Oliver Stewart
RAIB Recommendation Handling Manager

3 February 2023

Mr Andy Lewis
Deputy Chief Inspector of Rail Accidents

Dear Andy,

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

I write to provide an update[1] on the action taken in respect of recommendations 3, 8 & 10 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 3, 8 & 10 is **'Closed'.**

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 6 February 2023.

Yours sincerely,

Oliver Stewart

Recommendation 3

The intent of this recommendation is to prevent future confusion and misuse of the 'parallel working' facility in the SSOWP system.

Network Rail should define the term 'parallel working' in the SSOWP system and undertake a thorough review of how it is being used in the planning and implementation of SWPs on its network and decide whether to retain the facility in the SSOWP system. If the function is to be retained, Network Rail should train relevant staff on how to use the facility correctly and consider measures to prevent its misuse

ORR decision

1.   Parallel working is not an officially defined term used by Network Rail and a review found it was understood to have different meanings in different regions and functions. As such, Network Rail have decided the term will not be used in planning going forward.

2.   One widely used definition of parallel working was having more than 1 safe system of work packs for the same task. This allowed the COSS to default to a method of work that was less safe (i.e. lookout working) if their request for a line blockage, for example, was refused by the signaller. This was what happened at Margam. Having 'parallel' safe work packs is no longer allowed in NR's new RailHub planning software currently being rolled-out across the country. Instead, this has been replaced by component working in Rail Hub, which allows more flexibility in planning and avoids the need for multiple safe work packs. Having 2 work packs for the same time and location is not allowed in RailHub. The changes have been captured in v11 of 019 standard and are currently being briefed to Network Rail staff.

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: Closed.

Previously reported to RAIB

4.   On 10 November 2021 ORR reported the following:

In relation to this recommendation, ORR has consistently stressed to Network Rail that it needs firstly to understand if there is any justification for continued employment of 'parallel working' – and if so, to provide unambiguous definitions and guidance.

To address the recommendation Network Rail sought to define the term parallel working and identify the circumstances where it was being used. A survey of staff

involved in planning across Network Rail routes found there was not a consistent definition of the term parallel working and it was sometimes confused with a parallel component used in some Safe System of Work Packs (SSOWP). A clearer definition of parallel working has been agreed and work is being done to develop a communications strategy.

At our most recent meeting with Network Rail on 15th October we received a verbal update. Good progress is being made – training and guidance material is being produced to communicate the limited circumstances in which parallel components (for which there is an agreed definition) can be included in a SSOWP. The new Rail Hub system for work planning will assist by restricting the ability of planners to have a 'back-up' SSOWP. Further – the wider work Network Rail has been doing to reduce reliance on unassisted lookout warning has led to a significant decrease in such systems of protection. It has also introduced greater rigour and scrutiny by managers who are required to sign off such plans.

Network Rail has acknowledged that there is a significant cultural issue of staff being comfortable with having two SSOWPs for one task. That is why the recommendation will remain open until ORR is convinced there has been a meaningful and effective communication exercise to embed changes.

Update

5.   On 4 October 2022 Network Rail provided the following closure statement:

[N205-05] Margam
Rec 3.doc

Recommendation 8

The intent of this recommendation is to improve the quality of information being provided to senior management, relating to the safety performance of staff working on or near the track, to enable better monitoring and decision making.

Network Rail should extend the review undertaken in response to recommendation 7 to include the following:

a)   a more structured process for senior management review of safety assurance data
b)   mechanisms to ensure that the senior management team is provided with suitably independent and specialist advice when reviewing the outputs of the safety management assurance system, particularly when considering significant change
c)   identification of additional leading indicators of safety performance designed to better inform senior managers on the underlying health of the safety management systems.

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

ORR decision

6.   Network Rail has made efforts to aggregate assurance data into headline 'dashboard' reports that provide greater structure for senior managers' review (see attached).

PDF

DRAFT - Level 0
Interim Assurance Per

Network Rail has identified leading indicators and its assurance reporting in effect provides a greater range of leading indicators. The response contains assurances that suitably independent and qualified people are available to support analysis and review. Providing this can be maintained, the actions taken by Network Rail meet the requirements of the recommendation.

7.   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: Closed.

Previously reported to RAIB

8.   On 10 November 2021 ORR reported the following:

At our most recent update meeting with Network Rail we learned that good progress has been made against the plan. Network Business Assurance Committee (BAC) has been established and is reviewing safety assurance data. Quarterly assurance report shared with ORR. The group has been exploring new ways of scrutinising intelligence to provide assurance – and this learning is being shared with Regional and Functional BACs.

