

Oliver Stewart
RAIB Recommendation Handling Manager

28 October 2022



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

Dear Andy,

RAIB Report: Track workers struck by a train at Margam on 3 July 2019

I write to provide an update¹ on the action taken in respect of recommendations 5 & 7 addressed to ORR in the above report, published on 12 November 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 5 & 7 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 31 October 2022.

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 5

The intent of this recommendation is that Network Rail's future work on improving track worker safety is overseen and guided by an independent expert group at a sufficiently senior level, that provides continuity of vision over many years, peer review and an effective challenge function. When addressing this recommendation Network Rail might choose to expand the terms of reference for its newly formed 'Safety Task Force Programme Board' to enable it to perform all of the functions envisaged by RAIB.

Network Rail, in consultation with its main contractors and Trade Union representatives, should establish a permanent expert group, which comprises representatives from across the rail industry with sufficient seniority and recent front-line experience, together with external experts with relevant qualifications or background (including a behavioural scientist), to provide oversight of all track worker safety improvement programmes. Its scope, which should be formally documented, should include:

- a) providing independent advice, guidance and challenge to the Network Rail board and the SHE committee on matters related to the delivery of safety improvements (including those identified by the ORR improvement notices)
- b) checking that parallel and interdependent work streams are being properly co-ordinated
- c) monitoring the development and implementation of new or revised procedures and management processes
- d) ensuring that the need to address the impact on front-line track workers is not overlooked when implementing new technologies and work management processes
- e) checking that recommendations and lessons from accident investigations are being learned and fed into improvement processes
- f) providing a source of ongoing corporate memory and continuity of vision (particularly during times of organisational and personnel change).

ORR decision

1. The Track Worker Safety Expert Group was established in April 2021 and meets on a quarterly basis. The group includes senior representatives from across industry, including Network Rail, RSSB, RAIB, ORR and the Trade Unions.
2. The minutes of the meetings show the group has discussed a broad range of issues including planning, making effective use of new technology, identifying opportunities in the timetabling process to improve access. The Terms Of Reference of the group formally document the scope of the group.
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

Status: Implemented.

Previously reported to RAIB

4. On 10 November 2021 ORR reported the following:

Network Rail has established an expert group, made up of representatives from across the business and wider industry, including ORR and RAIB, to consider work force safety issues. The group meets every 12 weeks and is considering issues such as innovation, improving access and the future of refuges and line side walk ways. It has met in April, July and October. It has established Terms of Reference which reflect the requirements of the recommendation.

We discussed progress at our October 15th meeting with Network Rail. Everybody was positive about the group and its contribution – but had observations about what more might be needed to ensure it is sustainably embedded. These are described in the next paragraphs.

Although the establishment of the group largely meets the terms of the recommendation, it is not yet fully embedded to the extent that we consider the recommendation to have been implemented. Network Rail are considering how the group can effectively provide independent advice, guidance and challenge to the Network Rail board and the SHE committee.

Network Rail and ORR both consider that the role of the group in providing ongoing corporate memory and continuity of vision, particularly during times of organisational and personnel change, would be applicable for some time while GB Railways was being established.

Update

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



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Rec 5 Closure.docx Rec 5 TWS Expert Gr Rec 5 TWS Expert Gr Rec 5 TWS Expert Gr Rec 5 TWS Expert Gr

Recommendation 7

The intent of this recommendation is to improve the effectiveness of Network Rail's management assurance processes related to the safety of staff working on or near the track, so that it provides a more realistic assessment of the extent to which track worker safety arrangements are embedded, and being correctly applied, in practice.

Network Rail, in consultation with its main contractors and staff representatives, should commission a project to improve the way its management assurance system operates in areas directly affecting the safety of track workers. The review should include each of the following:

- a) the identification of improved systems for collecting reliable data on how mandated processes are being applied in maintenance depots, and within track worker teams (to supplement or replace the existing Level 1 management self-assurance)
- b) improved mechanisms for collating, analysing, tracking, and presenting the findings of audits, investigations and other management assurance activities.

