

Oliver Stewart
RAIB Recommendation Handling Manager



30 May 2024

Mr Andy Lewis
Deputy Chief Inspector of Rail Accidents

Dear Andy,

RAIB Report: Buffer stop collision at Enfield Town station on 12 October 2021

I write to report¹ on the consideration given and action taken in respect of the recommendations addressed to ORR in the above report, published on 6 July 2023.

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 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.

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. Both recommendations were addressed to ORR when the report was published on 6 July 2023.
2. After considering the recommendations ORR passed recommendation 1 to Arriva Rail London and recommendation 2 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.
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 for Arriva Rail London's drivers to declare when they are significantly fatigued so that they do not drive trains when unfit to do so.

Arriva Rail London should review, and revise as necessary, its procedures for fatigue and attendance management to promote self-reporting by train drivers, and other safety-critical staff, when they feel that they are, or are likely to become, fatigued in a way that may affect their fitness to safely undertake their duties. It should also consider how these arrangements are briefed and implemented so that they proactively develop and maintain an environment where self-reporting of such fatigue is encouraged and considered acceptable, and where staff do not fear that there will be negative consequences if they do declare themselves unfit for duty. In addition, Arriva Rail London should put in place arrangements to monitor the effectiveness of self-reporting mechanisms for fatigue and identify areas for improvement. The review should consider best practice from other operators and transport systems.

ORR decision

4. In response to the recommendation, Arriva Rail London (ARL) have taken a number of actions aimed at improving the management of fatigue, including a review of its fatigue standard and guidance documents. ARL are keeping us up to date with progress, but have not yet provided a timebound plan for the completion of this work.
5. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, ARL has:
 - taken the recommendation into consideration; and
 - is taking action to close it

Status: Open.

Information in support of ORR decision

6. On 6 October 2023 Arriva Rail London provided the following initial response:

Arriva Rail London (ARL) have reviewed the recommendation, and currently have the following measures in place to promote the reporting of fatigue:

- *Train Drivers attend planned safety days, and in 2022, a key module of these sessions focused on the risk of fatigue, lifestyle management, and fatigue reporting.*
- *ARL have a colleague handbook titled 'The 24/7 Railway & Fatigue Management' which covers fatigue and lifestyle management, including proactive reporting of fatigue so that colleagues can be appropriately supported by their local management team.*
- *Business standard, SQE 12.02 'Managing Fatigue' sets out the processes by which the risk of fatigue is managed.*
- *Competence standards for various safety critical grades within ARL include criteria on preparation for duty, and the importance of reporting any issues that may affect ability to undertake safety critical work, prior to booking on for duty.*
- *Booking on controls including declarations on fitness for duty which safety critical staff are required to sign to confirm they are fit to undertake safety critical work.*

ARL recognised that further work was required following the publishing of the Enfield Town report.

In respect of the above, a fatigue risk management working group was set up, this reviewed and updated 'The 24/7 Railway & Fatigue Management' colleague handbook and the SQE 12.02 Standard, this group included trade union representatives.

The updated '24/7 Railway & Fatigue Management' document includes information on micro sleeps, and self-assessments of fatigue as per RSSB document 'Fitness for Duty and Assessing Fatigue: a Good Practice Guide' issue 2, March 2022. There is also guidance on causes and signs of fatigue, alertness and concentration, sleep apnoea, hydration, fasting and personal responsibilities.

The updated handbook promotes a culture of personal responsibility for managing fatigue and an assurance that individuals will not be penalised for self-reporting fatigue and is complimented by new management procedures detailing how to manage instances of self-reported fatigue within an updated SQE 12.02 Standard.

The above revised documents are currently going through detailed consultations, including our trade union representatives, it is anticipated that these documents will

have been approved for issue by the end of 2023, with supporting implementation plans.

7. On 19 December 2023 ORR wrote to Arriva Rail London as follows:

Thank you for the information provided. Having reviewed it, we have the following questions:

- Please can you provide copies of the following updated documents, including a markup showing changes between Issue 1 and Issue 2:
 - 'The 24/7 Railway and fatigue management' (SQE 20.7 - Issue 2)
 - The 'Managing fatigue' procedure (SQE 12.02 - Issue 2)
- Have there been any changes to the competence standard for safety critical grades as part of the review? If so, please can you provide marked up copies.
- Can you provide an implementation plan for how the arrangements within the updated '24/7 Railway & Fatigue Management' handbook and SQE 12.02 'Managing Fatigue' standard will be briefed and implemented.
- Can you provide details of the monitoring arrangements to monitor the effectiveness of self-reporting mechanisms for fatigue and identify areas for improvement.

8. On 10 May 2024 Arriva Rail London provided the following update:

'Action 3 – Owner MH and MM - to share timebound plan on fatigue standard updates'

Regarding the reissue of the 12.02 Fatigue Standard, our Head of Operations and I have continued to hold consultation meetings with the ASLEF Company Council representatives, the next is planned for 15th May 2024 where we hope to complete the consultation process.

