Oliver Stewart
RAIB Recommendation Handling Manager

25 March 2025

Mr Andy Lewis
Deputy Chief Inspector of Rail Accidents

Dear Andy,

RAIB Report: Derailment of a passenger train at Carmont, Aberdeenshire on 12 August 2020

I write to provide an update[1] on the action taken in respect of recommendation 9 addressed to ORR in the above report, published on 10 March 2022.

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 9 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

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

Recommendation 9

This recommendation is intended to ensure that Network Rail makes effective use of safety learning from previous events.

Network Rail, in consultation with the Office of Rail and Road, should review the effectiveness of recent changes to its processes for ensuring that appropriate action is taken in response to safety recommendations. The review should aim to identify current obstacles to the thorough implementation of lessons learned from the investigation of previous events, and any additional measures that are needed to address them. As a minimum, the review should consider:

a) the business process and cultural change needed to ensure that agreed responses to recommendations are implemented in an appropriate and timely manner

b) ways of encouraging the open and accurate reporting of progress with implementation of agreed action plans

c) the monitoring and senior management review of the extent to which closed recommendations have been effectively implemented and embedded at a working level.

ORR decision

1.   The recommendation requires a review of changes Network Rail had made (just prior to publication of the RAIB Carmont report) to processes for ensuring that appropriate action is taken in response to safety recommendations and, where improvements are identified, that they are implemented effectively and properly embedded.

2.   Following the measures taken as described in our initial response to the Carmont recommendations of 9 March 2023, Network Rail have carried out three main pieces of work to close the recommendation: a recommendation management audit; closed recommendation audit; and a review of recommendations using the ORR RM3 criteria.

3.   The audits have helped to confirm the appropriateness of the changes introduced, by highlighting measurable improvements in the timeliness and effectiveness of implementation of actions. This is attributable to enhanced scrutiny to measure progress and clearer identification of responsible and accountable roles – accompanied by creating an environment encouraging earlier raising of concerns when delivery is threatened.

4.   The audits have also, particularly the RM3 review, aided Network Rail in understanding the cultural and systemic factors which sometimes constitute the obstacles referred to in RAIB's recommendation. These findings will also feed into identifying any further improvements to process.

5.   The Recommendations Management audit covers the business process and cultural changes made to confirm responses to recommendations are implemented

in an appropriate and timely manner. The report identifies an increase in the number of closure statements for RAIB recommendations being sent to ORR and therefore recommendations closed. Part C of recommendation 9 is delivered by the Closed Recommendations audit, which assess the extent to which changes as a result of safety recommendations (internal as well as RAIB) are embedded across Network Rail. There is also evidence of the ongoing scrutiny by senior managers within Network Rail, as required by this part of the recommendation.

6.   The closure statement from Network Rail confirmed the outcomes of the RM3 analysis of 5 years of RAIB recommendations, carried out to identify any common themes that might account for inadequate implementation, or disproportionate demands on resources in certain areas which might also explain shortcomings. Network Rail also carried out an audit of closed recommendations to check for adequacy of implementation. The audit had made a number of suggestions for improvement.

7.   ORR sought explicit confirmation of what the most common obstacles to effective implementation are – and, therefore, how Network Rail could demonstrate that its changes to process were targeted appropriately. This was provided in December 2024, supplementing the closure material already supplied in November 2023. It highlights the challenges around securing sufficient resources for delivery, the disruptive effect of changing priorities and the need to bid for necessary finance.

8.   Measures have been identified to address all these areas. Some of these are still evolving, such as the cost benefit analysis tool and other outcomes of recent work on understanding the costs and benefits of safety decisions. Initiatives are designed to encourage more realistic, deliverable actions that will be more likely to achieve sustained improvements.

9.   Since receipt of the November 2023 submission from Network Rail, ORR had continued to discuss how Network Rail would keep these topics under review in future and maintain its efforts to make any further changes required. We also emphasised that recommendation 9 is targeted at all safety learning, not just RAIB recommendations. These points are well understood.

10.   We conclude that Network Rail have delivered the requirements of the recommendation by providing strong evidence of improvement to processes, based on understanding the blockers to effective, lasting change. Network Rail have also provided evidence of having recognised the value of routine monitoring of delivery of safety recommendations and the importance of flagging problems quickly. Both are key in order to secure continuous improvement in the process.

11.   As suggested by the recommendation, ORR has worked closely with Network Rail to address the issues identified in this recommendation. Network Rail had made changes to its processes for progressing safety recommendations prior to the RAIB investigation and report. The first actions to address the recommendation were to review the changes in light of the investigation's findings.

12.   Recognising that this is a continuing process and one where there is value in maintaining dialogue between ORR and Network Rail we have committed to having

the issue of embedment of changes from safety recommendations (RAIB and internal) as a standing agenda item at our quarterly high-level safety meetings with Network Rail.

