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31 March 2021

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

Dear Andrew,

RAIB Report: Class investigation into accidents and near misses involving trains and track workers outside possessions

I write to provide an update¹ on the action taken in respect of recommendations 1 & 3 addressed to ORR in the above report, published on 13 April 2017.

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 & 3 is '**Implemented**'.

We do not propose to take any further action in respect of the recommendations, 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 1 April 2021.

Yours sincerely,



Oliver Stewart

¹ 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 improve the ability of people in charge of safety on the track to establish a safe system of work that is appropriate to the local circumstances.

Network Rail should review the ways that it equips those with safety leadership responsibilities to recognise and deal effectively with circumstances not encompassed by the planned 'safe system of work' or permit. These might include the need for additional local planning (for example when placing lookouts) or moving to a new location while carrying out mobile activities such as patrolling, asset inspections and surveying. Circumstances not covered by the plan might also arise due to rest breaks and changes to the composition of the group, or the nature of the work activity.

Appropriate action should be taken to implement any required improvements in procedures and/or the training provided to those in leadership roles. Any changes that are proposed to existing arrangements should be based on the following principles:

- a) compliance with the documented safe system of work or permit, unless this can no longer be applied, is impractical to implement or is considered to be less safe than an alternative;
- b) continued compliance with the railway Rule Book;
- c) dynamic risk assessment of the changed circumstances, and of any alternative safe system of work; and
- d) empowering competent leaders to make safe decisions within clearly defined guidelines.

ORR decision

1. Network Rail has reviewed and made changes to how it trains staff and contractors with safety leadership responsibilities, including safety critical communication, risk perception and leadership. The changes made are aimed at improving decision making on the ground where circumstances change, so risks are still identified and adequately managed.
2. Network Rail's most recent response was in late 2019. ORR has delayed judging the adequacy of how well this addresses the recommendation whilst we had regular updates from NR on its wider efforts to improve workforce safety. This includes improvements to the work planning system, so that dynamic changes are required less frequently, allied with much more rigorous retention criteria for those who hold COSS and related competencies.
3. 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

4. On 4 December 2018 ORR reported the following:

We support the approach Network Rail has outlined for delivering recommendations 1, 2 and 3. We have asked for a copy of the project plan referred to in the response to understand when particular milestones are expected to be reached, ahead of completion in August 2019.

Update

5. On 15 November 2019 Network Rail provided the following closure statement:



Class Inv Rec 1
Closure.pdf

6. Network Rail state the following in summary:

Network Rail Would Like to propose a closure to this rec, all Track Safety Competence training is and has been reviewed some material changes have taken place, the workforce safety team and Network Rail Training have reviewed the COSS training material that is currently delivered by NR Training and Training Providers.

In August 2017 a working group met and reviewed the COSS, following the recent changes in 2017 to the E.S courses and the current PTs review. Several changes to the route to COSS competence was suggested which included pre-requisite training to include, Safety Critical Communications, Risk Perception (for higher risk situations), and leadership training.

The requirements within the training material to comply with NR/L2/0HS/019 Safety of People at Work on or Near the Line, both implementation and being involved in the planning, management requirements etc. The course material includes how to comply with the SSOWP (SWP) if it can no longer be complied with how to undertake a risk assessment, compliance with the RSSB Railway Rule Book is always part of the course material, undertaking dynamic risk assessments where the circumstances require it to be done, any alternative SSOW must be better than that being changed and how leaders (COSS; SWM; Responsible Managers; PIC etc are empowered. This is to be alongside an improved selection criteria (Non-Technical Skills) to ensure we have the right people capable of doing the role (COSS).

In January 2019 a Learning Needs Analysis was carried out on the competence and a Risk Based Assurance and the result was to move from a Temporary Regime 3 to a Regime 1. The COSS Training Material has been completely redesigned, the entire 'route to competence' along with the recertification requirements. A number of

pilot courses have taken place and some amendments made following these, In July 2019 the revised course was launched to the business via NR Training and the Training providers, this was following the time allowance using CP6 so that routes can prepare for the impact, for their employees having to re-cert every two years as the Rail Industry currently do, so that we can ensure that this training is delivered correctly by Network Rail and the Training Providers who will be assured by the National Skills Academy for Rail (NSAR).

Part of the revision is that the course trainers observe the behaviours of the candidates throughout the course not just the exam at the end and can deselect them from the course if the behaviours that are required are not met.