There is a 'level 0' BAC for the Executive Leadership Team, which will provide topic-based assurance. We have asked for example material. Other measures taken to provide better information to senior management on workforce safety include Tactical Safety Group (TSG) taking learning from the National Recommendation Review Panel (NRRP) in relation to incidents investigated by Network Rail as well externally by bodies including RAIB and ORR.

Update

9.   On 5 January 2023 Network Rail provided the following closure statement:

W

[N208-05] Margam
Rec 8.doc

Recommendation 10

The intent of this recommendation is to explore ways of reducing the risk to staff who work on or near the track by creating more opportunity for safe access to the track when trains are not running.

Network Rail, in consultation with the Department for Transport, relevant transport authorities, ORR and other railway stakeholders, should investigate ways of optimising the balance between the need to operate train services and the need to enable safe access to the track for routine maintenance tasks. Options for consideration should include:

a)   the provision of gaps in the train service, during daylight off-peak hours, to enable timely and safe access for maintenance staff

b)   greater use of alternative routes or bidirectional lines to achieve the above

c)   increased availability and utilisation of weekend and night time possessions for cyclical maintenance tasks.

Any reasonably practicable measures that are identified should then be implemented in accordance with a timebound plan.

ORR decision

10.   Network Rail has addressed the recommendation by almost completely eliminating the use of lookout protection. The Network Rail Safety Task Force has issued guidance to help routes identify and implement potential technological solutions, as required by sections 3, 4 and 5 of the Compliance Criteria for the ORR's Technology Improvement Notice. In addition, DfT contracts for TOCs now include a clause to work with Network Rail in providing access to the infrastructure when trains are not running.

11.   At the time of our initial response, we wanted to see if the transition to GB Railways had an impact in terms of providing access to the infrastructure, before reporting the recommendation as implemented. As the timescales for the transition for GB Railways are unclear, we consider it unnecessary to delay reporting implementation as the intent of the recommendation has been met through DfT's actions.

12.   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: Closed.

Previously reported to RAIB

13.   On 10 November 2021 ORR reported the following:

Network Rail is making considerable progress in this area. It has engaged with DfT and secured some co-operation regarding strengthened requirements to collaborate being contained in Directly Awarded Passenger Train Franchises. Network Rail will provide a summary of the clauses as part of a closure statement.

The most important element of Network Rail's response to this recommendation comes in the form of its enhanced intelligence informing its annual bid for access – the Engineering Access Statement (EAS). Both EAS 2022 and EAS 2023 have resulted in substantially increased numbers of possessions – both in frequency and duration. This has been enabled by the continuing workbank reviews being carried out as part of the Workforce Safety Task Force. It is reported that work bank reviews are ongoing, with 83% through second pass and many MDUs on the third pass. This task must become business as usual in each route as the information becomes out of date once stopped. As well as bolstering bids for possessions, this work has led to many additional opportunities for Line Blockages being identified and exploited.

We consider the requirements of this recommendation to have been largely addressed. However Network Rail is ambitious to engage more closely with other service specifiers, such as Transport Authorities. For this reason it does not consider the recommendation is fully implemented yet. Further, we think it would be inappropriate to report it as implemented until it is clearer what the structure and powers of GB Railways will be as this could have a significant impact on these matters.

Update

14.   On 2 August 2022 Network Rail provided the following closure statement:

2022 08 02 Margam
track worker fatalities

Previously reported to RAIB

Recommendation 3

The intent of this recommendation is to prevent future confusion and misuse of the 'parallel working' facility in the SSOWP system.

Network Rail should define the term 'parallel working' in the SSOWP system and undertake a thorough review of how it is being used in the planning and implementation of SWPs on its network and decide whether to retain the facility in the SSOWP system. If the function is to be retained, Network Rail should train relevant staff on how to use the facility correctly and consider measures to prevent its misuse

ORR decision

1.　　In relation to this recommendation, ORR has consistently stressed to Network Rail that it needs firstly to understand if there is any justification for continued employment of 'parallel working' – and if so, to provide unambiguous definitions and guidance.

2.　　To address the recommendation Network Rail sought to define the term parallel working and identify the circumstances where it was being used. A survey of staff involved in planning across Network Rail routes found there was not a consistent definition of the term parallel working and it was sometimes confused with a parallel component used in some Safe System of Work Packs (SSOWP). A clearer definition of parallel working has been agreed and work is being done to develop a communications strategy.

3.　　At our most recent meeting with Network Rail on 15th October we received a verbal update. Good progress is being made – training and guidance material is being produced to communicate the limited circumstances in which parallel components (for which there is an agreed definition) can be included in a SSOWP. The new Rail Hub system for work planning will assist by restricting the ability of planners to have a 'back-up' SSOWP. Further – the wider work Network Rail has been doing to reduce reliance on unassisted lookout warning has led to a significant decrease in such systems of protection. It has also introduced greater rigour and scrutiny by managers who are required to sign off such plans.

