

Oliver Stewart
RAIB Recommendation Handling Manager



6 October 2023

Mr Andy Lewis
Deputy Chief Inspector of Rail Accidents

Dear Andy,

RAIB Report: Collision at Kisby User Worked Crossing on 19 August 2021

I write to provide an update¹ on the action taken in respect of recommendations addressed to ORR in the above report, published on 17 October 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 recommendation 1 is **'Open'**. RAIB addressed recommendation 2 directly to the Health & Safety Executive.

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 9 October 2023

Yours sincerely,

Oliver Stewart

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

Initial consideration by ORR

1. Recommendation 1 was addressed to ORR and recommendation 2 to the Health and Safety Executive when the report was published on 17 October 2022.
2. After considering the recommendations ORR passed recommendation 1 to Network Rail 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.

Recommendation 1

The intent of this recommendation is that Network Rail improves the effectiveness of its risk management of user worked crossings.

Network Rail should review and improve its risk assessment and assurance processes for user worked crossings to ensure that:

- All appropriate data sources are considered and, where appropriate, compared during risk assessments.
- Previous risk assessments are considered to ensure that risk mitigation is effective at addressing historical safety issues.
- Level crossing managers are effectively monitoring user worked crossings for evidence of incorrect use

ORR decision

3. Network Rail are addressing the recommendation by updating update to standard NR/L3/XNG/308 - Risk assessing level crossings. The revised standard is scheduled for publication in June 2024.

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
- is taking action to implement it

Status: Open.

Information in support of ORR decision

5. On 24 February 2023 Network Rail provided the following initial response:

Action plan

Whilst training and mentorship explicitly covers the points raised, there exists a benefit in explicit reference within our standards framework. Having undertaken a detailed review of our level crossing risk management standards, it is accepted that there is an opportunity to strengthen our protocols further.

Accordingly, any gaps in process that are referred to as part of Kisby 1, will be addressed within our update to standard NR/L3/XNG/308, Risk assessing level crossings. NR/L3/XNG/308 is scheduled for publication date of June 2024.

Rec completion date:	30/06/2024
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6. On 12 May 2023 Network Rail provided the following update following a request to let us know the findings of the review and how they will be used to address each point in the recommendation:

The review centred on the specific content of our level crossing risk management framework, seeking to directly correlate standards and guidance with the recommendation specifics. Whilst training covers these points to varying degrees, it was recognised that there are no specific written statements that cement the requirements more formally. Accordingly, the action plan seeks to correct this as part of our update to NR/L3/XNG/308 'Risk assessing level crossings'. NR/L3/XNG/308 sets the core requirements and expectations on how we manage our level crossing risk assessments and is one of the core standards used by the level crossing community. The review and update affords the correct opportunity to address the recommendation intent by embedding the specific points raised in relevant standard script.

Recommendation 2

The intent of this recommendation is that farmers and farm workers understand the importance of following safety instructions at user worked crossings. HSE could include this in its published guidance on health and safety in agriculture.

The Health and Safety Executive, working with the Office of Rail and Road, Network Rail and other railway infrastructure managers, should review its guidance to people working on farms to ensure that it contains appropriate advice about the need to follow the required procedures at user worked crossings. The Health and Safety Executive should revise the relevant guidance as appropriate, based on the findings of this review.

ORR decision

7. The recommendation is addressed to HSE, so will be followed up by RAIB directly. As the recommendation called for HSE to work with ORR, we have ensured that HSE have the appropriate contacts within ORR to consult on draft guidance.