

Oliver Stewart
RAIB Recommendation Handling Manager



22 December 2023

Mr Andy Lewis
Deputy Chief Inspector of Rail Accidents

Dear Andy,

RAIB Report: Overspeed at Sandy South Junction, Bedfordshire on 19 October 2018

I write to provide an update¹ on the action taken in respect of recommendation 5 addressed to ORR in the above report, published on 1 August 2019.

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 5 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.

Yours sincerely,

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 to learn lessons from the 2008 change to the rules relating to emergency speed restrictions and to consider the extent to which these have been addressed by the current processes which are applied by standards committees.

RSSB should lead a review of how the proposal to remove the requirement in the rule book to notify drivers of emergency speed restrictions was managed. This review should:

- highlight any lessons learnt and consider the extent to which these have been addressed by the current processes which are applied by standards committees; and
- consider how RSSB and Railway Group members can best work together to monitor the effects of significant changes to the rule book, such that any unexpected consequences can be further managed or mitigated.

The outcomes of the review should then be used to inform any necessary improvements to the current processes and the training provided to persons involved in the evaluation of proposed changes to the rule book.

ORR decision

1. The basis for recommendation 5 was the removal from the rule book of the requirement to provide drivers with details of ESRs before starting work, without adequate consideration of the risk associated with this change, which had led to inconsistency between TOCs in the information they provide to drivers.
2. RSSB have introduced the business case for change (BCC) procedure to help more rigorously analyse such decision, based on the following considerations:
 - Legal compliance and assurance
 - Health, safety and security
 - Reliability and operational performance
 - Design and maintenance
 - People, process and systems
 - Environment and sustainability
 - Customer experience and industry reputation
3. Having reviewed the closure statement received on 26 July 2023, we challenged RSSB to explain what would have been done differently. RSSB provided an explanation of how the BCC process provided more rigorous analysis of potential changes to the Rule Book, with greater consideration of proof of impact and risk.
4. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, RSSB has:
 - taken the recommendation into consideration; and

- has taken action to close it.

Status: Closed.

Previously reported to RAIB

5. On 31 July 2020 ORR reported the following:

In its initial response on publication of the report, RSSB had partially accepted the recommendation and committed to consider the relevant findings of monitoring carried out by dutyholders and ORR when a change to a standard or operational rule was proposed; as part of the review process mandated by the Railway Group Standards Code, to take into account any intelligence in the application of standards; and to develop guidance for standards committees for reviewing the effectiveness of standards.

ORR's February 2020 discussions with RAIB noted that these proposed actions would be broadly consistent with the intent of RAIB's recommendations. ORR requested that RSSB therefore report against those specific actions.

Update

6. On 26 July 2023 RSSB provided the following update:

In response, RSSB had already set out its position in a letter to Keith Shepherd on 6 September 2019. This noted that the 2008 rules change referred to in the recommendation pre-dates several legislative changes, such as the Common Safety Methods (CSM) on Risk Evaluation and Assessment and CSM on Monitoring, both of which have reinforced safety related obligations. Since 2014, we have further strengthened our analytical documents, such as the introduction of the Business Case for Change (April 2020 onwards). This explicitly requires identification of impacts in seven categories, such as Legal Compliance, but also Health, Safety and Security. As a result, we proposed to re-brief the committees and relevant RSSB staff.

The briefings covered guidance on the separation of the legal obligations and standards; what a withdrawal of a requirement means; and the analytical considerations where a withdrawn requirement is linked to a secondary control and benefits or disbenefits may be difficult to quantify. The material will also be included as part of the regular committee member induction and incorporated in internal RSSB guidance to ensure that the lessons are not lost.

The briefings were given to the Standards Committee chairs on 1 March 2021 and included in the Standards Committee induction held on 21 April 2021.

The finalised materials were then briefed to the Standards Committees as follows:

- *Control Command and Signalling (06/04/23)*
- *Traffic Operations and Management (25/04/23)*

- *Energy (27/04/23)*
- *Infrastructure (09/05/23)*
- *Rolling Stock (11/05/23)*
- *Data, Systems and Telematics (06/06/23)*

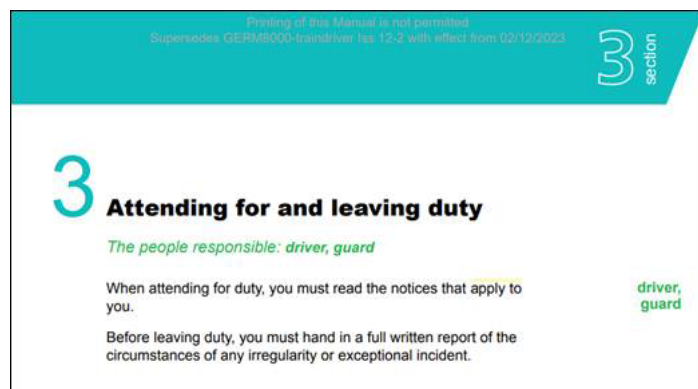
With the completion of the briefing programme, we consider the recommendation to be closed.

