Chris O'Doherty
RAIB relationship and recommendation handling manager
Tel No: 020 7282 3752
Email: chris.o'doherty@orr.gsi.gov.uk

2 October 2014

Carolyn Griffiths
Chief Inspector of accidents
RAIB
Cullen House
Berkshire Copse Road
Aldershot
Hampshire
GU11 2HP

Dear Carolyn

RAIB Report: Track worker struck by a train at Bulwell

I write to report[1] on the consideration given and action taken in respect of the recommendations addressed to ORR in the above report, published on 3 October 2013.

Annex A to this letter provides details of the consideration given/action taken in respect of each recommendation where all 4 recommendations either implemented or are being implemented. Annex B and Annex C provides the detail of the individual responses from each end implementer and are provided as separate documents..

We do not intend any further action n respect of these recommendations unless we become aware that any of the information provided becomes inaccurate, in which case I will write to you again[2].

We expect to publish this response on the ORR website on 10 October 2014.

Yours Sincerely

Chris O'Doherty

---

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

[2] In accordance with Regulation 12(2)(c)

Response

1.   All 5 recommendations contained in the report were addressed to ORR when the report was published on 3 October 2013. We passed all 5 recommendations to Network Rail on 17 October 2013 asking it to consider and where appropriate act upon them.

2.   Details of the consideration given and actions taken in respect of each recommendation are provided below.

Recommendation 1

The intent of this recommendation is that Network Rail provides information to those responsible for the planning, approval and verification of safe systems of work as to which safe systems of work it considers are appropriate for specific locations and circumstances.

Network Rail should make information available to those responsible for the planning, approval and verification of safe systems of work about which safe systems of work it considers to be appropriate for a specified section of the line. This information should support the application of the principles of the hierarchy of safe systems of work. Network Rail should ensure that the information:

- takes account of variations such as different types of work, resource levels, times of day and environmental conditions;
- is periodically validated and maintained; and
- is easily accessible to those responsible for the planning of safe systems of work.

Actions taken or being taken to address the recommendation

3.   In its initial response on 29 November 2013, Network Rail provided the following information:

Network Rail will undertake a review of the suitability of the current hazard directory classifications of Red Zone prohibited and restricted by June 2014 and will update the current Red Zone restrictions to identify where IWA is inappropriate. This information will be made available to planners through SSOWPS 2.

A review will be held with the ORBIS project team who are undertaking electronic mapping of the railway to explore the feasibility of using the technology to identify locations where sighting distances are likely to be deficient. This review will be completed by late summer 2014 and any resultant work identified in a project plan.

Network Rail are currently developing and testing a revised control of work process that fundamentally changes the process of planning, risk assessing, permitting, controlling and handing back all work undertaken on Network Rail infrastructure. New processes and roles will be implemented through use of new technology (e-permitting, integrated risk assessment and interactive mapping) that is widely used across other high risk industries and will result in provision of more suitable and user-oriented information at the point of work. Subject to a successful trial of the new

processes, technology and roles, full national roll out and implementation is proposed for January 2015. This will replace SSOWPS2.

Interim measures:

SSOWPS 2 was rolled out across all Routes from October 2012 and completed in February 2013. The previous system only allowed a single safe system of work, the new system has the capability of parallel working component, with the intent that when pre-planning to stay at the same mileage but utilise two different safe systems while on site and alternate between the two as part of the plan.

At the pre-planning stage; the planner is now defining the arrangements that are to be used at site to prevent the staff being endangered by approaching trains. The hierarchy range from safeguarded to lookout as appropriate.

SSOPWS 2 now automatically includes all the appropriate hazard directory extract items, such as Red Zone working prohibitions and restrictions, restricted sighting, noise hazards.

Timescale: 30 November 2014

ORR Decision

Network Rail had provided a completion date of January 2015 for its proposed actions,, this has now been extended to April/May 2015 when the Planiing and Delivering Safe Work (P&DSW) is expected to be complete, this will include producing maps that include Red Zone prohibitions. We await further information from Network Rail on the work resulting from the review with the ORBIS team. A post implementation review of the effectiveness of the new Control of Work process is to be undertaken in 2015. This should identify any remaining issues for further action, including specific areas of application. We are continuing to monitor Network Rail actions.

Status: In progress. We expect to update RAIB by 30 June 2015

Recommendation 2

The intent of this recommendation is to ensure that the use of Red and Green Zone safe systems of work is being effectively monitored.

Network Rail should review the effectiveness of the current arrangements in place to monitor the usage of Red and Green Zone safe systems of work. It should identify and implement any appropriate measures identified as necessary for this monitoring to be effective.

Actions taken or being taken to address the recommendation

4.   In its initial response on 29 November 2013, Network Rail provided the following information:

The Routes / Delivery Units now have a number of reports to utilise the effectiveness of Red & Green zone working.

The Red & Green Zone report is now fully operational in Business Objects; this provides each Delivery Unit with an overview of the current status for each discipline. This now includes the visibility of the use of additional protection when undertaking activity in green zone.

The second report is the line protection report, and this focuses on the protection required for a particular task (formally known as the Kennington codes), the majority of tasks within the Ellipse, have been allocated a TATI code (formally known as Kennington Codes) and they have been allocated a minimum level of protection associated with a particular task, so the report is able to identify when a level of protection utilised is different from planned, the other added addition to this report is that it can also identify when no protection has been recorded, nationally all Routes are averaging 97% for the correct protection method.

Planned activity is also visible in SSOWPS which enables a review of selected methods of protection.

Periodic assurance of the review process is underway and a special topic audit will now be undertaken Q3 2014 to review the effectiveness of the arrangements and actions taken.