4.　　Network Rail has acknowledged that there is a significant cultural issue of staff being comfortable with having two SSOWPs for one task. That is why the recommendation will remain open until ORR is convinced there has been a meaningful and effective communication exercise to embed changes.

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 31 December 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 1 February 2021 Network Rail provided the following initial response:

Action Plan
Action Plan (with milestones)
- Corporate Workforce Safety to discuss the Parallel Working document that was produced and why & how it is used in SSOWPS – **11th January 2021**   - Consult SWP Planners/Line Managers and IMDMs to ascertain what they know or understand about the term Parallel Working, the volume of work planned using this method, and any general comments/concerns. – **26th March 2021**   - Compile feedback from the consultations and inform next steps with Head of Maintenance Principles and Standards, NHWSC, Industry groups including ISLG, Track Worker Safety Group – **16th April 2021**   *If keep the terminology or* dispose or alternative decide what training will be required as part of the Section Planners competence which would include use in specific mileage, seek the support of the Head of Maintenance Principles and Standards to progress the changes – **28th May 2021**   *If kept, removed, or alternative option* planners to be briefed and the component to be removed or changed from SSOWPS – **28th June 2021**   - Monitor and review any changes made by - **30 September 2021**   - Update report to be provided after the review to demonstrate effects of the interventions - **30th October 2021.**
Evidence required to support closure of recommendation
Minutes of meetings to be provided Evidence of interviews and consultation provided Evidence of support from CDG to proceed with chosen option Evidence of monitoring and review of the option chosen Update report demonstrating the effects of the option chosen

Recommendation 8

The intent of this recommendation is to improve the quality of information being provided to senior management, relating to the safety performance of staff working on or near the track, to enable better monitoring and decision making.

Network Rail should extend the review undertaken in response to recommendation 7 to include the following:

d)   a more structured process for senior management review of safety assurance data
e)   mechanisms to ensure that the senior management team is provided with suitably independent and specialist advice when reviewing the outputs of the safety management assurance system, particularly when considering significant change

f)   identification of additional leading indicators of safety performance designed to better inform senior managers on the underlying health of the safety management systems.

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

ORR decision

7.   At our most recent update meeting with Network Rail we learned that good progress has been made against the plan. Network Business Assurance Committee (BAC) has been established and is reviewing safety assurance data. Quarterly assurance report shared with ORR. The group has been exploring new ways of scrutinising intelligence to provide assurance – and this learning is being shared with Regional and Functional BACs.

8.   There is a 'level 0' BAC for the Executive Leadership Team, which will provide topic-based assurance. We have asked for example material. Other measures taken to provide better information to senior management on workforce safety include Tactical Safety Group (TSG) taking learning from the National Recommendation Review Panel (NRRP) in relation to incidents investigated by Network Rail as well externally by bodies including RAIB and ORR.

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

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

Action Plan
Action Plan (with milestones)
This recommendation will have strong links to the Level 1 Assurance Project and recommendation 7. • A review of safety assurance and the associated output and reports is underway and a draft product available as part of the Q4 report in April 2021. Ongoing for continuous improvement.

- Identify leading indicators using – As part of the above report we will use plan v actual reporting but also more detailed analysis of the gaps in assurance and the findings/action of the more mature assurance areas. Oct 2021.

- Network Business Assurance Committee (BAC) to be created in March 2021, issues to escalate from regional/functional BAC to be discussed at a national forum to aid wider learning.

- Proposal for region/function to invite a suitably independent specialist to attend their meetings where safety assurance data is discussed to offer appropriate challenge and support. For example a representative from a different region/function.

- Challenge ineffective assurance via BAC, Safety Strategy Committee, Integration Group. Ensure all relevant groups have sufficient independent specialist as part of the core membership. Aug 2021

Evidence required to support closure of recommendation

ToR/Minutes from BAC, Safety Strategy Committee, Integration Group.
New Quarterly Assurance Report.

Recommendation 10

The intent of this recommendation is to explore ways of reducing the risk to staff who work on or near the track by creating more opportunity for safe access to the track when trains are not running.

Network Rail, in consultation with the Department for Transport, relevant transport authorities, ORR and other railway stakeholders, should investigate ways of optimising the balance between the need to operate train services and the need to enable safe access to the track for routine maintenance tasks. Options for consideration should include:

a)   the provision of gaps in the train service, during daylight off-peak hours, to enable timely and safe access for maintenance staff

b)   greater use of alternative routes or bidirectional lines to achieve the above

c)   increased availability and utilisation of weekend and night time possessions for cyclical maintenance tasks.