The project should also consider ways of expanding the scope of management assurance activities to provide better intelligence on the underlying reasons for the non-compliances that are identified during audits, including consideration of the views of auditors and other relevant staff. The improved management assurance arrangements that are identified should be endorsed by the Network Rail board before implementation in accordance with a structured and validated programme for change (paragraphs 357a.iv, 357b.iii, 358c).

This recommendation may apply to other Network Rail management assurance processes.

ORR decision

6. Network Rail has reviewed the assurance of 1st and 2nd lines of defence and established a risk-based control and assurance framework that will be owned and developed by the Technical Authority (TA). This is part of national work to improve level 1 assurance, which we have been monitoring. The new framework should ensure that assurance focuses on risk, meaning Network Rail get better data on compliance in key risk areas.

7. Network has re-established BAC meetings as a means of informing management on assurance outcomes, such as Non-Conformance Reports. This should help Network Rail to collate and analyse information from assurance activity.

8. The Network Rail Safety Task Force (STF), with the involvement of trade unions and suppliers, is introducing automated Safe System of Work planning and Line Blockage activities with built-in assurance data capability. The STF programme identified a suite of metrics around compliance with the 019 standard, which should provide much better monitoring of compliance with safe systems of work. Network Rail has also established a monthly working group to share best practice, share lessons learned and identify key trends. This should help improve understanding of the reasons for non-compliances. The TA is introducing two-day assurance training course, initially for 500 staff in the regions, which should help improve assurance more generally.

9. The Network Rail Executive Leadership Team has endorsed the actions taken to address Margam rec 7, which addresses the requirement in the recommendation for approval at a senior level.

10. 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

11. On 10 November 2021 ORR reported the following:

We found the Network Rail initial response somewhat unfocussed. It proposed producing guidance on risk assurance by means of 5 sub work streams:

- Line of defence – GRAI maturity
- Governance and control – assurance manual
- Technology
- Competence – training for front line managers
- ELT endorsement

In our various discussions it became clear that the plans were, in fact, quite targeted. The apparent complexity arises from the work streams being part of a much wider assurance improvement programme. It has already delivered an Assurance Policy and Manual and the programme has the endorsement of the Executive Leadership Team

At our most recent progress meeting we learned that the plan is progressing to time. Several additional elements have been added as a result of work undertaken so far – but will not affect the timeline adversely. ORR has pressed Network Rail to describe how it will ensure that any change is ‘structured and validated’ as required by the recommendation. We were informed that the existing Change and Improvement Policy would ensure this. We were also assured that staff safety reps and the contractor supply chain have been included.

Network Rail expect to submit a closure statement once it has sufficient evidence that its management assurance systems are considered a BAU process. Consultation with staff reps and contractors is being done through safety council and ISLG.

Update

12. On 14 July 2022 Network Rail provided the following closure statement and supporting document:



Margam

Recommendation 7 C



Margam

Recommendation 7 S

Previously reported to RAIB

Recommendation 5

The intent of this recommendation is that Network Rail's future work on improving track worker safety is overseen and guided by an independent expert group at a sufficiently senior level, that provides continuity of vision over many years, peer review and an effective challenge function. When addressing this recommendation Network Rail might choose to expand the terms of reference for its newly formed 'Safety Task Force Programme Board' to enable it to perform all of the functions envisaged by RAIB.

Network Rail, in consultation with its main contractors and Trade Union representatives, should establish a permanent expert group, which comprises representatives from across the rail industry with sufficient seniority and recent front-line experience, together with external experts with relevant qualifications or background (including a behavioural scientist), to provide oversight of all track worker safety improvement programmes. Its scope, which should be formally documented, should include:

- g) providing independent advice, guidance and challenge to the Network Rail board and the SHE committee on matters related to the delivery of safety improvements (including those identified by the ORR improvement notices)
- h) checking that parallel and interdependent work streams are being properly coordinated
- i) monitoring the development and implementation of new or revised procedures and management processes
- j) ensuring that the need to address the impact on front-line track workers is not overlooked when implementing new technologies and work management processes
- k) checking that recommendations and lessons from accident investigations are being learned and fed into improvement processes
- l) providing a source of ongoing corporate memory and continuity of vision (particularly during times of organisational and personnel change).

