

Oliver Stewart
RAIB Recommendation Handling Manager
T: 020 7282 3864
M: 07710069402
E-mail oliver.stewart@orr.gov.uk



21 September 2021

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

Dear Andrew,

RAIB Report: Collision between mobile elevating work platforms at Rochford, Essex on 25 January 2020

I write to report¹ on the consideration given and action taken in respect of the recommendations addressed to ORR in the above report, published on 28 September 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, 2, & 4 is '**Progressing**'. The status of recommendations 3 & 5 is '**Implemented**'.

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 22 September 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

Initial consideration by ORR

1. All 5 recommendations were addressed to ORR when the report was published on 28 September 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 to reduce the risk of confusion arising among staff responsible for operating and controlling the movement of on-track plant, and leading to the adoption of unofficial systems of work.

Network Rail, in consultation with RSSB, the M&EE networking group, the Machine Controller Competence Working Group and the Plant Operations Scheme Review Panel, should review and clarify the roles and responsibilities of those responsible for plant operations and movements in possessions and work sites, with the objective of identifying ways of avoiding the duplication of responsibilities and minimising the possibility of confusion between roles. This should involve consideration of:

- the relevant rules and standards that apply to the control of plant movements, particularly Handbooks 12 and 15;
- the roles of engineering supervisor, person in charge/safe work leader, site supervisor, POS representative and machine controller; and
- the factors affecting the working relationship between staff from different employers working on the same site, in particular the extent of understanding and appreciation of each person's role.

The implementation of any changes resulting from this review should be co-ordinated to avoid confusion between existing and revised rules and working arrangements

ORR decision

4. The incident highlighted the inefficiency and labour-intensive nature of the renewal work being done and use of on-track plant and recommendation 1 is an opportunity for a fundamental review of how machine movements are managed in possessions. There have also been a number of other incidents around use of on-track plant which reinforce the need for change in this area.
5. Network Rail commissioned AD Little to review the Plant Operations Scheme Review Panel (POSREP) and the roles and responsibilities of roles involved in operation of on-track plant, including Engineering Supervisor (ES), Person In Charge (PIC), machine controller and plant operator. The finding of the review have been shared with the RSSB competence working group, Plant Operations Scheme (POS) panel and the Network Rail Mechanical and Electrical Engineering (M&EE) group.

6. Network Rail acknowledge that there are too many roles and that there is confusion about responsibilities, but suggest the issues this can create can be addressed by slightly clearer training and briefing. We have challenged Network Rail to use the review as an opportunity to fundamentally consider the roles and responsibilities of staff operating and controlling on-track plant.

7. The first recommendation from the AD Little report is aims to simplify and clarify requirements based on overarching safety principles. We would expect to see Network Rail make significant progress with this action before being able to consider the RAIB recommendation to have been implemented.

8. 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, but ORR has yet to be provided with details of actions being taken by Network Rail in response to the AD Little recommendations

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

Information in support of ORR decision

9. On 3 December 2020 Network Rail provided the following initial response:

Action Plan

I propose the following workplan:

1. *RACI development*
 - *Review of NR plant operations/movement risk assessments and bowties to identify the key control measures*
 - *Review NR rules and standards to identify role*
 - *Capture in a RACI matrix*
 - *Identify any potential role duplication/confusion*
2. *Interviews with NR representatives, and stakeholders*
 - a. *Interviews with:*
 - *Professional Head of Plant*
 - *Plant Operations Scheme Review Panel*
 - *Representatives from parts of the business making use of plant (including: Capital Delivery, Works Delivery, High Output, OCR)*
 - *Selected stakeholders (including: RSSB, the M&EE networking group, the Machine Controller Competence Working Group)*
 - b. *Topics to cover:*
 - *Validation of the RACI matrix*

- *Variation in the implementation of the key control measures across NR (particularly the Plant Operator Scheme)*
- *Views on role duplication/confusion in plant operations, how this is currently managed, and how it can be improved*
- *Views on how plant operations are organised when staff from different organisations are working together on the same site*

Evidence required to support closure of recommendation

I will produce a presentation report documenting the work including:

- the RACI,
- issues identified,
- options/recommendations

The work is being undertaken by AD Little who will develop their work based on evidence and data. They will report to the Chief Health and Safety Officer and keep the Network Technical Head of Plant informed of progress. This will be done via a fortnightly meeting and a weekly progress report.