The standard will then go through the Standards Review Group process, if required via an exceptional meeting, if the completion of ASLEF consultation falls outside the window for pre-SRG consultation of the document with the required stakeholders.

Through these recent discussions on Train Driver fatigue, we will now be incorporating Train Driver fatigue reviews / monitoring into our governance by way of the Level 2 meetings with the Train Driver Health & Safety Reps.

On the matter of development of the wider updated fatigue strategy, Mark and I are arranging a meeting with the newly appointed Arriva Group Fatigue Manager to discuss the wider fatigue strategy for ARL, of which the 12.02 standard will be a key part, but also considering culture within the business, overarching fatigue risk assessments, wellbeing promotion activities, how we can further enhance fatigue risk awareness within our training and briefing processes, and how data and intelligence related to fatigue issues within the business is captured and analysed.

We also recognise that there is the need to ensure the (further) work done on updating the version of the 12.02 standard for Train Driver fatigue management is replicated in the non-driver specific version of the 12.02 standard, we have addressed the issue of Train Drivers first, and separately, due to the complexities of consultation related to Train Driver terms and conditions, and getting this standard agreed and into use will address the most sizeable number of the ARL safety Critical workforce, but work on consulting and implementing the general version of this standard will follow directly on from the completion of the Train Driver version.

9. On 20 May 2024 Arriva Rail London provided the table below that shows the planned timescales for each of the activities around fatigue risk.

Stage	Timeframe	Comments
ASLEF consultation - Updates to (Driver) fatigue safety management standard	ASLEF consultation meetings now concluded, consultation comments feedback is being worked on between the Head of Operations and Head of Operational Safety on 20/05/2024 with a view to close-out the same week	
Wider consultation on updates to the fatigue safety management standards (Driver & Other Grades versions)	Through to early (planned end of first week) of June 2024	
Introduction of a standing agenda item for fatigue reviews / monitoring at Level 2 management / health & safety representative meetings	Due to commence 22/05/2024	To monitor the effectiveness of self-reporting mechanisms for fatigue and identify areas for improvement
Standards Review Group meeting	Early June 2024 (planned to within second week) of June 2024	Meeting to approve the updated fatigue safety management standards (Driver & Other Grades versions) into use. Alongside the fatigue safety management standards will be the implementation plan for

		each of the two documents showing how the changes will be embedded along with implementation timescales
Review meeting with Arriva Fatigue Manager	Meeting due to be scheduled for early June 2024	This will be a 'kick start' meeting for the updated ARL fatigue strategy, within this will be embedded the implementation plans for the newly fatigue safety management standards

Recommendation 2

The intent of this recommendation is for Network Rail to better manage the risks of collisions at buffer stops.

Network Rail, in conjunction with RSSB, should review its process, and associated guidance, for assessing the risks of collisions at buffer stops so that realistic values of risk are derived from it. This review should ensure that the contributions of engineered protection systems, such as TPWS, are correctly modelled as part of this process. Network Rail should also develop guidance for end users of the process so that they are able to determine what further risk reduction measures may be required to ensure that risks are reduced so far as is reasonably practicable

ORR decision

10. Network Rail has developed revised risk assessment templates for assessing buffer stop collision, which are currently being validated by RSSB. Once the validation work is complete, the risk assessment tool will be issued to Network Rail track engineers.

11. 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

12. On 31 October 2023 Network Rail provided the following action plan:

Action Plan

Please provide milestones with dates

The management of risk is being reviewed between Network Rail Track and Signalling departments to inform the risk assessment process, with a Bow Tie representation to revise the risk assessment templates across both disciplines. Work to produce the Bow Tie task was concluded in the last workshop held in October 2022. This has been shared with the ORR as part of the Kirkby recommendations.

A request for help has been raised with RSSB, project code being created to improve the review of Risk Assessment templates. The timeline for this work is yet to be confirmed.

As an interim measure an Excel model of the risk assessment process is being created to be used within Network Rail.

This work directly links to the work to deliver the Kirkby recommendations.

Evidence required to support closure of recommendation

13. On 25 January 2024 Network Rail provided the following update:

There is some progress, in that the revised buffer stop RA has been passed to RSSB for review, and there is work in progress to revise and publish the RSSB standards and the revised RA template.

There has also been collaboration between disciplines (this is a bit of a repeat as the post holders have changed) which resulted in decision to defer implementation of the revised RA template within NR as an interim action, which would require variation to RSSB standards. This was on the premise that the RSSB working group regarded this as a small incremental change and expect to progress relatively quickly.

14. On 29 April 2024 Network Rail provided the following further update:

The risk assessment tool is currently with the RSSB waiting to be validated (it's been with them since Jan), once this is done we are expecting it to be adopted into their standards and will be owned by my Risk team (the tool).

It will then be issued out to track engineers.

As they are validating as part of BAU it takes a bit longer so we are expecting it back in the next couple of months.