Any reasonably practicable measures that are identified should then be implemented in accordance with a timebound plan.

ORR decision

10.   Network Rail is making considerable progress in this area. It has engaged with DfT and secured some co-operation regarding strengthened requirements to collaborate being contained in Directly Awarded Passenger Train Franchises. Network Rail will provide a summary of the clauses as part of a closure statement.

11.   The most important element of Network Rail's response to this recommendation comes in the form of its enhanced intelligence informing its annual bid for access – the Engineering Access Statement (EAS). Both EAS 2022 and EAS 2023 have resulted in substantially increased numbers of possessions – both in frequency and duration. This has been enabled by the continuing workbank reviews being carried out as part of the Workforce Safety Task Force. It is reported that work bank reviews are ongoing, with 83% through second pass and many MDUs on the third pass. This task must become business as usual in each route as the information becomes out of date once stopped. As well as bolstering bids for possessions, this work has led to many additional opportunities for Line Blockages being identified and exploited.

12.   We consider the requirements of this recommendation to have been largely addressed. However Network Rail is ambitious to engage more closely with other service specifiers, such as Transport Authorities. For this reason it does not consider the recommendation is fully implemented yet. Further, we think it would be inappropriate to report it as implemented until it is clearer what the structure and powers of GB Railways will be as this could have a significant impact on these matters.

13.   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

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

Information in support of ORR decision

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

Action Plan

Action Plan (with milestones)

The work to implement this recommendation was underway before RAIB published this report. There is a direct link to the work being undertaken between August 2019 and July 2022 to comply with an Improvement Notice covering arrangements for planning maintenance activity.

Step 1: Vitally important that we review the 28m maintenance tasks in detail to:

      a. Review if the task is still needed at the same frequency;

      b. Batch tasks more effectively so that we can optimise both resource and existing access;

      c. Align those batches with existing know safe access;

This review needs to be done iteratively and we have done 100% first pass and approx. 45% of second pass. In doing this, we can demonstrate to train operators that we have optimised our approach before we ask for more or different access to the railway. This 2nd, and potentially 3rd, pass of the maintenance work bank review is very well documented and will last until at least 31 July 2022. This action will ensure that we use existing access opportunities for maintenance as effectively as possible;

Step 2: We need to assess and publish accurate line blockage registers across the 700 signaller workstations nationwide (so that existing line blockage usage is optimised). We have undertaken all 700 signaller workload assessments between July and September 2020. We are now delivering the 700 signaller workload workshops and will complete this task by 30 April 2021. Then we will publish Line Blockage registers for each of the 700 workstations (a number of these are already in place and certainly on NW&C and Eastern). Finally, the new online Line Blockage planning tool is being trialled in NW&C in May 2021, and all of the Line Blockage registers will be held in this format to promote online booking of line blockages in an orderly fashion. The roll out of the online tool is currently scheduled between May 2021 and May 2022. This action will mean that we will have better visibility of line blockage opportunities so that scheduled tasks and rosters can be aligned effectively in advance of doing the work.

Step 3: Via existing company processes, in September 2020, The Safety Task Force made 350 revised applications for T3 possession access for the timetable year starting in December 2021. These applications are now going through the Evolution process and should be finalised (one way or another) by March 2021. We will do a second set of applications in September 2021 for the timetable year commencing December 2022. This will be a BAU process when STF finished, revisions for 18 months hence will need to be made every September. This action will ensure that, once we have refined our tasks and use of existing access, we have sufficient T3 possession access to maintain our railway.

Step 4: The BAU version of the above will be to repeat these cycles at least every 12 months. The more routinely you do it, the less the annual change impact. By March 2022, the Safety Task Force will issue a document that introduces business—as-usual responsibilities in each route to ensure that maintenance task, access and resource continues to be aligned.

We recognise the arrangements for negotiating and securing appropriate maintenance access may evolve depending on any changes to industry structure in response to the Williams report.

In August 2020, The Safety Task Force had an exploratory meeting with the DfT to discuss the ORR safety improvement notices. The DfT were supportive of our approach and offered assistance. Nick Millington acknowledged that, until more of the maintenance workbank reviews had been completed and the Engineering Access Statement for 2022 was signed of (April 2021), it was not possible to define the help we require. A further meeting will be set up in May 2021, involving other transport authorities as necessary. In addition, in Margam Rec 5, we will invite the 'Rail Delivery Group' to join the expert panel as a further mechanism to influence the importance of safe access alignment in the planning stage.

Evidence required to support closure of recommendation

Established core process for routinely reviewing and securing required access.

Sustained delivery of work in the safest protection arrangements that are feasible.