Oliver Stewart
RAIB Recommendation Handling Manager

ORR
OFFICE OF
RAIL AND ROAD

4 August 2023

Mr Andy Lewis
Deputy Chief Inspector of Rail Accidents

Dear Andy,

RAIB Report: Unsafe events at Heathrow Tunnel Junction on 27 & 28 December 2014

I write to provide an update[1] on the action taken in respect of recommendation 2 addressed to ORR in the above report, published on 16 November 2015.

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'.**

We do not propose to take any further action in respect of the recommendation, 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 7 August 2023.

Yours sincerely,

Oliver Stewart

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[1]	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 prevent non-conformance developing into normal practice within a possession management team. The wording acknowledges that Network Rail is currently implementing a process which will result in the engineering supervisor role being undertaken by a 'safe work leader'.

Network Rail should review the monitoring arrangements applying to engineering supervisors/safe work leaders managing engineering worksites. The review should establish:

- any improvements needed to give adequate confidence that the monitoring arrangements can identify where the actions of an engineering supervisor/safe work leader are not in compliance with the railway rulebook (for example when ensuring staff and equipment are clear of the line and concluding that the railway is safe to return to traffic); and

- how those actions can be corrected before they become habitual.

Network Rail should then implement any improvements identified by the review (paragraphs 132a, 135a and 136a).

ORR decision

1.   Network Rail has put significant effort into improving front-line monitoring of work. Whilst at the moment this has focused on maintenance work, the closure statement notes that this is in the process of being applied to Capital Projects (the successor organisation to the one involved in the incident), in the form of PAISS checks. This improvement, and improvements in the general arrangements for regions' monitoring of work, won't in themselves prevent a repetition of the incident, but in reaching the level of legal compliance, Network Rail have taken the action that can be reasonably required, if properly implemented on the ground, to prevent a recurrence.

2.   Furthermore, the closure statement notes that COSS's now undergo classroom training every 2 years, instead of an assessment with their line manager. This will help to maintain competence and awareness of rulebook requirements. In addition, Network Rail has introduced a number of positive developments to make accessing the track safer, in particular by introducing Railhub and simplifying the 019 track worker safety standard.

3.   Separately, Network Rail is currently evaluating measures to reduce the risk of objects (e.g. trolleys as in this incident) being left on the line, through geotagging.

4.   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 close it

Status: Closed.

Previously reported to RAIB

5.   On 4 August 2016 ORR reported the following:

Whilst the initial response identified the work being undertaken to review the ES/SWL standards and the way that this would feed into the SAS and SSA activities, ORR asked Network Rail to provide greater clarity regarding how the activities of the ES/SWL would be monitored to ensure that the specific bulleted items of the recommendation will be delivered, and asked who would perform that monitoring function. A response was received but did not provide the clarity ORR was seeking nor a firmer timebound plan.

Update

6.   On 24 March 2023 Network Rail provided the following revised closure statement:

Heathrow Rec2
Closure Statement.do

Previously reported to RAIB

Recommendation 2

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Network Rail should review the monitoring arrangements applying to engineering supervisors/safe work leaders managing engineering worksites. The review should establish:

- any improvements needed to give adequate confidence that the monitoring arrangements can identify where the actions of an engineering supervisor/safe work leader are not in compliance with the railway rulebook (for example when ensuring staff and equipment are clear of the line and concluding that the railway is safe to return to traffic); and

- how those actions can be corrected before they become habitual.

Network Rail should then implement any improvements identified by the review (paragraphs 132a, 135a and 136a).

ORR decision

1.   Whilst the initial response identified the work being undertaken to review the ES/SWL standards and the way that this would feed into the SAS and SSA activities, ORR asked Network Rail to provide greater clarity regarding how the activities of the ES/SWL would be monitored to ensure that the specific bulleted items of the recommendation will be delivered, and asked who would perform that monitoring function. A response was received but did not provide the clarity ORR was seeking nor a firmer timebound plan.

