

Oliver Stewart
RAIB Recommendation Handling Manager



24 May 2023

Mr Andy Lewis
Deputy Chief Inspector of Rail Accidents

Dear Andy,

RAIB Report: Track worker struck by a train near Surbiton station, south-west London on 9 February 2021

I write to provide an update¹ on the action taken in respect of recommendations addressed to ORR in the above report, published on 25 May 2022.

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 & 3 is '**Open**'.

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 25 May 2023

Yours sincerely,

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

Initial consideration by ORR

1. All 3 recommendations were addressed to ORR when the report was published on 25 May 2022.
2. After considering the recommendations ORR passed recommendations 1 & 3 to Network Rail and recommendation 2 to the Rail Delivery Group 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 prevent accidents and near misses due to staff working on or near the line moving beyond safe working limits.

Network Rail should review whether safe systems of work in which staff are working on or near the line, and where some or all lines remain open to traffic, incorporate adequate risk controls so that members of the work group remain within the designated safe limits. The review should consider including the role of appropriate technology and whether having members of the work group undertaking multiple tasks could compromise risk controls. Network Rail should implement any necessary changes identified in accordance with a timebound plan.

ORR decision

4. Since the incident in February 2023, Network Rail has almost completely eliminated the use of lookout protection.
5. Network Rail is exploring technology to control the risk of members of work groups moving beyond the safe work limits of a work site as part of the strategy for CP7, but a clear plan and timescales is not yet in place. In addition, 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.
6. 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 close it

Status: Open.

Information in support of ORR decision

7. On 4 October 2022 Network Rail provided the following initial response:

Action Plan

Please provide milestones with dates

Since the accident Network Rail have now reduced the use of Unassisted Lookout (approx. 1% usage now) and from 3rd September 2022 can only be used with Director level sign off as per NR/L2/OHS/019 version 11. Changes to the hierarchy in the standard has clarified the types of protection / warning and be used to meet the Rule Book change of December 2020.

Therefore, with the changes mentioned above Network Rail will focus on the Technology part of the recommendation, to do this Network Rail will:

- Contact RSSB (Daryll Hopper) regarding their review of Human Factors with the intention of working with them to develop industry recommendations.
- These will be used to form deliverables within the CP7 strategy plan
- Use the recommendations to help inform when technology is used for example: NR/L2/OHS/501 – Track Warning Systems – Module 4 Geofencing

Evidence required to support closure of recommendation

Latest version of NR/L2/OHS/019 version 11 hierarchy
RSSB recommendations

Recommendation 2

The intent of this recommendation is to support and improve the judgement of train drivers as to whether track workers are in close proximity to their train, and reinforce the necessary action to take if there is a possibility that track workers are likely to be struck.

The Rail Delivery Group, with the support of RSSB, should identify the issues drivers face in judging the proximity of track workers to the swept path of their train. They should develop training and briefing materials to better prepare drivers to make accurate judgements as to when track workers are at risk of being struck and to react appropriately, for example by sounding the urgent warning. The Rail Delivery Group should share the resulting training and briefing material with transport undertakings.

ORR decision

8. RDG is planning to address the recommendation by developing a briefing for drivers that included information and guidance on the swept envelope of a train. The briefing will also cover changes to track worker methods of work and what that may mean for drivers.

9. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, RDG has:

- Taken the recommendation into consideration; and
- is taking action to close it

Status: Open.

Information in support of ORR decision

10. On 28 October 2022 the Rail Delivery Group provided the following initial response:

In July 2022, Rail Partners was split out from Rail Delivery Group (RDG) in preparation for the move of RDG into Great British Railways. Rail Partners has now taken on the role for advocacy and as trade body for Train Operators; and has taken on a number of the activities previously overseen and driven by RDG. These include the running of Operations Executive (formerly Operations Council) and Engineering Executive (formerly Engineering Council). Rail Delivery Group and Rail Partners will work together to close out open actions allocated to Rail Delivery Group prior to the split, and work with RAIB to identify which party would be the right one to allocate actions to, to give the best outcome for future recommendations.

Recommendation 2 of the Surbiton incident report was discussed at Operations Standards Forum on 14th July 2022 – a group which has moved from RDG to be run by Rail Partners. The group is comprised of key Operations Standards and Safety leads from across the Train Operator community, with representation from Rail Partners, Rail Delivery Group and Rail Safety & Standards Board (RSSB).

