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7 June 2019

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

Dear Andrew,

RAIB Report: Derailment and collision, Watford tunnel 16 September 2016

I write to provide an update[1] on the action taken in respect of recommendation 5 addressed to ORR in the above report, published on 10 August 2017.

The annex to this letter provides details of the action taken regarding the recommendation. The status of recommendation 5 is **'implemented'**.

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 on 10 June 2019.

Yours sincerely,

Oliver Stewart

Recommendation 5

The intent of this recommendation is to enable a prompt response by fire and rescue and ambulance services following an accident on Network Rail infrastructure. It is envisaged that liaison with the British Transport Police will be required to achieve part (a) and liaison with representatives of the fire and rescue services will be required to achieve part (b).

Network Rail should improve emergency arrangements for its infrastructure by:

a. reviewing with relevant organisations and, where appropriate, improving its processes in order to minimise the time taken during emergencies to contact organisations providing fire and rescue and ambulance services (paragraph 135b); and
b. considering and, where necessary, implementing liaison with the local fire and rescue service including participation in joint site inspections at access gates which may need to be used by the emergency services where appropriate

ORR decision

1.   Network Rail has taken steps to improve its incident response capability by introducing the role of Incident Officers as part of the embedment of the Joint Emergency Services Interoperability Principles (JESIP) into Network Rail's incident response and management.

2.   Although Network Rail's review of their existing procedure (NOP 4.04) for contacting the emergency services in the event of an incident on the railway found them to be satisfactory, a further review is being undertaken to confirm the IO role is consistent with the requirements of NOP 4.04.

3.   In response to Part B of the recommendation, Network Rail is content with existing liaison arrangements with the emergency services through Local Resilience Forums.

4.   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

5.   On 9 August 2018 ORR reported that Network Rail had not provided a response to the recommendation.

Update

6.   On 8 October Network Rail provided the following closures details:

Concerning Recommendation 5a

Network Rail has a clear procedure, National Operations Procedure 4.04, which details the initial actions required in response to an incident occurring on the railway. Clause 6.1 of this NOP requires that as part of the initial information gathering on receipt of a report of an incident, all Route Control staff shall obtain a minimum level of information including "If emergency services have been called or not (if so obtain their reference number)." In Clause 6.2 all Route Control staff are required to refer to GERT8000 (the Rule Book) and then if required arrange for a number of activities including "calling of the emergency services."

Whilst, in the case of the incident occurring on 16 September 2016, the report found that there was a delay in contacting the emergencies there is a clear process in place and it is our contention that this was therefore an individual rather than a systemic failure.

However, recognising that this individual error has caused concern Network Rail subsequently reminded all Route Controls of the importance of contacting the emergency services as soon as practicable after being notified of an incident. As an additional measure Network Rail's Operational Security and Contingency Planning Manager has written on behalf of the Director, Incident Management & Operational Security to all Route Heads of Operations Delivery and Senior Incident Officers reminding them of the importance of their staff following National Operations Procedure 4.04 during the initial stages of incident management. In order to be aligned to the latest Joint Emergency Services Interoperability Principles (as contained in the JESIP guidance) Network Rail's National Emergency Plan (NEP) was changed to mandate the use of the METHANE mnemonic when providing initial reports to the emergency services. The NEP was re-briefed to key command staff in march 2018.

Since the September 2016 incident Network Rail has taken further steps to strengthen its frontline incident response capability. A cadre of Incident Officers is now in place in all Route Controls providing a 24hr year-round senior incident command capability. All these officers are Rail Incident Commander (RIC) competent by virtue of attending a new Rail Incident Commander course that has been independently developed and delivered. This has continued the embedment of the Joint Emergency Services Interoperability Principles (JESIP) into Network Rail's incident response and management that was begun with the revision to the National Emergency Plan that took place in 2016.

To support the introduction of the new Incident Officer structure Network Rail is reviewing NOP 4.04 to confirm that the procedures contained therein are compatible with the new roles. It should be noted however that the introduction of the Incident Officer role does not change the requirement to, and responsibility for, contacting the emergency services. The review/update to NOP 4.04 is likewise supplementary to, rather than central to, the actions required to close out this Recommendation.

Recommendation 5b

The multi-agency response to incidents within the UK is governed by the Civil Contingencies Act 2004 and its associated structures the Local Resilience Forums (LRFs). These are non-statutory bodies that comprise the emergency services, local authorities and elements of the NHS (known as category 1 responders) and other bodies including Network Rail and the Train Operating Companies (TOCs) amongst others (known as category 2 responders). Category 1 responders have the formal duty to plan for and respond to incidents/emergencies, whilst category 2 responders have a duty to provide relevant information and assist where necessary.

The industry representation at LRFs is shared between Network Rail's team of Security & Contingency Planning Specialists (SCPS) and Train Operating Company Emergency Planners. These industry staff have well developed links to the LRFs and regularly attend meetings at the strategic level, contribute to the multi-agency planning for emergency response and arrange for Network Rail/TOC staff to take part in multi-agency exercises to test the multi-agency response to incidents. As part of this ongoing involvement with the LRFs Network Rail and the wider industry routinely liaises not just with the fire and rescue services but with the other emergency services and category 1 and 2 responders with whom we will need to work when an incident occurs. Network Rail is therefore already fully engaged in the liaison with the local fire and rescue services to which Recommendation 5b refers.

Additionally, Network Rail's Operational Security & Contingency Manager (OSCPM) has formally tasked the SCPS to raise at the most appropriate meeting within the LRF structure the matter of access points to determine whether further, specific pre-planning activity is required in respect of access to the railway network. Additionally, where Network Rail does not provide the primary contact point for the rail industry to an LRF the OSCPM has requested, via the RDG Emergency Planning Group, that TOC emergency planners raise this issue and direct any resulting requests for engagement back to Network Rail's Security & Emergency Planning Team. A briefing has been provided to both SCPSs and TOC staff to assist them in this activity.

It should be noted that as the network continuously evolves and access points change, Network Rail has a policy of not publishing network access points to the public or emergency services, except for specific site-specific emergency response plans. This is in part to manage the emergency services access to the network by requiring them to contact Network Rail prior to attending incidents on the network. This is in response to repeated non-notified incursions onto the rail network. In order to further improve this process, the multi-agency protocol governing the emergency services accessing the line is undergoing a multi-agency review led by one of Network Rail's SCPS and involving Police, Fire and Ambulance. Given the ever-evolving nature of the network ongoing liaison will be required with the LRF community and this already forms part of the routine and ongoing liaison delivered by the industry.

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ORR decision

1.   Network Rail have not formally responded to this recommendation.

2.   In accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:
•   not provided a response setting out how the recommendation will be delivered.

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

Information in support of ORR decision

3.   Network Rail have not provided a response to the recommendation.