Timescale: 30 September 2014

ORR decision

We have written to Network Rail requesting that it provides us with the outcomes of the special topic audit. They have confirmed that it has been delayed until 30 September 2014. We are continuing to monitor Network Rail actions.

Status: In progress. We expect to update RAIB by 31 January 2015*.*

Recommendation 3

The intent of this recommendation is for Network Rail to ensure that the resources required to plan and approve safe systems of work are adequate within off-track sections.

Network Rail should determine what resources are necessary for the effective planning and approval of safe systems of work within off-track sections. It should take action to ensure that the required resources are available and that systems are put in place to ensure that they will remain so should additional tasks be assigned to these sections in the future.

This recommendation may also apply to other parts of Network Rail where staff are required to work on or near the line.

Actions taken or being taken to address the recommendation

5.   In its initial response on 29 November 2013 Network Rail provided the following information

Network Rail is currently reviewing the resources necessary to safely manage its Delivery Units under the depot improvement programme assigned to Route Managing Director, London South East. Based on the Control of Work concept it is intended to clearly define the role of the planner and to optimise resource availability and support to the Section Manager. Consultation will be required at each Route / Delivery Unit to implement. The review will be completed by November 2014.

Additionally, Network Rail are currently developing and testing a revised control of work process that fundamentally changes the process of planning, risk assessing, permitting, controlling and handing back all work undertaken on Network Rail infrastructure. New processes and roles will be implemented through use of new technology (e-permitting, integrated risk assessment and interactive mapping) that is widely used across other high risk industries and will result in provision of more suitable and user-oriented information at the point of work. Subject to a successful trial of the new processes, technology and roles, full national roll out and implementation is proposed for January 2015.

Interim measures:

2b/c Performance Improvement Review (PIR) has recently completed and identified resource issues; follow up review on resource requirements is on-going. This will link in with the Control of Work concept, although any immediate issues will be separately addressed.

Timescale: 30 November 2014

ORR decision

Network Rail had provided a completion date of January 2015 for its proposed actions however this has now been extended to include results from the P&DSW which will provide a better arrangement for planning work with appropriate involvement of the individual undertaking the work. The requirement for adequate resource specifically within off track is being addressed separately through the Depot improvement programme. We are continuing to monitor Network Rail actions.

Status: In progress. We expect to update RAIB by 30June 2015.

Recommendation 4

The intent of this recommendation is for Network Rail to examine if the role of responsible manager has been effectively implemented within its organisation.

Network Rail should establish if the requirement within NR/L2/OHS/019 issue 8 for non-cyclic safe systems of work to be approved by the responsible manager has been effectively implemented. In doing this it should specifically consider:

- how the requirement was promulgated throughout its organisation;
- the briefing and training of responsible managers; and
- other barriers to implementation.

It should develop a plan to implement any appropriate changes identified.

Actions taken or being taken to address the recommendation

6.   In its initial response on 29 November 2013 Network Rail provided the following information:

Network Rail are currently developing and testing a revised control of work process that fundamentally changes the process of planning, risk assessing, permitting, controlling and handing back all work undertaken on Network Rail infrastructure. New processes and roles will be implemented through use of new technology (e-permitting, integrated risk assessment and interactive mapping) that is widely used across other high risk industries and will result in provision of more suitable and user-oriented information at the point of work. Subject to a successful trial of the new processes, technology and roles, national implementation is expected January 2015.

Interim measures:

NR/L2/OHS/019 issue 8, section 5.2 clearly defines the role of the responsible manager and the delegated authority. The focus is now on the reviewing process of the returned SSOWP, to identify the reoccurring themes with regards to non-completion of the documentation. This will inform control of work process.

Timescale: 30 November 2014

ORR decision

Network Rail had provided a completion date of January 2015 for its proposed actions however, this has now been extended to April/May 2015 to take account of the work included in the P&DSW.

In addition, NR/L2/OHS/019 issue 8 is no longer appropriate. It is currently under review and being rewritten to reflect changes to the approval and monitoring of effective implementation of non-cyclic safe systems of work that will occur with the new Control of Work/epermit system being introduced nationally in January 2015.

Status: In progress. We expect to update RAIB by 30 June 2015.

Recommendation 5

The intent of this recommendation is to provide staff required to go on or near the line with clear and consistent information regarding the calculation of required warning times when working alone.

Network Rail, in conjunction with RSSB, should review, and improve where necessary, the sections of the railway rule book and any standards, guidance and forms relevant to the patrolling, examining or inspecting of an open line when working alone. The review and any improvements made should aim to provide clear and consistent information regarding the calculation of required warning times.

7.   In its initial response on 29 November 2013 Network Rail provided the following information:

Network Rail will conduct a review (involving the Track Worker Safety Group) into the various sources of information on sighting distances and instructions to be followed when working alone with the aim of providing clear and consistent information regarding the calculation of required warning times.

Following this review any recommendations for change will be presented by 31 January 2014 with a view to making any amendments via the relevant channels (such as RSSB).

8.   On 6 March 2014 Network Rail provided updated information as below:

Following the review, RSSB submitted a late application to the December TOMSC meeting (at which ORR is represented) in direct response to this recommendation. The changes proposed were supported.

The amendment to the rule book will be implemented in June 2014. This will align the Rule Book with the way Network Rail already manages the risk for its own staff in that the company safe system of work planning system already incorporated the right elements in the warning distance calculation.

It will include the correct amount of time in the IWA sighting calculation.

ORR decision

Issue 3 of Rule Book GE/RT8000/HB6 was published in June 2014 therefore ORR has concluded that in accordance with the Railway (Accident Investigation and Reporting) Regulations 2005, it has:

• taken the recommendation into consideration; and

• taken action to implement it.

Status – *Implemented*