ORR decision

1. Network Rail has established an expert group, made up of representatives from across the business and wider industry, including ORR and RAIB, to consider work force safety issues. The group meets every 12 weeks and is considering issues such as innovation, improving access and the future of refuges and line side walk ways. It has met in April, July and October. It has established Terms of Reference which reflect the requirements of the recommendation.

2. We discussed progress at our October 15th meeting with Network Rail. Everybody was positive about the group and its contribution – but had observations about what more might be needed to ensure it is sustainably embedded. These are described in the next paragraphs.

3. Although the establishment of the group largely meets the terms of the recommendation, it is not yet fully embedded to the extent that we consider the recommendation to have been implemented. Network Rail are considering how the group can effectively provide independent advice, guidance and challenge to the Network Rail board and the SHE committee.

4. Network Rail and ORR both consider that the role of the group in providing ongoing corporate memory and continuity of vision, particularly during times of organisational and personnel change, would be applicable for some time while GB Railways was being established.

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 October 2023.

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

Information in support of ORR decision

6. On 1 February 2021 Network Rail provided the following initial response:

Action Plan

Action Plan (with milestones)

This recommendation was discussed on 5th Jan 2021 by the Safety Task Force programme board. Simon French, Ian Prosser, the TU leads and a number of NR senior staff are on the programme board. A number of suggestions and an approach was considered;

1. Week commencing 25/01, a paper will be submitted to the NR ELT suggesting the format for this group, the content, the chairman and approach. Providing that is endorsed, move to step 2:
2. A paper back to the Safety Task Force Programme Board on 03/02 to recommend this way forward;
3. By 1st March, draft terms of reference for group and invite prospective additional members (over and above the STF programme board i.e. RDG, RSSB, Suppliers, Route Services etc);
4. Proposed first gathering will be the 1 hour following the existing safety task force meeting on 01/04;
5. The gathering will then meet every 12 weeks through 2021. Martin Frobisher is likely to chair the meeting;
6. Through 2021, the group will form its agenda, focus and relationships and set direction;

7. By August 2022, as the STF programme board ramps down, the new group will be established and meet/function independently.

Evidence required to support closure of recommendation

Terms of Reference for group

Recommendation 7

The intent of this recommendation is to improve the effectiveness of Network Rail's management assurance processes related to the safety of staff working on or near the track, so that it provides a more realistic assessment of the extent to which track worker safety arrangements are embedded, and being correctly applied, in practice.

Network Rail, in consultation with its main contractors and staff representatives, should commission a project to improve the way its management assurance system operates in areas directly affecting the safety of track workers. The review should include each of the following:

- c) the identification of improved systems for collecting reliable data on how mandated processes are being applied in maintenance depots, and within track worker teams (to supplement or replace the existing Level 1 management self-assurance)
- d) improved mechanisms for collating, analysing, tracking, and presenting the findings of audits, investigations and other management assurance activities.

The project should also consider ways of expanding the scope of management assurance activities to provide better intelligence on the underlying reasons for the non-compliances that are identified during audits, including consideration of the views of auditors and other relevant staff. The improved management assurance arrangements that are identified should be endorsed by the Network Rail board before implementation in accordance with a structured and validated programme for change (paragraphs 357a.iv, 357b.iii, 358c).

This recommendation may apply to other Network Rail management assurance processes.