10. On 3 August 2021 Network Rail provided the following closure statement and supporting document:



Rochford Rec 1
update.doc



[N189-06] Rochford
Recommendation 1.

Recommendation 2

The intent of this recommendation is to improve the operation of the Sentinel scheme so that the scheme's ability to influence safe behaviours is more effectively managed.

Network Rail, in co-operation with other participating organisations (including the National Skills Academy for Rail), should undertake a review of the way that the Sentinel scheme is managed to identify any improvements that are necessary, with particular attention to the following areas:

- a. resources, organisation and processes for managing engagement with primary sponsors in respect of investigation of incidents in which staff competence is an issue; and
- b. review how the Sentinel scheme oversees and manages the way in which training providers and primary sponsors assess the English language skills of safety critical staff whose task requires effective communication when working on the railway infrastructure.

Network Rail should then establish a programme to implement any areas of improvement identified during the review.

ORR decision

11. Network Rail has carried out a review of how the Sentinel scheme is managed and has made a number of recommendations for organisations that use the scheme.

12. The recommendations are ambitious, and to be successful, the different organisations will have to sign up to some quite demanding provisions, such as creating additional investigation roles and committing to new timescales.

13. We have asked Network Rail to provide a plan with dates setting out when decisions will be made by the different parties to address the recommendations from the Network Rail review. Once we have that commitment from Network Rail we will consider if the RAIB recommendation has been implemented.

14. 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, but ORR has yet to be provided with the findings of the review and next stage.

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

Information in support of ORR decision

15. On 3 December 2020 Network Rail provided the following initial response:

Action Plan

- *Form the working group and hold monthly meetings 28 /10/2020*
- *Review of Sentinel Investigations Processes including, inputs, decision making, outputs and recommend improvements as appropriate – 30/12/2020*
- *Review current requirements on how Sponsors, Training Organisations comply with the investigations including Sentinel Scheme Rules, RTAS and recommend improvements as appropriate – 30/01/2021*
- *Review and research improved methods for sponsors and training providers to assure sufficient English language capability of a person whose role may involve safe communications 19/02/2021*
- *Review Technical Authority resource required and availability to proportionately monitor sponsor compliance with Sentinel scheme rules. 28/02/2021*
- *Complete review and findings and make recommendations as appropriate to NRRP– 28/02/2021*

Evidence required to support closure of recommendation

- Results of the review Sentinel Investigation Processes

- Results of the review of Sponsors, Training Organisations comply with the investigations
- Results of research of improved methods for sponsors and training providers to assure sufficient English language capability
- Meeting Notes
- Review report including recommendations and actions agreed at NRRP.

16. Network Rail has since provided the following update:



Rochford
Recommendation 2

Recommendation 3

The intent of this recommendation is to improve Network Rail Anglia Route's process for capturing the facts of an incident or accident, so that a clear picture of the event is quickly obtained, and evidence is properly managed by those tasked with investigating the event.

Network Rail Anglia Route should revise its reporting and response process for accidents and incidents, so that all relevant information that is needed to enable an effective and co-ordinated response is captured. This review should include the management of the competence and suitability of staff who are on-call and required to attend site following incidents.

ORR decision

17. Network Rail Anglia Route has revised its reporting and response process for accidents and incidents. The revised arrangements include the response matrix identifying staff to respond to incidents with appropriate training for perishable evidence capture.

18. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail Anglia Route has:

- taken the recommendation into consideration; and
- has taken action to implement it

Status: Implemented.

Information in support of ORR decision

19. On 19 January 2021 Network Rail provided the following initial response:

Action Plan

1. Anglia Route Control to update the on call accident and incident contacts list for all key Departments in Network Rail following the organisation changes for

the Putting Passengers First Programme and the deliverers of major projects on Anglia. Completion date: 31st January 2021.

2. *Anglia Control to update the Anglia Response Matrix and implement the revised version. Completion date: 31st January 2021.*

a. *Response Matrix to default to Anglia Operations staff with Rail Incident Officer (RIO) competency for all accident and significant incident events for perishable evidence capture. Anglia Operations will be responsible until a suitable person for a major project or programme is identified. For minor events this may only be a Mobile Operations Manager, for Major events it will be a Local Operations Manager. (Note: If on-call LOM does not hold the competency a support MOM will be dispatched.)*

3. *All LOM on call staff who do not hold RIO competency will be trained. Completion date: 30 June 2021.*

4. *Anglia Control Pitstop plans to be supplemented with an investigations evidence capture form for reference. Completion date: 31st March 2021. Control to record the key evidence captured in the event log (CCIL).*