Recommendation 3

The intent of this recommendation is to improve the competence (in the area of local geographic knowledge) of people who lead track work in higher-risk situations.

Network Rail should review the competence requirements for people who control work on the track while trains are running, under safe systems of work which rely on knowledge of the location, such as the use of lookout warning and line blockages without additional protection. Consideration should be given to requiring enhanced local knowledge for people qualified to implement such systems of work. This may include training and assessment in local conditions and/or experience of work in specified areas or locations. A time-bound plan should be prepared for any changes in competence requirements identified by the review

ORR decision

7. Since the recommendation was issued there is less reliance on working when trains are running or line blockages without additional protection.

8. Network Rail have made changes to the competence requirement for the COSS role including covering safety critical communication, risk perception and safety leadership. Network Rail labour supply contracts require suppliers to make use of staff with local knowledge, although the combination of improved competency in the areas identified, in particularly risk perception, makes local knowledge a less critical factor.

9. 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

10. On 4 December 2018 ORR reported the following:

Network Rail has reviewed the competence requirements for people who control work on the track while trains are running, where the safe systems of work is reliant on their knowledge of the location. The outputs and action plans from these reviews is captured in the document 'Updating the COSS selection and training to a more professionalised role' paper and a time-bound plan has been put in place to take forward the findings identified by the review.

Update

11. On 15 November 2019 Network Rail provided the following closure statement:



Class Inv Rec 3
Closure.pdf

12. Network Rail state the following in summary:

Network Rail Would Like to propose a closure to this rec, The Workforce Safety Team has reviewed the requirements and with the RSSB have been working to improve the requirement to place/take additional protection when requesting Line Blockages, which is now a Rule Book Requirement from Dec 2018, also the Line Blockages Arrangements form NR3180 form was amended to show this. (see Attached copy of Rule Book Change and LB NR3180 form).

These changes are embedded into the training materials which also recently changed for COSS's. There is a restriction now on working open line (unassisted lookout red zone) with the SSOW requiring senior manager agreement (sign off) following some recent incidents on the infrastructure.

Network Rail Training have reviewed the COSS training material that is currently delivered by NR Training and Training Providers. In August 2017 a working group met and reviewed the COSS competence. From this several changes to the competence was suggested which included pre-requisite training to include, Safety Critical Communications, Risk Perception (for higher risk situations), and leadership training. The Labour supply contracts are being improved for the commencement of 2020 contracts requiring Suppliers to utilise staff who have local knowledge, to be alongside an improved selection criteria (Non-Technical Skills) to ensure we have the right people capable of doing the role.

Previously reported to RAIB

Recommendation 1

The intent of this recommendation is to improve the ability of people in charge of safety on the track to establish a safe system of work that is appropriate to the local circumstances.

Network Rail should review the ways that it equips those with safety leadership responsibilities to recognise and deal effectively with circumstances not encompassed by the planned 'safe system of work' or permit. These might include the need for additional local planning (for example when placing lookouts) or moving to a new location while carrying out mobile activities such as patrolling, asset inspections and surveying. Circumstances not covered by the plan might also arise due to rest breaks and changes to the composition of the group, or the nature of the work activity.

Appropriate action should be taken to implement any required improvements in procedures and/or the training provided to those in leadership roles. Any changes that are proposed to existing arrangements should be based on the following principles:

- a) compliance with the documented safe system of work or permit, unless this can no longer be applied, is impractical to implement or is considered to be less safe than an alternative;
- b) continued compliance with the railway Rule Book;
- c) dynamic risk assessment of the changed circumstances, and of any alternative safe system of work; and
- d) empowering competent leaders to make safe decisions within clearly defined guidelines.

ORR decision

1. We support the approach Network Rail has outlined for delivering recommendations 1, 2 and 3. We have asked for a copy of the project plan referred to in the response to understand when particular milestones are expected to be reached, ahead of completion in August 2019.

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
- is taking action to implement it by 30 August 2019.

