



**Oliver Stewart**  
**RAIB Recommendation Handling Manager**  
T: 020 7282 3864  
M: 07710069402  
E-mail [oliver.stewart@orr.gov.uk](mailto:oliver.stewart@orr.gov.uk)

2 March 2022

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

Dear Andrew,

**RAIB Report: Fatal accident involving a track worker at Saxilby on 4 December 2012**

I write to provide an update<sup>1</sup> on the action taken in respect of recommendation 2 addressed to ORR in the above report, published on 28 October 2013

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 2 is '**Closed – carry forward**'.

We will publish this response on the ORR website on 3 March 2022.

Yours sincerely,

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

Oliver Stewart

---

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

## **Recommendation 2**

*The intent of this recommendation is to address the safety risk arising from the management of agency staff in all roles involving work on and around the track.*

Network Rail, in consultation with all Sentinel sponsor organisations, should develop and implement arrangements to more effectively manage the risk arising from the use of agency staff undertaking work on and around the track. In developing the arrangements, Network Rail should, as a minimum, define improvements in respect of the following issues:

- a. the requirement for the performance, attitudes and behaviour of agency staff to be regularly monitored;
- b. the actions to be taken when deficiencies are identified, in particular the possible mechanisms to remedy the deficiency, reasonable timescales within which the deficiencies should be addressed, and the interim measures that can be applied pending resolution;
- c. the process for temporary suspension of the relevant certification within the Sentinel system and for the prompt reinstatement (to include guidance to contractors and agencies on their responsibilities for updating the status of affected agency staff) on Sentinel; and
- d. the arrangements for employers to share information in respect of the individuals involved in multiple investigations

## **ORR decision**

1. There have been improvements in a number of areas of the management of risks arising from the use of agency staff undertaking work on and around the track since the Saxilby report was published.
2. The Sentinel Scheme Rules have been updated from version 1 to version 4 with an aim of making them easier to understand. It also allows better tracking of individuals under investigation, preventing them from working for another company while being investigated. These actions have subsequently been reviewed again in response to recommendation 2 in the Rochford RAIB report. Additional potential improvements have been identified as a result.
3. Since the fatal event at Saxilby the following changes have been made:
  - Sentinel now allows swipe in/swipe out and records travel time, helping identify double-shifting incidents
  - Key events can be recorded on individual records such as safety briefings and site inductions
  - Competence usage has been added to the Sentinel App. Card holders can use either the Sentinel App or Log Book as evidence of use of competence

- Mechanisms have been established to facilitate sharing of intelligence between sponsors
- Suspension is more straightforward.
- Contingent labour contracts were updated in October 2021

4. ORR has considered its decision regarding this recommendation alongside Rochford rec 2 and the work to address that recommendation. We therefore consider Saxilby rec 2 to have been implemented by Network Rail and will not be taking any further action to follow it up as a discrete recommendation - follow up actions concerning the management of agency staff will be taken forward in considering action taken by Network Rail to address Rochford rec 2, which we believe will address the residual weaknesses in these arrangements..

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
- has taken action to implement it, with follow up actions concerning the management of agency staff taken forward in considering action taken by Network Rail to address Rochford rec 2

**Status: Closed – carry forward**

**Previously reported to RAIB**

6. On 13 October 2014 ORR reported the following:

‘On 25 March ORR wrote to Network Rail requesting an update on progress being made. On 8 August 2014, Network Rail stated that:

*The Skills Assessment Scheme implementation date has now been pushed out to 1 December 2014. The reason for the delay is that safety validation has not been concluded for either Business Critical Rules (BCR) or SAS, both of which need to happen before we can introduce the changes. We also need to conclude the TU consultation process and implement the people changes to support this; these are predominantly role changes within the DU [Delivery Unit] organisation.*

*The new Network Rail contingent labour contracts will go live in November 2014 with the Code of Conduct included as part of the contract. An agreement has been reached with the industry for the Code of Conduct to be adopted by all labour suppliers.*

On 7 October 2014, Network Rail advised a revised timescale for the Contingent Labour Contracts:

*Contingent Labour Contracts will be let by November 2014, but there will be a novation period with full compliance by April 2015.’*

See the full response to RAIB at Annex B.