5. *A single electronic evidence repository is to be created for all evidence to be stored. This will have the appropriate level of security for the confidential data held. Completion date: 31st January 2021.*

6. *An evidence grab bag for RIO use is to be created and stored in all MOM and LOM vehicles. This will contain standardised equipment that may be required for evidence capture. Completion date: 31st March 2021.*

7. *A desktop exercise for evidence capture is to be run to test the new response matrix and Pitstop plans. Completion date: 31 May 2021. Some dates may be subject to some time delay due to covid restrictions.*

Evidence required to support closure of recommendation

Updated response matrix, pitstop plans, control log examples of evidence.

1. Network Rail provided the following update and documents on 8 April 2021:

Overview:

The operations and safety teams have completed a review of current Anglia investigation practices, with a focus on the collection of 'perishable evidence' after significant events. This has also incorporated RAIB recommendations and clarifies locally mandated procedures currently in use.

Changes:

1. Perishable Evidence Capture 1.1.

When an accident or serious incident event has taken place with perishable evidence capture requirements, and when a suitable responsible manager from a major project or impacted discipline cannot be identified:

1.2. The RCM generic email account should now receive on-call details for ASPRO, SRSA (COLAS), and Capital Delivery. The AICC can also contact SCO for OCR and High-Output details and Anglia ASPRO for MTR infrastructure work.

- For major events the Local Operations Manager (LOM) must be appointed as the lead Investigating Officer (or 'evidence coordinator' as described within the NR Emergency Plan) until a suitable manager can be identified. The Mobile Operations Manager (MOM) should also be dispatched in support of the LOM; and
- For minor events it may be appropriate to dispatch a MOM to site until a suitable manager can be identified.

2. New Pitstop Plan

2.1. In summary the new Pitstop plan requires the AICC to:

- Send out a copy of the perishable evidence capture - aide memoire form (ANG_OPS_INV_02) used by the MOM or LOM for site investigation if requested;
- Log the contact details of any third-party investigating officer;
- Appoint a suitable replacement if the LOM has been nominated as the RAIB Accredited Agent;
- Log within the CCIL that site investigation is complete, and the LOM or MOM have uploaded all available evidence; and
- Compliance with Section 1 of this brief.

3. Anglia Response Matrix

3.1. The following updates have been made to version 2.0, including:

- Roles added, removed, and renamed; and
- New appointment added – 'evidence coordinator'

Additional Support Provided:

- All LOM roles to receive RIO training (and RAIB Accredited Agent training where applicable);
- Grab bag content form provided to LOM and MOM roles, which contains items that will aid the collection of perishable evidence;
- An aide memoire provided to LOM and MOM roles to support the identification and capture of all perishable evidence on site;
- Reminder of the evidence coordinator role contained within the NR Emergency Plan;
- Secure electronic storage space (safety & operations Team site) for evidence collection and back-up mailbox account; and
- Anglia safety team to consider the adoption of these processes beyond the operations function.



PITSTOP Plan -
Incidents with peris



Operations Brief –
Incident Investigatic



NR_L2_OPS_250 -
Evidence Co-ordinat



Anglia Response
Matrix v2.0.pdf



ANG_OPS_INV_02
(Perishable Capture)



ANG_OPS_INV_01
(Grab Bag).pdf



AICC Brief –
Incident Investigatic

Recommendation 4

The intent of this recommendation is to improve the methods of alerting staff within a possession or work site to potentially dangerous acts or situations.

Network Rail, in conjunction with its contractors, RSSB and other stakeholders, should review the means of warning currently used to alert staff to a dangerous situation on or near the track, and consider whether suitable equipment should be issued to those in all relevant roles.

ORR decision

20. Network Rail has begun a review of warning systems currently in use on other railways that are capable of alerting staff to dangerous acts or situations. Although not identified in the action plan, Network Rail has since confirmed that RSSB and representatives of Network Rail's principle contractors have been involved in the review process.

