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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: Serious operational irregularity at Balham on 20 April 2019

I write to report[1] on the consideration given and action taken in respect of the recommendations addressed to ORR in the above report, published on 3 February 2020.

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 **'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 7 December 2020.

Yours sincerely,

Oliver Stewart

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

Initial consideration by ORR

1.   All 4 recommendations were addressed to ORR when the report was published on 3 February 2020.

2.   After considering the recommendations ORR passed the 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 for Network Rail to develop a strategy to make the use of standard safety critical communications become embedded in practice.

Network Rail should develop and implement a strategy to bring about significant improvements in the standard of verbal safety critical communications adopted by its staff and contractors. This should address training and competence in communication skills, and effective monitoring of safety critical communications, between its own staff and contractors as well as understanding the underlying social, cultural and behavioural factors that inhibited the use of effective communications in this incident. The strategy should aim to ensure that such communications become embedded in normal, everyday practice

ORR decision

4.   Network Rail have reviewed existing safety-critical verbal communication standards and guidance and have established an industry group to identify and consider improvements.

5.   The recommendation requires that an understanding is reached of how social, cultural and behavioural factors inhibited the use of effective communications in this incident and we have challenged Network Rail to show how this will be achieved. We have asked Network Rail to consider whether specialist input to the working group from outside Network Rail may be necessary to address this point.

6.   We have also asked Network Rail why the plan does not mention any changes to monitoring arrangements to produce more meaningful feedback and to provide assurance that optimised safety critical communications have become embedded in everyday practice.

7.   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 3 January 2022.

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

Information in support of ORR decision

8.   On 21 June 2020 Network Rail provided the following initial response:

Network Rail will carry out a complete review the current suite of L2 and L3 SCC Standards and look at industry standards, RIS and Guidance to ensure that they are updated to reflect the needs of the industry to ensure that any training needs and ongoing competence needs are captured. The points below will give an indication on some of the issues that will be reviewed and actioned as appropriate:

1) Review the safety critical communications protocols to see if they are appropriate to the industry.

2) Work with the industry and RSSB to Investigate whether a separate safety communications rule book module is required to capture all of the parts that are covered and available in one module

3) Review the rule book to identify where there are anomalies between the Signaller and Driver rules with the Signaller needing specific information and the Driver not being advised what that is. E.g. track defects and trespass.

4) Review whether safety critical communications should be a parent competence to all other competencies, this may well ensure that communications is being taken more seriously as all safety critical competencies could be removed until the required standard is met.

5) Determine whether certain messages can be structured to include only the critical information needed in the same format.

6) Review whether we change from repeat back to a confirmation of understanding.

7) Provide some additional guidance in the RIS about the development and provision of training materials and what a core SCC competence should include.

8) Include in the strategy the move towards technology to remove the need for verbal communications. This may lead to a trial of using a GSM-R text to pass a signal at danger or other possible uses

9) Review and introduce Signaller licensing into the business

The work being identified to make a difference into the way we train, deliver and monitor safety communications is and will be a significant amount of work and a project timeline pulled together once the above has been considered and resource in place to deliver this.

Recommendation 2

The intent of this recommendation is for Network Rail to develop a handover process that can be used by operational staff performing safety critical roles to improve shared situation awareness.

Network Rail should review the process of handovers between signallers during and at the end of shifts, and develop a formal structure which will give the incoming signaller full awareness of all relevant information about the location and intended movement of trains and the wider operation of the railway in their area of control

ORR decision

9.   Network Rail have set out a plan to consider the recommendation, but it isn't clear what outcome is expected. We have asked Network Rail to clarify how the issues underlying the recommendation will be addressed if the working group does not identify the need for new processes.

10.   In terms of the composition of the working group, we have suggested Network Rail include signallers, rather than just managers to ensure a broader range of issues are taken into consideration and there is more likely to be buy-in for any new procedures.

11.   We have also asked Network Rail to confirm if they are on-track to meet the existing timescales.

12.   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 10 January 2021.

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

Information in support of ORR decision

13.   On 21 June 2020 Network Rail provided the following initial response:

The requirement for a handover is and should be carried out as per the current rules although there is no formal structure in place to cover what is and what isn't discussed between the 2 parties when handing over / changing shift, as part of the wider SCC review a team will look at any process and consider a formal process looking specifically at Non-Technical Skills.

Once the team decide if a new process or form is required than this will be formalised, produced and briefed out.

PROJECT DETAILS			
DATE	**MILESTONE**	**END DATE**	**Chart**
01/06/2020	**Kick Off Plan, Review Blaham Recs**	**N/A**	15

15/07/2020	Discuss at Ops Managers Group and obtain support	10
30/07/2020	Set Up Working Group	5
01/09/2020	Consider new process and workload	15
30/10/2020	Put in place and actions	10
30/11/2020	Brief to all staf as appropriate	5
10/01/2021	Review and Close out Recs	15

Recommendation 3

The intent of this recommendation is to improve the workplaces and equipment used by PICOPs, so that they work in locations and with facilities which give them the ability to manage the movement of trains and enhance their awareness of the situation during a possession.