## Update

7. Following timescale extensions, Network Rail provided the following closure statement and supporting documents on 23 November 2016:



RAIB Saxilby Rec 2  
closure.pdf



Code of Conduct  
Final Word.pdf



Sentinel Scheme  
Rules.pdf

8. Network Rail state in summary the following:

*This recommendation has been addressed through the development and implementation of the Sentinel database, cards and associated scheme rules. From the 6 January 2014, the new Sentinel Scheme Rules have established the requirement for a single accountable Primary Sponsor for every trackside worker. These rules (copy attached) address sections b, c and d of this recommendation. Through a contract of sponsorship, the rules clarify the responsibility for competence management (and for investigation and remedial action following safety incidents) regardless of employment status.*

*The Sentinel Scheme Rules require effective investigation by the Primary Sponsor of any reported safety event, removing the scope to de-sponsor a worker without stating a reason. Primary Sponsors are responsible for keeping records of investigations. The database includes the facility for Sponsors to include notes on an individual's record in the database and a requirement to provide a reason for de-sponsoring. This information will be visible to any new sponsor. The Sentinel Scheme Rules have also introduced criteria for Network Rail to formally review investigations resulting in suspension of an individual's Sentinel Card. The Sentinel database now enables Sponsors to temporarily take down (suspend) one or more of an individual's competences for up to 3 months, to facilitate investigation and remedial actions. A reminder facility will prompt Sponsors to close remedial actions in a timely fashion within the 3 month period.*

*To support the requirements of the correct behaviours of our Contingent Labour Contractors we developed, launched and implemented (copy attached). The new Contingent labour supply contracts went live in April 2015. The new contracts that were developed collaboratively across the industry ensured that Suppliers were asked to demonstrate, amongst other things, how they managed the competence and behaviours of their staff. These new contracts are transform Network Rail's contingent labour workforce into a more professional, fairly remunerated and appropriately trained body of people that we are able to call upon when the need arises.*

*The contracts require suppliers to:*

- *pay as a minimum, the London living wage within Greater London*
- *invest in training and development of their workforce*
- *minimise travel time*

- *adopt Network Rail's lifesaving rules, and 'speak-out' systems*
- *provide all equipment and protective clothing free-of-charge to workers*
- *provide a competent and more professional contingent labour workforce.*

*The contingent labour contracts measure a number of Key Performance Indicators. We currently measure:*

- *the provision of safety data,*
- *reporting of safety incidents and accidents,*
- *safety tours and briefings attended,*
- *provision of PPE and*
- *any exceedances of Workers Under Mentorship (WUM) ratios*

*To develop the Code we created the Contingent Labour Category Council to enable the business to develop the Code of Conduct. This made sure we had all the correct stakeholders feeding into the Code of Conduct and what it was seeking to achieve to improve labour agency and their staff behaviours and performance.*

*A copy of the contract is attached for your information.*

9. On 7 August 2021 Network Rail provided the following updated closure statement and supporting documents:

*Since the previous closure was provided the Sentinel Scheme Rules have been updated from version 1 to version 4 (attached), showing continuous improvements. The focus has been on making them easier to understand in recent times. Since Saxilby they now also include Transport for London. A further comprehensive review of the Rules is now underway and further details have been provided in the update to Rochford Rec 2.*

*Details of investigations can not be shared between sponsors, however the Sentinel Investigations team monitor and track individuals being investigated so repeat individuals are noted and acted upon (improvements as part of Rochford are also underway).*

*The Sentinel system itself has been updated to allow swipe in and swipe out, which also records travel times and so assists with preventing or identifying double-shifting incidents. Also key events can be recorded on individual records such as safety briefings and site inductions. At the same time competence usage has been added to replace manual entries in log books and provide more rigour to competence management.*

*Following the publication of the report into the fatality at Roade, Network Rail have taken an action to remind all sponsors of their responsibility to have a competence management system in place. That system can not rely on a passing a training course and having the 'competence' on sentinel.*