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

Previously reported to RAIB

3. ORR reported on 12 April 2018 that Network Rail had not provided a formal response to this recommendation.

Update

4. On 18 September 2018 Network Rail provided the initial response:

Network Rail has completed a review of its competence and training requirements for staff undertaking Controller of Site Safety duties. This has included a review of:

- *the ways that Network Rail equips those with safety leadership responsibilities to recognise and deal effectively with circumstances not encompassed by the planned 'safe system of work or permit so as to improve the ability of people in charge of safety on the track to establish a safe system of work that is appropriate to the local circumstances (recommendation 1);*
- *the effectiveness of Network Rail's existing arrangements for developing the leadership, people management and risk perception abilities of staff who lead work on the track, as well as the ability of other staff to effectively challenge unsafe decisions so as to improve the non-technical skills of track workers (recommendation 2); and*
- *the competence requirements for people who control work on the track while trains are running, under safe systems of work which rely on knowledge of the location to improve the local geographic knowledge of people who lead track work in higher-risk situations (recommendation 3).*

This review was conducted by:

- *The formation of a 'RAIB Trackworker Report - Working Group' which has met to discuss the recommendations in the report – A meeting was held on 16th June 2017 and was attended by:*
 - *Rupert Lown, Head of Corporate Workforce Safety (Chair)*
 - *Lynn Chamberlain-Clark, Principal Health and Safety Change Specialist (Facilitator)*
 - *Paul Brady, Trackworker Safety Specialist (Secretariat)*
 - *David Judson, Join & View Workstream Delivery Lead, ORBIS*
 - *Simon Goodland, Programme Manager, Network Rail Training*
 - *Mark Prescott, Senior Programme Manager, STW Programme*
 - *Katie Frost, Programme Director, PDSW*
 - *Dave Beer, Engineering Verification & Recommendations Manager, STE*
 - *Andrew Clinton, Head of Route Safety Health & Environment, RSSB*
 - *Steve Coe, Organising Director, TSSA*
 - *Paul Clyndes, Senior Health and Safety Officer, RMT*
 - *Lourens De Jager, Head of Route Safety Health & Environment, South East*
 - *Don Wilson, HM Principle Inspector of Railways, ORR*
 - *Karen Barnes, HM Inspector of Railways (South East) ORR*

- *Mark Turner, Inspector of Railway Accidents, RAIB*
 - *Simon French, Chief Inspector of Rail Accidents, RAIB*
 - *Andrew Fielding, National Rep, Unite*
- *A cross industry working group met on 7th & 8th August 2017 in York to discuss, review and propose amendments to the current COSS training. It was attended by:*
 - *Paul Brady – Trackworker Safety Specialist (Chair)*
 - *Liam Furniss – Trainer & RICA Rep*
 - *Julian Weatherall - Union Rep, TSSA*
 - *Richard Long – Contractor & ISLG Rep*
 - *Cliff Moody – Route Workforce Safety Advisor (Cliff presented on Risk Perception)*
 - *Wayne Lawton – NR Trainer*
 - *Martin Biggin – Signalling Safety Specialist and Safety Critical Communications rep*
 - *Paul Bellew - Maintenance Safety Specialist*
 - *Lawrence Morris – NR Trainer*
 - *Trevor Platts - Trainer & Association of Railway Training Providers (ARTP)*
 - *Carlo Pezzulo – Union Rep, RMT*

The outputs and action plans from these reviews is captured in the document 'Updating the COSS selection and training to a more professionalised role' paper.

Timescale: 30/08/19

Recommendation 3

The intent of this recommendation is to improve the competence (in the area of local geographic knowledge) of people who lead track work in higher-risk situations.

Network Rail should review the competence requirements for people who control work on the track while trains are running, under safe systems of work which rely on knowledge of the location, such as the use of lookout warning and line blockages without additional protection. Consideration should be given to requiring enhanced local knowledge for people qualified to implement such systems of work. This may include training and assessment in local conditions and/or experience of work in specified areas or locations. A time-bound plan should be prepared for any changes in competence requirements identified by the review

ORR decision

5. Network Rail has reviewed the competence requirements for people who control work on the track while trains are running, where the safe systems of work is reliant on their knowledge of the location. The outputs and action plans from these reviews is captured in the document 'Updating the COSS selection and training to a more professionalised role' paper and a time-bound plan has been put in place to take forward the findings identified by the review.

6. 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 August 2019.

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

Previously reported to RAIB

7. ORR reported on 12 April 2018 that Network Rail had not provided a formal response to this recommendation.

Update

8. On 18 September 2018 Network Rail provided the initial response:

See action plan presented in response to rec 1.

Timescale: 30/08/19