

**Oliver Stewart**  
**RAIB Recommendation Handling Manager**



8 August 2022

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

Dear Andy,

**RAIB Report: Near miss between a train and a track worker at Peterborough on 20 July 2018**

I write to provide an update<sup>1</sup> on the action taken in respect of recommendations 3 & 5 addressed to ORR in the above report, published on 5 June 2019.

The annex to this letter provides details of actions taken in response to the recommendations and the status decided by ORR. The status of recommendation 3 is '**Implemented by alternate means**'. The status of recommendation 5 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 9 August 2022.

Yours sincerely,

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

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 3

*The intent of this recommendation is to reduce the risk to track workers working under lookout warning, by removing the potential for confusion arising from having multiple work groups and distant lookouts in close proximity.*

Network Rail should provide guidance and training for its staff holding the Controller of Site Safety / Safe Work Leader competency, on the actions to be taken if more than one group wants to use a safe system of work with distant / intermediate lookouts that overlap at a location.

### ORR decision

1. Network Rail has addressed the recommendation by almost completely eliminating use of unassisted lookouts as a means of protection for staff working on or near the line. By almost ending the use of look outs as a means of protecting work sites, the possibility of confusion arising from having multiple work groups and distant lookouts in close proximity has been substantially reduced.
2. For routine maintenance (maintenance standard tasks), Network Rail has worked with Section Managers to optimise use of available access and use protection arrangements further up the risk control hierarchy. Most work is now done either in possessions or with lines blocked.
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, although not in the terms set out in the recommendation.

**Status: *Implemented by alternate means.***

### Previously reported to RAIB

4. On 15 April 2020 ORR reported the following:

We note that Network Rail are undertaking a review of the coordination of lookout protection for different work groups on an open line. We consider it unlikely that Network Rail will be able to demonstrate that it is reasonably practicable to carry out work with separate groups using overlapping look outs safely, and this should form the basis of the review.

### Update

5. On 12 July 2022 Network Rail provided the following closure statement:



[N202-05]

Peterborough Rec 3.d

## Recommendation 5

*The intent of this recommendation is to significantly reduce the number of routine work activities that are undertaken at the lowest level of the hierarchy for safe systems of work in Network Rail company standard NR/L2/OHS/019.*

Network Rail should:

- a. reduce the number of cyclic maintenance tasks that are undertaken with lookout warning by establishing improved planning processes to substantially decrease the reliance on lookout warning by enabling more pre-planned activities to take place in planned possessions, or using line blockages protection systems; and
- b. implement effective arrangements for the monitoring, audit and review of these revised planning processes

## ORR decision

6. Network Rail has carried out a review of cyclic maintenance tasks and taken steps to do more work using possession or line blockages. Use of unassisted lookouts as a means of protection has been almost completely eliminated.
7. Network Rail has taken steps to improve the monitoring, audit and review of its revised planning processes using KPIs and using the Functional Audit Plan (FAP). Oversight will be provided by the Safety Task Force and the track worker safety expert group (see Margam rec 5).
8. Analysis by Network Rail showed lookout failure to be the root cause of around half of near misses in a 12-month period in 2019/20. In 2021/22 it is around 5% of half as many near miss incidents.
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 15 April 2020 ORR reported the following:

Network Rail are undertaking a number of initiatives which together should help reduce the number of routine maintenance tasks undertaken with lookout warning. Progress with this work is covered in monthly update meetings with Network Rail to discuss the Improvement Notices issued in relation to track worker safety.

## **Update**

11. On 12 July 2022 Network Rail provided the following closure statement:



[N202-05]  
Peterborough Rec 5.d

## Previously reported to RAIB

### Recommendation 3

*The intent of this recommendation is to reduce the risk to track workers working under lookout warning, by removing the potential for confusion arising from having multiple work groups and distant lookouts in close proximity.*

Network Rail should provide guidance and training for its staff holding the Controller of Site Safety / Safe Work Leader competency, on the actions to be taken if more than one group wants to use a safe system of work with distant / intermediate lookouts that overlap at a location.

### ORR decision

1. We note that Network Rail are undertaking a review of the coordination of lookout protection for different work groups on an open line. We consider it unlikely that Network Rail will be able to demonstrate that it is reasonably practicable to carry out work with separate groups using overlapping look outs safely, and this should form the basis of the review.

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 31 March 2021.

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

### Information in support of ORR decision

3. On 7 November 2019 Network Rail provided the following initial response:

#### **Action Plan;**

*Network Rail will as part of the PDSW team review of setting up and delivering SSOW investigate with Delivery Units the practice of open line working (which is on a reduction following recent incidents) tasks.*

*This review will require 12 months to review the practices around the country where multiple teams are planned to work in the same locality using lookout protection.*

*Actions will be that Delivery Units will be required to co-ordinate planning for open line working.*

*Where two or more teams arrive at a location to work using lookout protection arrangements will be discussed and where practical separation by time will be*

*introduced, one team returning later to complete their task this will be on priority of the work PPF.*

*Following a review of this investigation and how Network Rail Staff Plan and deliver certain tasks action will be to work using more with protection SSOW.*

*Completion date – 31 March 2021*

## **Recommendation 5**

*The intent of this recommendation is to significantly reduce the number of routine work activities that are undertaken at the lowest level of the hierarchy for safe systems of work in Network Rail company standard NR/L2/OHS/019.*

Network Rail should:

- a. reduce the number of cyclic maintenance tasks that are undertaken with lookout warning by establishing improved planning processes to substantially decrease the reliance on lookout warning by enabling more pre-planned activities to take place in planned possessions, or using line blockages protection systems; and
- b. implement effective arrangements for the monitoring, audit and review of these revised planning processes

## **ORR decision**

4. Network Rail are undertaking a number of initiatives which together should help reduce the number of routine maintenance tasks undertaken with lookout warning. Progress with this work is covered in monthly update meetings with Network Rail to discuss the Improvement Notices issued in relation to track worker 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
- is taking action to implement it by 30 September 2021.

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

## **Information in support of ORR decision**

6. On 7 November 2019 Network Rail provided the following initial response:

### ***Action Plan;***

*As part of the Near Miss Reduction Programme, Safe and Efficient Working, Network Rail is looking at the number of tasks currently permitted using lookout*

*protection warning. An improved planning process SSOWPS 2 is being developed along with the competence requirements of the planners.*

*A further 12 – 18 months will be required to review and set out a delivery plan for all the Routes and Business units which have provided supporting information of how they will participate directly to the National Near Miss reduction programme and what they have prioritised to achieve it. (See attached Near Miss Reduction: Deep Dive and Route involvement and timeline, a delay to the delivery of this could be because of the recent changes to Regions and Routes and staff movements).*

*As part of the above plans a more robust assurance regime is set in place as per the plan. Further work is being undertaken to reduce the numbers of tasks currently using lookout protection by encouraging safer method of protection arrangements and if still required senior manager signoff to support open line working.*

*Completion date – 30 September 2021*