The discussion centred around:

- *the onus sitting with the individual working on or near the line to be in a position of safety and to identify this to drivers of approaching/passing trains, rather than the driver of the train having to make this assessment.*
- *the ability of a driver to identify whether the track-worker was perceived to be within a position of safety when at speed is likely to be limited. However, there was agreement that a briefing for drivers that included some information of the swept-envelope of the train would be useful way forwards, alongside some briefing on Network Rail's changes to the way track workers work on the railway.*

Since the incident at Margam in July 2019, Network Rail has made changes to the way in which staff work on the line and are protected through the Track Worker Safety Programme. Network Rail has since advised that the number of 'near misses' reported has increased, However, there is belief that many of these are not 'true' near-misses, but drivers reporting staff working safely under the updated arrangements, with staff found by Network Rail to be working in a safe manner.

There has not been a formal briefing to Train Operators, nor specifically drivers, on the Track Worker Safety Programme and subsequent move away from lookout working. It's proposed that as part of the recommendation, that a briefing on the outputs of the Network Rail Trackworker Safety Programme is developed and delivered to drivers, including the move away from lookout working and how this presents itself to drivers.

The intention of Rail Delivery Group, in collaboration with Rail Partners and RSSB, is to respond to the recommendation by developing a briefing for drivers which:

- includes information and guidance on the swept-envelope of the train,*
- informs and updates on broader changes to track-worker methods of work, and the changes that drivers may see,*
- advises/reminds train drivers of the necessary operational responses when they believe track workers are at risk of being struck.*
- may also include support via other mediums, such as the use of Driving Simulators and / or other exercising.*

This work will be overseen by the Rail Partners' Operations Standards Forum and should be ready for distribution in the first-half of 2023. Network Rail's Trackworker Safety Programme will also be engaged in the development of the briefing material.

Additionally, a request has also been made via Rail Partners to RSSB to utilise learnings from this incident as a subject of a future RED video.

We believe that this is the best approach to the recommendation in getting the most value and providing the most effective outcome for the industry.

Recommendation 3

The intent of this recommendation is for Network Rail to understand the reasons underlying the non-compliances identified during this investigation and learn from them.

Network Rail should review working practices at Woking track section to understand the extent and nature of any non-compliances relating to safe systems of work and their related rules, procedures, and behaviours. This review should seek to understand the underlying reasons behind any non-compliances identified and if they may apply more widely to other track sections. Network Rail should take actions to address any issues identified by this review.

ORR decision

11. Network Rail has provided an action plan setting out the review of working practices at Woking track section across 4 areas. We have asked Network Rail for a copy of the review in order to decide if the actions described adequately address the recommendation. Network Rail have submitted a closure statement, but we have not

been in a position to thoroughly review it. In April 2023, which will include a copy of the review.

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
- is taking action to close it

Status: Open.

Information in support of ORR decision

13. On 2 August 2022 Network Rail provided the following initial response:

Action Plan				
Please provide milestones with dates				
<p>The following action plan has been split into 4 sections, covering the following objectives, and each with their own series of actions.</p> <ol style="list-style-type: none"> 1. Ensure patrolling diagrams are understood, compliant, and form part of the safe work pack. 2. Revise Level 1 assurance process so that non-compliances to 019 standard are identified and acted upon robustly. 3. Improvement of governance structure and organisational design to enhance compliance. 4. Improvement to business processes and business-as-usual activities. <p>The following tables list each of the actions within each section. The table also include the due date of the action, as well as stating whether the action has been applied to just the Woking Track section and/or the wider Wessex Route.</p> <p><u>1. Ensure patrolling diagrams are understood, compliant, and form part of the safe work pack.</u></p>				
No.	Milestone Description	Date	Woking	Route
1.1	Assurance review of all patrolling diagrams undertaken by the Head of Asset (Track). Completed in June 2021.	Complete	Yes	Yes
1.2	All patrolling Persons In Charge (PIC) to sign to confirm they have been briefed on the track patrolling diagrams they undertake. To be completed between 31 st July and 30 th August 30 th 2022 in line with the Track Maintenance Engineer (TME) Maintenance Scheduled Task (MST) frequency.	30/08/22	Yes	Yes
1.3	All patrolling PICs and planners to be provided with a copy of the patrolling diagrams once briefed.	30/08/22	Yes	Yes
1.4	All track patrolling diagrams to be uploaded into RailHub and to be added as an attachment to the safe work pack (SWP) for each patrol.	30/09/22	Yes	Yes
1.5	Infrastructure Safety Assurance Advisors (ISAA) to provide independent assurance of SWPs of patrols to ensure that patrolling diagrams are included, that SWPs cover the required limits of the patrolling diagrams, and that the PIC understands the patrol being undertaken. Commencing from 1 st September 2022.	01/12/22	Yes	Yes