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, but ORR has yet to be provided with a complete timebound plan.

***Status: Progressing.* ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.**

Information in support of ORR decision

3.   On 20 May 2016 Network Rail provided the following initial response:

Network Rail will review the monitoring arrangements applicable to Engineering Supervisors and Safe Work Leaders and seek to implement the findings.

To undertake the review we will:

1. *Review the standards for Engineering Supervisor (ES)*

2. *Review the standard applicable to Safe Work Leader, however you may be aware that Safe work Leader is currently on how hold pending full review by the new Programme Director. The principals of any omissions in the role of ES will be applicable here.*

The review will include the arrangements required by the SAS and SSA and will be completed by 31 July 2016.

We will feed this review into the planned mechanism for capturing on site staff competence.

The Skills Assessment Scheme is Network Rail's risk based approach to managing the competence of our people. The Scheme requires an annual capability conversation between a manager and staff.

Sentinel Site Access contains the functionality for staff to undertake reviews of their and colleague's use of safety critical competence during each shift. The functionality will be available to all Sentinel users and will be part of the standard operating functionality from 30 June 2016.

The findings of the review above will be incorporated into the e-learning that is currently in development for Sentinel Site Access, due for implementation across the rail industry from 30 June 2016.

The e-learning will be available from end of May 2016. Initially, this will be trialled in Network Rail's Swindon Delivery Unit, lasting for a period of 4 weeks.

The e-learning will be targeted at all Controllers of Site Safety (COSS) across the industry. By providing the training to all COSSs we will enable a greater population of safety critical staff to understand the functionality. It will also ensure we have trained all the Engineering Supervisors and Safe Work Leaders who are operating in East Midlands Area.

Lessons learnt regarding the functionality and ability to utilise the system will be examined and further lessons incorporated back into the e-learning and functionality of Sentinel Site Access.

All COSS will have a defined period to have undertaken the e-learning. Network Rail's proposal is that if the e-learning has not been undertaken by 30 September 2016, the COSS competencies will be taken down until such time as the training has been completed. Network Rail are currently consulting with the Infrastructure Safety Liaison Group (ISLG) with regard to agreement of this timescale before finalising the exact date for untrained COSS to be de-registered.

4.   On 6 July 2016, Network Rail provided the following information after ORR requested that they provide greater clarity regarding how the activities of the ES/SWL would be monitored to ensure that the specific bulleted items of the recommendation will be delivered, and asked who would perform that monitoring function.

The activities of the Engineering Supervisor or the Safe Work Leader are supervised in the following way:

1. *Sentinel Site Access has as described, in our original submission, the functionality for staff to record the date, time and description of the activities they are performing. This enables those staff to capture, on every occasion should they wish that they are utilising those specific competencies. They can record a brief summary of the duties they undertake including the complexity of the work, the types of activities and decisions they had to make, how the process went, what issues they encountered or how activities could be performed better.*

2. *Staff have access to this recorded information through the Sentinel website and their personal login.*

3. *Accessing the data enables the staff member to be prepared for their Annual Capability Conversation (ACC) that they undertake with their line manager. The annual capability conversation is where they can demonstrate to their line manager that they are performing their tasks correctly and learning as their work progresses.*

4. *Feedback from our trials held in Western Route and Region during May and June 2016 identified that managers would like to be able see the recording of these activities on a frequency that is more than annually. We believe that it is possible for line managers to receive a period report on the recording of such competencies. This will allow the manager to review, verify and if necessary challenge the activates that are being logged by the individual are valid whilst the line manager has a recent knowledge of the work that is being performed.*

5. *It should be noted that this functionality will be available to all staff when site access rolls out nationally. This had been planned for 30 June 2016. The trial in western detailed above encountered an IT glitch that resulted in the new sentinel app crashing. Our IT providers are currently analysing the causes of that issue and their solutions. Once resolved we will be able to identify a revised date for implementation of Site access.*