ORR decision

7. We found the Network Rail initial response somewhat unfocussed. It proposed producing guidance on risk assurance by means of 5 sub work streams:

- Line of defence – GRAI maturity
- Governance and control – assurance manual
- Technology
- Competence – training for front line managers
- ELT endorsement

8. In our various discussions it became clear that the plans were, in fact, quite targeted. The apparent complexity arises from the work streams being part of a much wider assurance improvement programme. It has already delivered an Assurance Policy and Manual and the programme has the endorsement of the Executive Leadership Team

9. At our most recent progress meeting we learned that the plan is progressing to time. Several additional elements have been added as a result of work undertaken so far – but will not affect the timeline adversely. ORR has pressed Network Rail to describe how it will ensure that any change is ‘structured and validated’ as required by the recommendation. We were informed that the existing Change and Improvement Policy would ensure this. We were also assured that staff safety reps and the contractor supply chain have been included.

10. Network Rail expect to submit a closure statement once it has sufficient evidence that its management assurance systems are considered a BAU process. Consultation with staff reps and contractors is being done through safety council and ISLG.

11. 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 June 2022.

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

Information in support of ORR decision

12. On 1 February 2021 Network Rail provided the following initial response:

Action Plan

Action Plan (with milestones)

Overview

In line with the launch of the Network Rail Operating Model, the Governance Risk Assurance Improvement (GRAI) framework was designed to support the devolved structure in linking together a clear line of sight between business strategy and how to achieve it.



Through the assurance element of GRAI 5 key areas have been proposed to support enhancement of the way our management assurance system operates.

1. Full Review of the Assurance 1st & 2nd Line (Stakeholder engagement)

- A detailed review to be undertaken to better understand the effectiveness of the self-assurance process though engagement with the front-line track workers (including the supply chain and contractors), line managers, Trade Unions, auditors, Margam recommendation owners and safety managers to get their views on current state and what should be done to mitigate risks that are currently built into the process – ‘As Is’ assurance Assessment to be completed – **June 2021**
- Embed the Network Rail Three Lines of Defence Assurance Model to ensure a safe effective and adequate risk-based coverage of assurance activities with a focus on (1st Line – operational assurance & 2nd Line – corporate/functional oversight) – Outcome: Production of robust Assurance Plan – **Dec 2021**

2. Review and establish Assurance Governance and Controls

- Review the maturity of the lineside and track processes (as part of the wider GRAI framework) identifying the controls using Process Definitions – **Apr 2021**
- Working with safety process owners and regions to review assurance plans to ensure there is a clear line of sight with operational health and safety risk and controls, so reliable evidence-based assurance led-activities do provide confidence of operational controls and risk – **Sep 2021**
- Work with key stakeholders and Standards Steering Group to establish the Network Rail National Assurance Standard to define Network Rail corporate approach to all assurance, and to include best practice and sharing lessons learnt – **Mar 2022**
- Update and effective embedment of Standards 019 and 036 is to be scheduled with alignment to the national standard above to include assessment of the systems, methodology, safety non-compliance management, data and reporting – **Mar 2022**

3. Provide Assurance - Improve the data collection system

- Establish an Assurance Data Working Group with a focus to improve the assurance data collection for mandatory processes (i.e. 1st Line of Defence Assurance); Improve the data collection for all non-conformances arising from audits and other assurance activities (i.e. acting on findings from 2nd LoD), and have a system to investigate underlying reasons and root causes. Working Group to review and recommend a suitable assurance tool for effective data collection, reporting, analysis and root causes – **Dec 2021**
- Roll out preferred solution and provide report on benefit achieved – **June 2022**

4. Implement and Embed Improvement - People and Training

- Establish a training and awareness campaign (including supply chain) on any new methods proposed – **Dec 2021** & Develop a roll out programme to targeted personnel following the activities in this plan – **June 2022**