Network Rail should review its requirements for locations in which PICOPs are permitted to carry out their duties, so that they have adequate facilities, information and equipment to enable them to control train movements associated with possessions

ORR decision

14.   Network Rail have developed a plan to change relevant standards to prescribe an improved working environment for PICOPs. Network Rail expect to have the revised standards in place and briefed to staff by 3 January 2022.

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
   - is taking action to implement it by 3 January 2022.

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

Information in support of ORR decision

16.   On 4 August 2020 provided the following initial response:

Network Rail will amend the NR/L2/MTC/PL0175 (Infrastructure Maintenance Planning Handbook) NR/L3/OPS/303 (Possession of the Line for Engineering Works Delivery Requirements) Standards to include reference to PICOP facilities available whilst on duty. Network Rail will look to specify a minimum level of accommodation and resources required to enable a PICOP to manage a possession safely and effectivity with no distraction.

September 2020*- Network Rail to issue industry guidance to all Network Rail Route Planning Teams, line managers and Possession Management suppliers. The guidance shall outline the following:*

- *Working arrangements for PICOP's (Internal and External Suppliers)*

- *Suitable working locations for PICOP's*

- *Outline minimum accommodation requirements for PICOP's to undertake their duties (This will be superseded once the working group has consolidated the results from the consultation)*

Network Rail Routes/Regions to work with Possession Management suppliers to mitigate risks relating to Covid-19 and social distancing arrangements in Possession Control Centres and/or Network Rail Premises.

Dec 2020 – Consultation with PICOPS/Route/Regions/Possession Management Suppliers across the organisation and Industry regarding minimum levels of facilities

March 2021 – Consolidation of the results from the consultation

Aug 2021 - NR/L2/MTC/PL0175, Section 4, General Information, Module 6 of the standard specifies the maximum number of allowable duties that can be undertaken by one PICOP, whether that person can undertake the work safely and how the management of work can be facilitated.

Module 6 will be re-written to incorporate the findings following the consultation – as a minimum the following –

All PICOPs will work from a designated location for the entire length of their possession management, within a Network Rail or suitable building/office. Welfare facilities will be made available and the environment should be quiet, somewhere where paperwork can be viewed, whiteboards or technology can be used to assist the PICOP's understanding and situational awareness of the activities and train movements taking place within the possession.

Aug 2021 - NR/L3/OPS/303 (Possession of the Line for Engineering Works Delivery Requirements) will be re-written to incorporate the findings following the consultation – as a minimum the following –

New Section to incorporate the findings following the consultation – as a minimum the following maximum number of allowable duties that can be undertaken by one PICOP, whether that person can undertake the work safely and how the management of work can be facilitated –

All PICOPs will work from a designated location for the entire length of their possession management, within a Network Rail or suitable Third-Party building/office. Welfare facilities will be made available and the environment should be quiet, somewhere where paperwork can be viewed, whiteboards or technology can be used to assist the PICOP's understanding and situational awareness of the activities and train movements taking place within the possession.

Evidence required to support closure of recommendation

Standard updates and proof of briefing

All Route/Regions and Suppliers providing appropriate accommodation for PICOPS

Network Rail's standard NR/L2/OPS/033 'Mobile phone technology' requires all routes to have a mobile recording facility for PICOPs /ESs/SWLs involved in the management of a possession, by March 2020

Recommendation 4

The intent of this recommendation is for Network Rail to review and improve its arrangements for managing the competence of PICOPs to ensure that they have the necessary skills to ensure the safe movement of trains within a possession.

Network Rail should review its standards, process and arrangements for managing the competency requirements and ongoing professional development of people who control engineering possessions in which train movements take place. This review should cover, but not be limited to, decision making, team working and communications between PICOPs and other operations staff

ORR decision

17.   Network Rail is reviewing the standards, process and arrangements for managing the competency of staff who control engineering possessions. We will monitor the progress of the working group and have asked Network Rail for a copy of its internal review and recommendations when published, in order to consider if it meets the requirements of the recommendation.

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 31 August 2021

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

Information in support of ORR decision

19.   Following an initial response on 21 June 2020, Network Rail submitted a revised action plan on 5 October 2020:

Action Plan

- *A remit for the review of competence standard NR/L2/CTM/021 to be approved by the QHSE Standards Steering Group 01/12/2020*

- *Identify working group membership and terms of reference – 30/01/2021*

- *Hold monthly working groups, January to July, first session – 30/01/2021*

- *Undertake gap analysis to establish difference between current and desired competence and behaviours – 30/04/2021*

- *Conduct a review of current requirements for monitoring PICOP competence 30/05/2021*

- *Review PICOP training and development requirements – 30/06/2021*

- *Report findings and recommendations – 30/07/2021*

Evidence required to support closure of recommendation

- *Remit for NR/L2/CTM/021*
- *Working group Terms of Reference*
- *Workstream action tracker*
- *Results of the gap analysis*
- *Results of the review of current requirements for monitoring PICOP competence*
- *Recommended PICOP training and development requirements*
- *Workstream closure report including recommendations and actions.*