7. On 2 October 2023, RSSB provided the following additional information:

The changes to industry processes that were changed since the decision referred to in Sandy para 85 served to alter the landscape of how any change is made in our industry.

In terms of a change to the Rule Book, we moved from a situation in which a paper was presented to the Traffic Operations and Management Standards Committee (TOMSC) and a decision made by that group on the basis of the argument presented. Our original closure statement referred to the coming of (inter alia) the Common Safety Methods (CSM) on Risk Evaluation and Assessment and CSM on Monitoring, both of which have reinforced safety related obligations. Since 2014, we have further strengthened our analytical documents, such as the introduction of the Business Case for Change (BCC, April 2020 onwards). As we noted, from a paper to TOMSC, we now have a situation in which impacts in seven categories, such as Legal Compliance, but also Health, Safety and Security, need to be identified and assessed before any change can be made. By way of example, attached is a BCC relating to a rules change regarding defective on-train equipment. The rigour of the current process is evident.

The signing of temporary and emergency speed restrictions are now covered in [RIS-0735-CCS](#) (December 2018). However on the subject of notice cases, Section 3 of module [TW1](#) (Issue 13, March 2023) clarifies the responsibility placed on drivers and guards:



Regarding the final part of the recommendation, as outlined above, the process for changing a rule in the Rule Book had already been improved, as the

recommendation referred to a change made before this had happened. This left RSSB with the 'training' element of the recommendation's final part. This was covered in the briefings, which we rolled out to all Standards Committees currently in existence. To recap, the briefings covered guidance on the separation of the legal obligations and standards; what a withdrawal of a requirement means; and the analytical considerations where a withdrawn requirement is linked to a secondary control and benefits or disbenefits may be difficult to quantify. The material will also be included as part of the regular committee member induction and incorporated in internal RSSB guidance to ensure that the lessons are not lost.

8. On 1 November 2023, RRC provided the following additional information:

In 2006, TOMSC's decision to proceed with the work was based on the attached papers that were submitted to it, and targeted consultation took place accompanied by the attached impact assessment.

Prior to consultation, it was stated at TOMSC that a risk assessment had been carried out in developing the proposals, but other than some indications that this had influenced the content of the proposed new rules, it was not shared. This would not be the case under the Business Case for Change (BCC) process, where more detail would be required to aid decision making.

The proposal was not progressed to a conclusion because, as reported to TOM SC:

The Operations Efficiencies Group (OEG) concluded that EBW would not allow train movements to restart quickly enough after an extensive signalling failure. Therefore, OEG asked for proposals that could be implemented safely but more quickly than EBW or TBW.

(OEG was an earlier equivalent of Better Operations Programme Board tasked with identifying situations in which operating processes did not provide the most effective method of managing the event.)

There is some mention in associated surviving documents of consideration of analysing date and assessing specific identified risks. More detail and evidence would be required under BCC.

Because OEG did not support the proposal, an alternative proposal on 'driving on sight' was subsequently progressed, which provide a means of clearing trains from the portion of line affected by an extensive signalling failure, and this in turn was not adopted within the rules.

The process prior to 2008, while valid at the time, lacks the rigour of the BCC process, which requires a comprehensive presentation of the impacts under these seven headings:

- *Legal compliance and assurance*
- *Health, safety and security*
- *Reliability and operational performance*
- *Design and maintenance*
- *People, process and systems*

- *Environment and sustainability*
- *Customer experience and industry reputation*

In short, the BCC is a process where more proof of impact and risk must be presented. Hopefully a comparison of this example and the BCC example previously presented will clarify the situation.



EBW Changes Draft
b.pdf



4.1i 06 028 TS1
REview of Temporar

Recommendation 5

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RSSB should lead a review of how the proposal to remove the requirement in the rule book to notify drivers of emergency speed restrictions was managed. This review should:

- highlight any lessons learnt and consider the extent to which these have been addressed by the current processes which are applied by standards committees; and
- consider how RSSB and Railway Group members can best work together to monitor the effects of significant changes to the rule book, such that any unexpected consequences can be further managed or mitigated.

