, it appears that some of the checks the managers were making may not

have driven the right complementary behaviour to promote Work Safe. Essentially the safety tours and similar inspections tended to focus on issues with PPE or documentation rather than identifying the behaviours or concerns of their staff.

Since the original response the number of Work Safe challenges at Saltley Delivery Unit has shown an increase. The unit now has ten safety reps and other staff also wanting to take up this role.

The whole inspections process is aimed at looking at behaviours and encouraging staff to raise their views with the following up of any resultant actions. In addition a route safety improvement plan has been produced which focuses on engagement at all levels and the development of an improved safety culture.

All the staff who were involved in this incident have been re trained in their tasks and have been monitored on their progress with very positive feedback.

There has been a significant improvement in how managers and supervisors carry out their roles and responsibilities with regard to safety in Saltley delivery unit. The management team lead by example and are progressing in changing the safety culture within their teams. The support and engagement by the safety representatives and managers with regard to using the worksafe procedure is key to the improvements.

ORR Decision

9 ORR, in reviewing Network Rail's response and the additional information, has concluded that in accordance with the Railway (Accident Investigation and Reporting) Regulations 2005, Network Rail has:

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

ORR does not therefore propose to take any further action unless we become aware that the information presented here becomes inaccurate, in which case we will write to RAIB again.

Status: - *Implemented*

Recommendation 3

Network Rail should extend the work it is undertaking to improve the methods and criteria used when selecting staff to undertake safety leadership roles to include consideration of the training and assessment of those staff who are already qualified in those roles

The purpose of this recommendation is to extend the work that Network Rail is currently undertaking on behavioural issues associated with track worker safety to improve the training and assessment of existing staff.

Details of steps taken or being taken to implement the recommendation

10 In its response dated 20 April Network Rail stated:

In December 2010 Network Rail introduced into its Controller of Site Safety (COSS) training course an element of pre-selection against a range of behavioural markers. This process has since applied to all new applications for initial COSS training which has led to line managers assessing candidate suitability for the role prior to attending the training event. This process applies to both Network Rail and supply chain candidates alike. As an extension to this work the intention is to introduce an assessment against these behavioural markers as part of the COSS recertification training with effect from June 2011. This will require delegates to be assessed against the same behavioural criteria at the end of the recertification course. For internal Network Rail staff, COSS competence is recertified as part of the Assessment in The Line (AiTL) process. As such, a range of behavioural based questions have been included into the knowledge test against which to assess each individual. Whilst it is appreciated that there are limitations as to the ability to determine behaviours from knowledge based questioning, this will form part of the line manager's assessment of competence that will also include evidence from observations in the workplace.

In addition to the above initiative, a training course has been designed and developed entitled 'Managing Site Safety' which is aimed at front line supervisors/team leaders who have a role to play in leading safety behaviours and culture.

The aims of the course are:

- *To understand role and responsibilities as a Leader of Site Safety and develop new ways of thinking and behaving in this role.*
- *Plan for and deliver a safe and effective working environment and to review safe working practices by applying Safety Leadership Behaviours and Competencies.*

Attendance on this course will be mandatory for all those involved in leading site safety, including over 3,000 roles within Network Rail's Infrastructure Maintenance organisation. This course will help individuals understand the role they have in developing and leading a safety culture within Network Rail and where appropriate will support behavioural based assessments of their team members. On the basis of the work that has been done since December 2010 to extend the selection process using behavioural indicators, this recommendation can be closed.

11 Whilst noting the intent of Network Rail's actions we wrote again asking for timescales of when the actions would be complete. In reply Network Rail provided the response below on 23 June 2011:

Behavioural based questions were introduced into both the COSS and Lookout training events with effect from Monday 6th June 2011. This covers all staff attending initial training and non-Network Rail staff attending recertification events. Network Rail staff who require recertification do so through our AiTL process and as such a number of behavioural based questions have been introduced into our annual review process. The introduction of these questions into our training and assessment packages will be under constant review over the coming months with adjustments made as appropriate based on the feedback we receive.

The Managing Site Safety training event was approved in April 2011 with the first course taking place on 9 May 2011. An average of three events per week are currently being run, with around 750 staff planned to attend over the coming months. The events are being co-delivered by Associate Trainers and our own Workforce Development Specialists with over 3,100 places scheduled in throughout the course of 2011.

ORR Decision

12 ORR, in reviewing Network Rail's response, has concluded that in accordance with the Railway (Accident Investigation and Reporting) Regulations 2005, Network Rail has:

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

ORR does not therefore propose to take any further action unless we become aware that the information presented here becomes inaccurate, in which case we will write to RAIB again.

Status: - *Implemented*

Recommendation 4

Network Rail should review the adequacy of its arrangements for the routine checking of compliance with the rule book within possessions, including checks on compliance with the rule book module OTP in respect of adjacent lines open to traffic. The review should consider the frequency of such checks and the competency of those involved. Any improvements identified as part of this review should be implemented.

The purpose of this recommendation is to ensure the adequacy of checks with the requirements of the rule book within possessions (including protection of adjacent open lines).

Details of steps taken or being taken to implement the recommendation

13 In its response dated 20 April 2011 Network Rail stated:

A cross functional approach is required, so in the first instance a review meeting is to be held, to include: Rail Plant Support Engineer; Infrastructure Maintenance Compliance and Assurance Specialist; Operations Safety Manager – NDS; Operations and Customer Services and Investment Projects.