2. Improvement of level 1 site-based assurance so that non-compliances to 019 standard are identified and acted upon robustly

No.	Milestone Description	Date	Woking	Route
2.1	Update and reissue the Infrastructure Maintenance Engineer (IME) Planned Assurance Inspections & Site Surveillance (PAISS) inspections plan to ensure that it clearly provides focus on both maintenance and inspection tasks. Completed April 2021.	Complete	Yes	Yes
2.2	IME PAISS inspection plan extended to Supervisors and Section Managers as a minimum requirement. Completed April 2021.	Complete	Yes	Yes
2.3	IME PAISS inspection plan structure to be revised to include assurance checks of Section Manager and Supervisor PAISS inspections by Engineers, IMEs, and Infrastructure Maintenance Delivery Managers (IMDM). Revised structure of PAISS inspection plan to also include comparisons of the results and actions identified through locally completed PAISS vice those identified by the Infrastructure Safety Assurance Advisors (ISAA). Revised PAISS inspection plan to go live following endorsement by the Regional Assurance Manager and Infrastructure Director.	26/08/22	Yes	Yes
2.4	Infrastructure Safety Assurance Advisors (ISAA) to be deployed in response to any high-risk findings from the quarterly Management Self-Assurance (MSA) reviews or internal PAISS assurance checks. The ISAAs will be deployed to support action plan development with the relevant line manager. Post implementation reviews will be completed by the ISAAs within 3 months of actions being completed.	18/11/22	Yes	Yes

3. Improvement of governance structure and organisational design to enhance compliance

No.	Milestone Description	Date	Woking	Route
3.1	Independent review of Wessex Inner governance structure undertaken by Regional Assurance team and recommended actions implemented. Completed June 2021.	Complete	Yes	Yes
3.2	Woking Section Manager performance development action plan in place and managed through HR processes.	Ongoing	Yes	N/A
3.3	The IME role in Wessex Inner Delivery Unit to be split into two separate roles to reduce the line management span of control and consequently increase the IME's ability to focus on more detailed reviews of their business unit's performance.	16/09/22	Yes	Yes
3.4	The Signalling and Telecoms Maintenance Engineer (S&TME) role in Wessex Inner DU to be split into two separate roles to reduce the line management span of control and consequently increase the S&TME's ability to focus on more enable more detailed focus on more detailed reviews of their business unit's performance.	16/09/22	N/A	Yes