The outcomes of the review should then be used to inform any necessary improvements to the current processes and the training provided to persons involved in the evaluation of proposed changes to the rule book.

ORR decision

1. In its initial response on publication of the report, RSSB had partially accepted the recommendation and committed to consider the relevant findings of monitoring carried out by dutyholders and ORR when a change to a standard or operational rule was proposed; as part of the review process mandated by the Railway Group Standards Code, to take into account any intelligence in the application of standards; and to develop guidance for standards committees for reviewing the effectiveness of standards.

2. ORR's February 2020 discussions with RAIB noted that these proposed actions would be broadly consistent with the intent of RAIB's recommendations. ORR requested that RSSB therefore report against those specific actions.

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

- taken the recommendation into consideration; and
- is taking action to implement it, but a time-bound plan is not yet in place

Status: Progressing

Information in support of ORR decision

4. On 6 September 2019 RSSB provided the following initial response:

Following the discussion that we had on 20 August, this letter confirms that RSSB does not accept the recommendations directed to RSSB in the RAIB investigation of the overspeed incident at Sandy on 19 October last year.

In our prior engagement with RAIB we made our opinion clear that the investigation did not adequately consider the whole circumstances; the focus on the changes to the operational rules and actions of the standards committee was disproportionate and not reflective of current practice. We expressed concern that this could unduly undermine confidence in present arrangements and represents a missed opportunity for RAIB to target its recommendations on the true root cause(s) of the incident, and thereby direct the industry to effect workable safety improvements.

Central to our concern was the apparent reliance being placed by RAIB on the secondary risk control of providing notification of emergency speed restrictions in the late notice case. We also expressed concern that wider issues about the management of speed restrictions and the driver's fitness for duty should be considered further.

RAIB did take some of our concern into consideration but not to an adequate extent; the revision to the main body of the report in particular was less than we considered merited.

We partially accept the first part of the recommendation (number 5) placed on us to "highlight any lessons learnt ..." and we have already committed to review in detail the process and decisions made in 2007 in respect of this change to the Rule Book and implement any corrective actions identified.

We do not accept the second part of the recommendation to "consider how RSSB and Railway Group members can best work together to monitor the effects of significant changes ..." as we are not accountable for monitoring. We will of course consider the relevant findings of monitoring done by duty holders and the ORR when a consequential change to a standard or operational rule is proposed. Also, as part of our review process (required by the Railway Group Standards Code), we will take any intelligence in the application of standards into account, as guided by the standards committees. To support this, we have committed to develop guidance for standards committees for reviewing the effectiveness of standards.

Considering the rest of the content of the investigation report and taking into account previous work on the management of speed restrictions, we propose that a structured review of research, recent experience and practice is undertaken. The aim will be to develop an approach for the better management of speed restrictions taking into account safety benefit, operational requirements, human factors, technology and cost. This should be governed by a cross-industry group and we consider that the Train Accident Review Group is well placed to lead this. We will propose this approach and we welcome the ORR's support in doing so.

5. On 24 June 2020 RSSB provided the following update on recommendation 5:

With reference to Recommendation 5, we have already set out our position in the letter from Tom Lee to Keith Shepherd on 6 September 2019. The letter highlighted that the committee decision under scrutiny pre-dates several legislative changes such as the Common Safety Methods (CSM) on Risk Evaluation and Assessment and CSM on Monitoring which have reinforced safety related obligations. It also predates the current issues of the Railway Group Standards Code and the Standards Manual which were approved by the ORR and the industry in 2014. Since then we have further strengthened our analytical documents such as the introduction of the Business Case for Change (April 2020 onwards) which now explicitly requires identification of impacts in seven categories such as legal compliance as well as health, safety and security. Having reviewed the decision in 2008, we have identified a particular analytical issue around secondary controls which is as pertinent now as in 2008. Further details on the points above are provided in Annex B.

Recognising the improvements in the decision-making process already made, we propose to re-brief the committees and relevant RSSB staff over the course of 2020/2021 to address Recommendation 5. The briefings will cover guidance on the separation of the legal obligations and standards; what a withdrawal of a requirement means; and the analytical considerations where a withdrawn requirement is linked to a secondary control and benefits or disbenefits may be difficult to quantify. The material will also be included as part of the regular committee member induction and incorporated in internal RSSB guidance to ensure that the lessons are not lost.