- Central Quality & Business Improvement Team to work with Safety Team to revise training of Section Manager & other key roles as identified to be included in the Role Base Capability programme with a focus on an assurance module to enhance competency on effective assurance (1st & 2nd Lines of Defence) – **June 2022**
- Establishing a best practice sharing mechanism/workshops with clear terms of reference to focus on sharing best practice and to include 'how to' carry out assurance for people in the role (with a focus on 1st & 2nd Line assurance) – **Dec 2021**
- Establish a measure/KPI to monitor the effectiveness of the steps described above – **Dec 2021**

5. Network Rail Endorsement at all levels

- Ensure effective Leadership and Board endorsement of all recommendations prior to implementation (as part of the combined response to Margam with Quarterly update reports and endorsement from the Executive Leadership Team (ELT) prior to implementation of each stage - **Quarterly**
- Define assurance stakeholder plan to ensure people are being engaged with for effective cascade of operational requirements; obtain feedback & gather ideas for recommendation for learning. To include supply chain and front-line workers with a focus to enhance in this area for greater efficiency with support from the Central Quality & Business Improvement Team. – **June 2022**

Evidence required to support closure of recommendation

Evidence will include:

- 'As Is' assurance Report
- Schedule of updated documentation (policy, process definition, process and procedures)
- GRAI Maturity Self-Assessments for lineside processes and associated assurance
- Assurance Plan with clear meaningful assurance activities to assess compliance to process (1st & 2nd Line of Defence)
- Report of Preferred technology solution for collating assurance data and analysing trends and data
- Reports (from the system) showing analysis, trends and recommendations for improvement
- Training and awareness material
- An assurance measure for the rollout and engagement (of the workforce and line management)
- Leading performance indicators on assurance effectiveness - KPI that records the number of assurance activities timely completed and followed up/closed out?
- Formal approvals from ELT at each key stage.

13. On 10 May 2021 Network Rail provided the following updated action plan:

Action Plan

Details provided to ORR at initial discussion:

Discussion was had with ORR in December, details provided on:

- Using GRAI to assess the maturity of our assurance processes.
- We have also launched a working group to review, page by page, the Maintenance Self Assurance process. This is with a view to improve the self-assurance process, while also making the standard relevant
- Consider awareness campaign for importance of line manager assurance focusing on the 'why'
- Include training of Section Manager to be included in the Role Base Capability programme

- Organise workshops annually for a best practice sharing and 'how to' carry out assurance for people in the role. Region assurance managers to support.

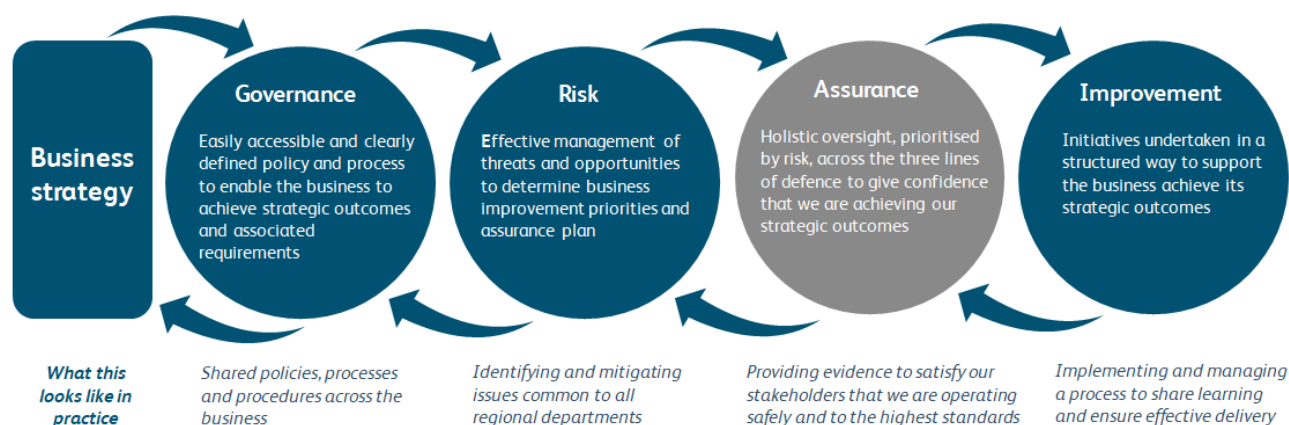
ORR Comments:

Concern over the scope which needs to include supply chain assurance. Do not allow scope to creep, it is about people on or near the line. Not too much bigger picture, specific plan. Roles of people to cover front line one assurance. Mapping every part of the process for buy in of ELT. Identify improved systems, including Safety Taskforce, and L1 assurance project. Utilise the assurance working group (steering/programme board).

