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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: Accident to a track worker near Redhill on 24 June 2014**

I write to provide an update<sup>1</sup> on the action taken in respect of recommendation 1 addressed to ORR in the above report, published on 15 June 2015.

The annex to this letter provides details of actions taken in response to the recommendation and the status decided by ORR. The status of recommendation 1 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 1 April 2021.

Yours sincerely,



Oliver Stewart

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

## Recommendation 1

*The intent of this recommendation is that all locations which are used as positions of safety should be suitable for that purpose, to minimise the risk when staff need to clear the line for the passage of trains.*

Network Rail should:

- Review each section of line where work while trains are running is authorised, and assess the availability and suitability of the locations that are required to be used as a position of safety. Where these are found to be inadequate, Network Rail should prohibit work while trains are running.
- Ensure that staff responsible for establishing a safe system of work on site are explicitly prompted to consider potential hazards that might call into question the suitability of the position(s) of safety throughout the site (such as the number of people required to use it/them, and whether the ground is reasonably level, in good condition underfoot and free of obstructions) before permitting work to commence (paragraphs 115b, 115c).

## ORR decision

1. Network Rail has taken action to identify work sites with inadequate positions of safety earlier in the planning process.
2. ORR has consistently believed that it will be very difficult for Network Rail to maintain an accurate register of areas where red zone working is prohibited – due to the challenge of recording changes to the physical infrastructure (as happened at Redhill) in real time. We preferred to rely on the skills and expertise of the COSS to respond to site conditions appropriately. We did, though, encourage Network Rail to improve the accuracy and currency of its site-specific data as far as was reasonably practicable.
3. In one of its responses Network Rail referred to joint planning (COSS/SWL and planner) that we were aware wasn't happening consistently. This led us to consider the recommendation not to be implemented. Since that submission the 019 standard has been revised and now contains a prompt to check on the form (RT9909). Further, the standard is being rebriefed, so we are more confident that work sites without adequate positions of safety will be identified earlier in the planning process and mitigation put in place.
4. Additionally, the impact of our workforce safety enforcement action is that staff working when trains are running will be an exceptional occurrence, thereby reducing the circumstances where it is necessary to have positions of safety.
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
  - taken action to implement it.

**Status: Implemented.**

### Previously reported to RAIB

6. On 7 April 2016 ORR reported the following:

By reviewing the standard 'Lineside Facilities for Personal Safety' (NR/SP/OHS/069), ORR is satisfied that Network Rail is taking appropriate action to review the suitability of sites for red zone working. ORR will review the status of this recommendation once the review of the standard has been completed and Network Rail has used these findings to inform a review of locations that are suitable for red zone working (phase 2).

### Update

7. On 6 February 2019 Network Rail sent the following closure statement:



Redhill Rec 1  
signed closure Feb19

8. Network Rail state in summary the following:

*Following the review of the various working groups WFS would like to close this rec using the following information, The revision to the Network Rail standard NR/L2/OHS/019 - Safety of People at Work On or Near the Line in 2017 introduced a requirement for the planner to produce the SWP in conjunction with the Person in Charge of the planned work. The standard revision also introduced the requirement for all site risks, including operational, task and location risks to be included in the SWP. The combination of these elements now means that issues such as sites without access to a position of safety will be identified during the planning stages and the risks mitigated within the SWP. Where risks such as those associated with insufficient positions of safety are identified this is then fed into the hazard directory through existing and established processes and supplemented through the behaviours developed as a result of the implemented and embedment of close call within the business. This also provides a more robust approach to identifying locations of this nature given the total track miles that would be required to be assessed. The WFS and Training Teams continue to work on improving the requirements of the skills of the COSS /SWL which will form part of the revised course materials expected to be rolled out during 2019. NR/SP/OHS/069 gives guidance regarding the provision of Lineside Facilities such as Cess Walkways and Positions of Safety, Safety of People at Work standard NR/L2/OHS/019 Sections 5 Roles & Responsibilities and Section 8 Planning and Implementation and also the revised RT9909 record of arrangements for all attached for further detailed reading if required set out the planning of the activity and location arrangements, to be checked by the COSS/SWL Pie and in relation to the RT9909 form identified during the at site briefing would identify as a final check) if the planned Position of Safety was not adequate or non existent.*

## Previously reported to RAIB

### Recommendation 1

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Network Rail should:

- Review each section of line where work while trains are running is authorised, and assess the availability and suitability of the locations that are required to be used as a position of safety. Where these are found to be inadequate, Network Rail should prohibit work while trains are running.
- Ensure that staff responsible for establishing a safe system of work on site are explicitly prompted to consider potential hazards that might call into question the suitability of the position(s) of safety throughout the site (such as the number of people required to use it/them, and whether the ground is reasonably level, in good condition underfoot and free of obstructions) before permitting work to commence (paragraphs 115b, 115c).

### ORR Decision

1. By reviewing the standard 'Lineside Facilities for Personal Safety' (NR/SP/OHS/069), ORR is satisfied that Network Rail is taking appropriate action to review the suitability of sites for red zone working. ORR will review the status of this recommendation once the review of the standard has been completed and Network Rail has used these findings to inform a review of locations that are suitable for red zone working (phase 2).

2. After reviewing all the information received from Network Rail, 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 but no timebound plan for the completion of the review of locations has yet been provided.

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

### Information in support of ORR decision

3. Network Rail wrote to ORR 17 December 2015 with the following information:

*In order to conduct a review of each section of line where work can take place open line to assess the suitability of locations to be used as a position of safety, the standard NR/SP/OHS/069 Lineside Facilities for Personnel Safety (formerly RT/CE/S/069) needs to be reviewed and updated.*

*Phase 1:*

*An initial review of NR/SP/OHS/069 Lineside Facilities for Personnel Safety (formerly RT/CE/S/069) was conducted at the Track worker Safety Group in October 2015. A more detailed review will consider the following:*

- a. Minimum measurements for positions of safety*
- b. Separation distances*
- c. Definition of a position of safety*
- d. Consideration of condition of position of safety*
- e. Hazards that may impact suitability of position of safety*
- f. How to upskill Safe Work Leader/COSS to identify and understand the risks*
- g. How associated documentation might be updated to identify areas that do not meet the requirements of the revised standard.*

*This review and publication of the new standard is expected to be completed by December 2016.*

*Phase 2:*

*Once the new standard is in place, a review of locations will take place to identify where positions of safety are inadequate, and these will be recorded in Hazard Directory. This will be achieved by engagement with the Integration Group and with the Route Managing Directors using the STED Business Partner. Further engagement will be made with IP and NSC via the relevant business partners. The re-assessment will at that time be ongoing and will take place as part of the normal activity of planning work on the infrastructure, and the results used to update the relevant systems.*

*A briefing of the headline requirements of the new standard will be developed and issued via safety hour to ensure that the expectations and understanding of frontline staff are raised.*