21. 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, but to be provided with the outcome of the review and any consideration given to providing equipment to warn staff of vehicle movement

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

Information in support of ORR decision

22. On 3 December 2020 Network Rail provided the following initial response:

Action Plan

Network Rail propose the following workplan:

1. *Review of warning systems currently in use across regions and routes and available technology*

This will be via engagement with:

- *Chief Engineer*
- *Chief Safety officer*
- *Head of Safety Task Force*
- *Professional Head of Plant*
- *Operators and representatives from parts of the business making use of communications (including: Capital Delivery, Works Delivery, High Output, OCR)*
- *Selected stakeholders (including: RSSB, Key equipment suppliers)*

2. *Identify systems available for use propose risk based approach to deployment of equipment depending on the complexity of work site. This will include looking across other industries as well as the rail industry.*

Evidence required to support closure of recommendation

I will produce a presentation report documenting the work including:

- *the systems available,*
- *options/recommendations*

Recommendation 5

The intent of this recommendation is to improve the safety culture within OCR, and its internal and external (contractor / agency) working relationships.

In parallel to the findings and any actions taken in response to recommendation 1, Network Rail should commission an independent review of OCR internal culture and working practices, with the aim of identifying effective measures to promote compliance with rules and company standards and establishing good working relationships and mutual respect between all grades of staff working on site.

ORR decision

23. Network Rail commissioned a review of the internal culture and working practices of OCR carried out by Technical Authority Safety Change Team supported by JMJ cultural change specialists. The review was robust in identifying cultural failings and has identified a number of actions around cultural change, management and leadership and relationships with contractors.

24. We welcome the thoroughness of the work done by Route Services and note that it is a rolling programme that will continue for some time. We believe that sufficient action has already been taken to report to RAIB that the recommendation has been addressed and we are satisfied that the further work will be done and that it is the sort of continuous improvement that any high performing organisation should engage in.

25. 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.

26. On 3 December 2020 Network Rail provided the following initial response:

Action Plan

Network Rail propose the following workplan:

1. *Review Plant Operating Scheme license requirements v current working arrangements to ensure compliant.*

- Review current OCR Working Practise against High Output Track and Plant Operating Scheme License
 - Review POS demand across OCR and High Output with a view to forming group of permanent POS Representatives
2. Review and update OCR 019 process and implementation to ensure all staff clear of responsibilities, communication chains, and standard compliance achieved.
 3. Complete review of cultural and behavioural practices in OCR, focusing on the racial tensions referenced in the recent RAIB report. This review will also look at identifying any uniqueness or commonality between OCR and other Route Services, Route or Regional teams in terms of operating culture and associated racial behaviours. The review will also make sure there are links with other recommendations set out in the RAIB report.
 - Culture of OCR staff – assessment of present culture. Assessed through JMJ interviews and feedback from Trade Union Representatives.
 - Culture of OCR management through 121 interviews with 7 OCR managers
 - Relationships between OCR staff and OCR leadership interview as part of the visits to Crewe and Chadwell Heath
 - Use of contractors, roles, patterns and skill sets through interviews at Crewe and Chadwell Heath and this will be extended to a wider OCR contractor population
 - What contractual factors lead to OCR behaviours?
 - The extent to which there is a divide between Network Rail employees and contractors, based on having different terms and conditions which contributes to the cultural divides
 - Comparison of OCR with other frontline engineering activity. Is OCR unique in its culture or behaviour, or typical of other parts of NR/ the rail industry? The key question here is in reviewing OCR have we addressed the problem more broadly, or is OCR thin end of the wedge? This involves the triangulation of information from other cultural assessments as part of the initial work with JMJ; and triangulation with Margam evaluations and local initiatives by the internal cultural change team. This includes information from route D&I leads and Trade union Health and Safety reps. In addition, desktop evaluation of grievance data, CIRAS reporting and RM3 data is being analysed.
 - If the issue is within OCR, what management or contractual factors lead this to be the case? See above
 - TU views should be sought in this review – these are included in interviews
 - Compare OCR today with OCR of 12 months ago does the organisation feel different given the changes introduced by SCO leadership. This is a component of the interview question set.
 - Interim report 30 November 2020 (complete)
 - Final Report 31 December 2020.

Review to be carried out by Technical Authority Safety Change Team supported by JMJ cultural change specialists

Evidence required to support closure of recommendation

I will produce a presentation report documenting the work including:

- *The cultural findings*
- *issues identified,*
- *options/recommendations*

This work is being sponsored by the Route Services Safety Culture Transformation Programme utilising support from Supply Chain operations, Route Services HSEQ team, Technical Authority Safety Change Team and supported by JMJ Ltd cultural change specialists. Progress is reported to Route Services Managing Director at a weekly meeting.

27. On 10 August 2021 Network Rail provided the following closure statement:



[N190-06] Rochford
Rec 5 Closure Stater