Action Plan (with milestones)

Overview

In line with the launch of the Network Rail Operating Model, the Governance Risk Assurance Improvement (GRAI) framework was designed to support the devolved structure in linking together a clear line of sight between business strategy and how to achieve it.



Through the assurance element of GRAI 5 key areas have been proposed to support enhancement of the way our management assurance system operates.

1. Full Review of the Assurance 1st & 2nd Lines of Defence

- A detailed review to be undertaken to better understand the effectiveness of the self-assurance process through engagement with HSS/TA front-line track workers (including the supply chain and contractors), line managers, Trade Unions, auditors, Margam recommendation owners (including interfacing with recommendations 2, 4, 8) and safety managers to get their views on current state and what should be done to mitigate risks that are currently built into the process – 'as-is' assurance assessment to be completed – **December 2021**

2. Review and establish Assurance Governance and Controls

- Working with HSS/TA safety process owners and regions to review assurance plans to ensure there is a clear line of sight with operational health and safety risk and controls, so reliable evidence-based assurance led-activities do provide confidence of operational controls and risk. To include the assurance changes from recommendations 2, 4 and 8 – **September 2021**

3. Provide Assurance - Improve the data collection system

- To improve the assurance data collection for mandatory processes (i.e. 1st Line of Defence Assurance); Improve the data collection for all non-conformances arising from audits and other assurance activities (i.e. acting on findings from 2nd LoD), and have a system to investigate underlying reasons and root causes, establish an Assurance Data Working Group. Working Group (to interface with recommendation 7 'improve the data collection' element interfaces directly as a precursor to recommendation 8) to review and recommend a suitable assurance tool for effective data collection, reporting, analysis and root causes – **March 2022**

4. Implement and Embed Improvement - People and Training

- Central Quality & Business Improvement to work with the HSS/Technical Authority and Margam recommendation owners to support the improvements in track worker safety training and awareness (including supply chain), including alignment with recommendation 4 and Level 1 Working Group assurance competence requirements workstream. 3-stage scope (1 competency front line workers; 2 Quality/Assurance Professionals; 3 All other roles requiring competencies for Quality/Assurance) – **January 2022**
- Establishing a best practice sharing mechanism/workshops with clear terms of reference to focus on sharing best practice and to include 'how to' carry out assurance for people in the role (with a focus on 1st & 2nd Line assurance) – **July 2021**

5. Network Rail Endorsement at all levels

- Ensure effective Leadership and Board endorsement of all recommendations prior to implementation (as part of the combined response to Margam with Quarterly update reports and endorsement from the Executive Leadership Team (ELT) prior to implementation of each stage & stakeholder management – **Quarterly**

Evidence required to support closure of recommendation

Evidence will include:

- 'As Is' assurance Report
- Schedule of updated documentation (policy, process definition, process and procedures)
- GRAI Maturity Self-Assessments for lineside processes and associated assurance
- Assurance Plan with clear meaningful assurance activities to assess compliance to process (1st & 2nd Line of Defence)
- Report of Preferred technology solution for collating assurance data and analysing trends and data
- Reports (from the system) showing analysis, trends and recommendations for improvement
- Training and awareness material
- An assurance measure for the rollout and engagement (of the workforce and line management)
- Leading performance indicators on assurance effectiveness - KPI that records the number of assurance activities timely completed and followed up/closed out?
- Formal approvals from ELT at each key stage.