4. Improvement to business processes and business-as-usual activities

No.	Milestone Description	Date	Woking	Route
4.1	Regional Head Quality, Risk & Assurance (QRA) led 'root and branch' review of compliance to O19 standard and process within the Working Track depot and section. Review involved, but was not limited to the TME, Section Manager, and Section Planner. Completed June 2022.	Complete	Yes	N/A
4.2	Introduction by the Regional Head QRA of a new simplified periodic report of performance at DU level against a suite of assurance key performance indicators (KPI). Report to form part of DU, Infrastructure, Route, and Regional-level periodic reporting cycle and Business Assurance Committee (BAC) governance meetings.	31/08/22	Yes	Yes
4.3	A revised set of objectives set for Section Manager, Engineer, IME, and IMDM roles which includes a clear focus of assurance and compliance activities and actions. Objectives have been written in a form which is SMART (Specific, Measurable, Aligned, Realistic, Time specific). Performance against SMART objectives is available on a periodic basis via an Infrastructure Scorecard which is available to all personnel. Completed July 2022.	Complete	Yes	Yes
4.4	Enhancement of level 1 assurance process knowledge of, and compliance to, Business Management System (BMS) processes. In October 2022 Wessex Route will be launching, in tandem with Sussex and Kent Routes, a focus on knowledge and compliance to level 1 assurance in the Maintenance organisation. The programme will focus on the most critical BMS processes and will involve assessing managers level of knowledge of the processes, and their compliance to them. One of the key processes being assessed will be the 'maintenance governance process'. As part of the assessment a clear expectation will be set across all managers about what local governance meetings they must be holding, and what measures and processes they must be monitoring within them. The level of compliance to these processes will then be monitored at all levels, culminating in reporting at BAC level.	10/02/23	Yes	Yes
4.5	Successful transition and go-live with RailHub system on 4 th July 2022 with all go-live criteria met. Completed 4 th July 2022.	Complete	Yes	Yes
4.6	Pending go-live of the nationally led RailHub Management Information (MI) reporting capability (forecast go-live circa December 2022), Wessex Route to produce a local reporting capability that provides visibility of performance against the most safety critical elements of compliance to O19 standard.	17/08/22	Yes	Yes
4.6	Periodic review of authority number usage by DU section within the Wessex Route as part of periodic business reporting cycle identified Woking Track section as the highest user. Within Woking Track section the existing approval process for granting of authority numbers was extended to include the requirement for TME sign-off. The number of granted authority numbers subsequently reduced to levels similar to other comparable sections. Completed in May 2022. Review of quantity of authority numbers used by DU section continues as part of periodic business review process.	Complete	Yes	Yes

Evidence required to support closure of recommendation

1. Ensure patrolling diagrams are understood, compliant, and form part of the safe work pack.

No.	Evidence Description
1.1	Documentation confirming that patrolling diagrams have been updated to apply immediate learnings from Surbiton relating to high risk crossover layouts.
1.2	Signature sheets recording receipt of a briefing on track patrolling diagrams by PICs in charge of patrolling activities.
1.3	Signature sheets recording receipt of track patrolling diagrams by PICs in charge of patrolling diagrams and the Section Planners responsible for preparation of SWPs.
1.4	Evidence of all patrolling diagrams uploaded within RailHub.
1.5	Copies of assurance reports produced by Infrastructure Safety Assurance Advisors (ISAA) demonstrating that SWPs contain the track patrolling diagrams, that the PIC understands the patrolling diagram, and that the SWP covers the requirements of the patrolling diagram.

2. Improvement of level 1 site-based assurance so that non-compliances to 019 standard are identified and acted upon robustly

No.	Evidence Description
2.1	IME PAISS inspection plan identifying the need to review maintenance and inspection tasks.
2.2	IME PAISS inspection plan identifying Supervisors and Section Managers undertaking PAISS.
2.3	New PAISS process created by the Regional Assurance team. Copies of PAISS completed by Engineers, IMEs, and IMDMs demonstrating assurance activities and comparison of PAISS completed by Section Managers and Supervisors.
2.4	Copies of assurance reports completed by Infrastructure Safety Assurance Advisors (ISAA) in response to concerns raised via MSA or PAISS. Copies of subsequent post implementation assurance reports confirming embedding of actions within the organization.

3. Improvement of governance structure and organisational design to enhance compliance

No.	Evidence Description
3.1	Outcome report by Regional Assurance team supported by evidence of individual actions completed in response to report.
3.2	Copy of Section Manager development action plan (with personal information redacted).
3.3	Signed consultation document for the IME role split.
3.4	Signed consultation document for the S&TME role split.

4. Improvement to business processes and business-as-usual activities

No.	Evidence Description
4.1	Outcome report into 019 compliance.
4.2	Assurance DU RAG report for August 2022.
4.3	Copy of objectives scorecard demonstrating application to Section Manager, Engineer, IME, and IMDM roles.
4.4	Evidence of compliance to key business processes or action plan detailing journey to compliance.
4.5	Endorsement by national RailHub team for Wessex Route 'go-live' on 4 th July.
4.6	Copy of locally produced RailHub report providing visibility of safety critical compliance metrics.
4.7	Copies of periodic business reporting packs including authority number data. Data showing a reduction in authority numbers issued in Woking Track section.