13.   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

14.   On 9 March 2023 ORR reported the following:

Network Rail is conducting a review of the effectiveness of changes to processes for ensuring that appropriate action is taken in response to safety recommendations. The review covers all changes to the process made in the last 2 years. The review is expected to be completed in July 2023.

Network Rail has also analysed all RAIB recommendations made in the last last 5 years using the ORR Railway Management Maturity Model (RM3) criteria. The analysis found a third of recommendations were the responsibility of Network Rail operations, imposing a significant workload. A significant proportion of RAIB recommendations were also on track and levels crossings.

Update

15.   On 28 November 2023 Network Rail provided the following closure statement and supporting documents:

[N220-12] Carmont Rec 9.doc   [N220-12] Carmont Rec 9 Level 2 Function   [N220-12] Carmont Rec 9 Level 2 Function   [N220-12] Carmont Rec 9 info.docx   [N220-12] Carmont Rec 9 Learning from F

16.   ORR asked Network Rail for an additional brief summary of how actions from the audit and improvements made to process were delivering sustained change. We were concerned that whilst we had received abundant material describing the outcome of the changes Network Rail had made, it was hard to find an explicit link to the obstacles to implementation that the various reviews had uncovered and confirmed. We wanted greater assurance that the improvements to process were appropriately targeted. Network Rail replied as follows on 1 December 2024:

There are three main obstacles we have observers to embedding change from safety recommendations, they are resources, financial and changing priorities.

The paper taken to ELT last year, highlighted these issues to them and the cultural issue we see brought on by changing priorities that other safety events can bring. ELT must continue to highlight importance of recommendation delivery, not just in the months following an accident but for years to come to keep the embedment and understanding of why the change was needed.
The introduction of the Cost Benefit Analysis tool and Independent Reporter report on safety benefit /spend will assist recommendation owners with scope and benefit of delivering recommendations.

The actions from the audit are all now closed but we continue to press the importance of recommendation delivery and embedment through an annual paper to ELT each May, and the Closed Recommendation Audit.
An update to the Recommendations Standard (NR/L3/INV/3001/901) has been completed and is due for publication in March 25. It highlights the accountability of embedment on the recommendation owner, not NRRP who oversee the governance process for RAIB recs.

We continue to use and improve our RM3 analysis on recommendations to help drive improvement on the root cause of recommendations.
We are committed to the importance of the delivery of safety recommendations and will continue to work on improvements in this area and the visibility to ELT.

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ORR decision

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3.   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

4.   On 20 April 2022 Network Rail provided the following action plan:

Action Plan

Please provide milestones with dates

For the avoidance of confusion this recommendation refers to the lessons learned from recommendations previously made in investigation reports.

Significant changes have been made to the recommendation management process over the last 12months, these include:

- Enhanced scrutiny at NRRP for RAIB and significant formal recommendations. This includes all action plans needing panel approval before being sent to the ORR, as well as all closure statements. Around 50% of all actions/closures require some amendments following panel.

- Quarterly meetings with the ORR Recs Handling Team are held with the NR recs team, they review all open recommendations (based on ORR data) and address any recommendations of concern or those requiring updates. There are currently 42 recommendations that NR have closed but the ORR are yet to agree to the closure, this number has reduced by over 50% in the last year.

- We now hold more recommendation progress meetings with the ORR to track progress against action plans, and provide update papers to ELT on the more high profile recommendations.

- An annual audit takes place by Internal Audit of the recommendation process, last year the audit was rated 'fair' based on the improvement works that had been put in place but could not yet be tested. The audit raised concern in a small number of cases that the closure information was based on future programmes of work or standard publications that the business did not deliver. Due to this concern the recommendations team reviewed over 600 closed recommendation, and have identified 21 that are currently being reviewed in more detail.

- The first L2 Special Topic Audit to test the embedment of a sample of closed recommendation is just being completed. This will provide the business and ELT with assurance of the embedment of recommendations at a working level (or where improvement is required).

- Significant Incidents paper provided to Tactical Safety Group every 6 weeks, this provides a round up of the reports reviewed by NRRP, significant issues (that may be related directly to a report or not) and a look ahead at what reports will be published over the coming few months. This paper is well received by TSG members and used by Senior Leaders for onward briefings.

- An update paper on recommendations is produced each quarter for SHEC Committee, this paper is currently used to update the committee on new recommendation but will be adapted to also provide an update on ongoing recommendations where necessary.

Improvements to the recommendation management process can take time to be truly tested for their impact, as such it is proposed that a full review of the changes and their effect is started in June 2022 (once the L2 audit for 21/22 in complete and published).

It is proposed that the annual audit completed by Internal Audit is used to test the effectiveness of all the implemented changes and to review how long term monitoring and delivery might be better tracked and reported.

Evidence required to support closure of recommendation

Review Report
Improvement plan with completion dates
Reduction in open recommendations with the ORR

5.	On 2 January 2023 Network Rail provided the following timescale extension:

230103
Recommendation Ext