The review meeting will cover:

- *The routine checks (obtrusive or unobtrusive) that each function currently undertakes for compliance with the rule book within possessions including details of frequency, timings, locations and competency of persons/posts undertaking the checks;*
- *The adequacy of those checks in relation to the level of risk;*
- *In light of the findings from the Washwood Heath incident, determine whether improvements should be implemented and by whom;*
- *The manner in which the competent person is discharging their duties in terms of their attitudes and behaviours.*

14 We noted the Network Rail response but felt we needed confirmation of timescales. We wrote to Network Rail to this effect on 17 May 2011. In reply Network Rail provided the response below on 23 June 2011:

The requirements for establishing a SSOW for Plant are detailed within Section 5 of the Network Rail standard NR/L2/RMVP/0200/P006 (Issue: 2) Safe Use of Plant for Infrastructure Work (formerly NR/L2/RMVP/0206).

Similarly Section 4 of the Network Rail standard NR/L2/RMVP/0200/P003 [Issue: 2] Planning and undertaking lifting operations (formerly NR/L2/RMVP/0203) details the additional requirements for the SSOW for lifting operations.

Also, the Network Rail Maintenance standard; NR/L3/MTC/PL0006 [Issue: 5] Planning for the Use of On-Track Plant (formerly NR/PRC/MTC/PL0006) details the requirements for work involving lifting operations to be checked (audited) by a third party which I believe is appropriate for the type of risks involved in this type of work.

This statement needs to be taken in context along with the initial response to Rec 4 (above) and the minutes from the follow up meeting

A cross functional review meeting was held on 16 May 2011. The summary output from that meeting was as follows:

- *3 current standards relating to worksite monitoring are to be reviewed and consolidated into 1. The target for publication of the combined standard is December 2011, with compliance by March 2012.*

- *Additionally L3/INI/TRK/0042, Use of ATWS to protect an adjacent open line when working with On Track Plant, is to be re-written to comply with the latest rule book amendments. This standard is to be published in September 2011.*

A series of other actions are in place to better understand the monitoring arrangements with Maintenance, Principal Contractors & Suppliers with a POL. In addition to this, actions have been identified to clarify the timescales & key milestones regarding the planning & notification of possessions that contain open adjacent lines. These actions are planned for completion by July 2011.

The monitoring arrangements by the various parties, and those already in place with the Rail Plant Support Engineers (RPSE), are to be reviewed to see if they are appropriate & if they should follow a risk based approach i.e. where high risks exist with certain tasks / activities, should they be focussed on accordingly until a level of control is achieved. (Tandem lifting, ALO etc)

With the actions outlined above, full closure of the recommendation is targeted for 31 March 2012

15 Network Rail provided the additional information below on 30 April 2012

From within the Engineering Plant Technology team Network Rail (NR) undertakes On Track Plant (OTP) monitoring activities on infrastructure worksites. This activity has been formally commensurate since August 2010.

Monitoring Events – The role of the RPSE

Site monitoring activities are conducted by Rail Plant Support Engineer's, a team of 12 individuals, who are nationally based, who are considered as the correct resource for this activity based on their knowledge of the machinery and knowledge of safe working practices. The monitoring activities focus on all business areas, i.e. Maintenance, Maintenance Capex, Investment projects & Track Renewals.

During each site monitoring event the RPSE would:

- *Attend the task briefing and assess the work package plan in order to obtain a view of the planning processes.*
- *Complete a checklist to verify machine, resource, worksite and rule book compliance (a specific item on the checklist requests the RPSE to confirm that 'OTP movements are in accordance with GE/RT/8000'); all completed checklists are stored centrally by the team.*
- *Any site issues identified are reported to Plant team management, and followed up as necessary. The internal target for monitoring activities is a minimum of 1 per period per RPSE.*

Monitoring of 'Adjacent Line Open' (ALO) worksites

The RPSE group has, on occasion, been requested to target certain worksite types / environmental conditions / machines for monitoring activities including the identification of worksites that are working with the 'Adjacent Line Open' (ALO). ALO working is published in the Weekly Operating Notices (WON) and, on an ongoing basis, is regularly targeted for compliance checks.

Review of ALO Working & Letter of Instruction NR/BS/LI/228

Network Rail has undertaken a thorough review of ALO working. The review concluded that it is necessary to continue to work near open lines in order to deliver asset management plans, investment projects and maintain the safety and reliability of Network Rail infrastructure.

Following the review a Letter of Instruction (LOI) was issued, NR/BS/LI/228, (Standard affected: NR/L2/RMVP/0206 (Issue 1), Safe Use of Plant for Infrastructure Work), to give guidance for ALO working which also aligned itself to GE/RT/8000 Rule Book Handbook15 (Section 10). The scope of the LOI applies to 'All work involving motorised plant on Network Rail controlled infrastructure where nearby lines will remain open to traffic'.

The LOI was put in place until a formal re-write of NR/L2/RMVP/0200/P006 could be undertaken and is continually reviewed.

Network Rail Standard NR/L2/RMVP/0200/P011

Furthermore, Network Rail Standard NR/L2/RMVP/0200/P011 (formerly NR/L3/RMVP/047/TMC06), covers Unobtrusive monitoring of RRV and RMMM operations, and as part of this standard, where the monitoring process identifies an issue potentially leading to Safety of the Line incident occurrence, the person carrying out the monitoring shall take steps to immediately control the identified risk as appropriate and report in to route controls and local management.

It is therefore considered that given the introduction of worksite monitoring checks especially those associated with Adjacent Line Open activities work and the introduction of Letter of Instruction NR/BS/LI/228 the intent of this recommendation has been addressed.

ORR decision

16 ORR, in reviewing Network Rail's response, does not consider that Network Rail have provided sufficient detail on a number of issues i.e. there is no confirmation that three standards have been combined into one as suggested in Network Rail's response of June 2011. We would also like to fully understand the responsibilities and protocols for OTP monitoring activities.

Status: *In progress*

ORR will provide an update to RAIB by 30 November 2012