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6 August 2021

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

Dear Andrew,

RAIB Report: Near miss between a train and a track worker at Shawford on 24 June 2016

I write to provide an update¹ on the action taken in respect of recommendation 1 addressed to ORR in the above report, published on 23 March 2017.

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 **'Progressing'**.

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 9 August 2021.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Oliver Stewart', written in a cursive style.

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 increase awareness that lengthy travelling times before and after a work shift can cause staff to be fatigued, which in turn can reduce alertness and increase the risk of those staff making unsafe decisions while carrying out safety critical work.

As part of its management of fatigue for staff undertaking safety critical work, Network Rail should continue its work to implement a process to require its managers who are directly responsible for staff working on or near the line to consider:

- the fatigue that regular long journeys, both before and after a shift, can cause, so that staff are not required to commute long distances to their place of work; and
- the actions that can be taken to reduce the amount of time staff spend travelling, where necessary, such as revised working times or providing lodging near to the work where appropriate

ORR decision

1. From our regular fatigue liaison meetings we are aware Network Rail is progressing its Fatigue Improvement Programme. In particular we appreciate that Network Rail is progressing the development of a prioritised strategy to close the gap on fatigue and alertness controls, with external, expert assistance.

2. However, although Network Rail's 20th May 2021 response provides outlines of a wide suite of materials, it is left to ORR to sift through these, seeking what specific elements may be relevant to the expectations of the recommendation. To move the status of the recommendation towards implementation, Network Rail will need to clearly explain the process put in place to require managers to consider the fatigue that regular long journeys before and after a shift can cause and the actions that can be taken to reduce the amount of time staff spend travelling.

3. On the basis of this ongoing work, we consider the status of this recommendation should be changed from "Insufficient response" to "Progressing".

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
- is taking action to implement it, such that ORR no longer consider the status of this recommendation to be insufficient response

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

Previously reported to RAIB

5. On 22 March 2018 ORR reported that Network Rail had not formally responded to the recommendation.

Update

6. On 20 May 2021 Network Rail provided the following Fatigue Improvement Programme:



Shawford Rec 1
Update 2 - Fatigue I

Previously reported to RAIB

Recommendation 1

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ORR decision

1. Network Rail have not formally responded to the recommendation.
2. After reviewing the information provided ORR has concluded that, 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. No information provided by end implementer.