Saxilby Rec 2



Sentinel Scheme



Sentinel Scheme

Closure Statement.dRules - Version 1 - JRules - V4 18.03.202

## Previously reported to RAIB

### Recommendation 2

*The intent of this recommendation is to address the safety risk arising from the management of agency staff in all roles involving work on and around the track.*

Network Rail, in consultation with all Sentinel sponsor organisations, should develop and implement arrangements to more effectively manage the risk arising from the use of agency staff undertaking work on and around the track. In developing the arrangements, Network Rail should, as a minimum, define improvements in respect of the following issues:

- a) The requirement for the performance, attitudes and behaviour of agency staff to be regularly monitored;
- b) The actions to be taken when deficiencies are identified, in particular the possible mechanisms to remedy the deficiency, reasonable timescales within which the deficiencies should be addressed, and the interim measures that can be applied pending resolution;
- c) The process for temporary suspension of the relevant certification within the Sentinel system and for the prompt reinstatement (to include guidance to contractors and agencies on their responsibilities for updating the status of affected agency staff) on Sentinel; and
- d) The arrangements for employers to share information in respect of the individuals involved in multiple investigations.

### Details of steps taken or being taken to implement the recommendation

1. Network Rail, in its initial response to ORR on 18 February 2014, stated that:

*This recommendation has been addressed through the development and implementation of the Sentinel database, cards and associated scheme rules.*

*From 6 January 2014, the new Sentinel Scheme Rules have established the requirement for a single accountable Primary Sponsor for every trackside worker. Through a contract of sponsorship, the rules clarify the responsibility for competence management (and for investigation and remedial action following safety incidents) regardless of employment status.*

*A new Skills Assessment Scheme has been developed. This will include a requirement for Line Managers to undertake an Annual Capability Conversation (ACC) where a person's competence and capabilities are reviewed to confirm that they meet with the requirements of the role. This specifically includes consideration of behaviours and attitudes to safety.*

*The scheme is being implemented on a phased programme, with the aim to have all track safety competencies for Network Rail's directly employed staff included by June 2014 subject to consultation and allocation of resources. Rollout to the wider industry will draw on that internal learning and be completed by March 2015. However, in the interim, labour agency sponsors who wish to be considered for work under the contingent labour supply contract starting in October 2014 will be expected*

*to demonstrate they have effective competence and behavioural management processes in place as part of the Code of Conduct being developed.*

*The new Sentinel database now enables Sponsors to temporarily take down (suspend) one or more of an individual's competences for up to 3 months, to facilitate investigation and remedial actions. A reminder facility will prompt Sponsors to close remedial actions in a timely fashion within the 3 month period.*

*The new Sentinel Scheme Rules require effective investigation by the Primary Sponsor of any reported safety event, removing the scope to de-sponsor a worker without stating a reason. Primary Sponsors are responsible for keeping records of investigations. The database includes the facility for Sponsors to include notes on an individual's record in the database and a requirement to provide a reason for de-sponsoring. This information will be visible to any new sponsor. The new Sentinel Scheme Rules have also introduced criteria for Network Rail to formally review investigations resulting in suspension of an individual's Sentinel Card.*

*Timescale 31 March 2015*

2. On 25 March ORR wrote to Network Rail requesting an update on progress being made. On 8 August 2014, Network Rail stated that:

*The Skills Assessment Scheme implementation date has now been pushed out to 1 December 2014. The reason for the delay is that safety validation has not been concluded for either Business Critical Rules (BCR) or SAS, both of which need to happen before we can introduce the changes. We also need to conclude the TU consultation process and implement the people changes to support this; these are predominantly role changes within the DU [Delivery Unit] organisation.*

*The new Network Rail contingent labour contracts will go live in November 2014 with the Code of Conduct included as part of the contract. An agreement has been reached with the industry for the Code of Conduct to be adopted by all labour suppliers.*

3. On 7 October 2014, Network Rail advised a revised timescale for the Contingent Labour Contracts:

*Contingent Labour Contracts will be let by November 2014, but there will be a novation period with full compliance by April 2015.*

### **ORR Decision**

4. After reviewing information received 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.

**Status: Implementation on-going.** Review April 2015. ORR will advise RAIB when actions to address this recommendation have been completed.