

RAIB relationship and recommendation handling manager

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22 April 2013

Carolyn Griffiths
Chief Inspector of Accidents
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Dear Carolyn

RAIB report: Two incidents involving track workers between Clapham Junction and Earlsfield

I write to report on the consideration given and action taken in relation to the recommendations from the above report published on 27 February 2012.

The annex to this letter provides detail of the consideration given and action being taken by Network Rail to address the recommendations where recommendations 1 and 2 have been implemented by alternative means, recommendation 5 has been implemented and recommendations 3 and 4 are 'in progress'.

ORR will continue to monitor the actions being taken by Network Rail in relation to recommendations 1 and 2 and will write again to RAIB if we become aware of an inaccuracy in what has been reported. We expect to provide an update to RAIB on recommendations 3 and 4 by 31 August 2013.

We expect to publish this response on the ORR website on 3 May 2013.

Yours Sincerely

Chris O'Doherty



Initial Consideration by ORR

All 5 recommendations contained in the report were addressed to ORR when RAIB published its report on 27 February 2012.

After considering the report / recommendations, on 18 April 2012, ORR passed all 5 Recommendations to Network asking it to consider and where appropriate act upon them.

Details of consideration given and any action taken, in respect of these recommendations are provided below.

Recommendation 1

The purpose of this recommendation is to reduce the potential for unsafe actions to be taken by a COSS when required to carry out unplanned work in unfamiliar and complex situations.

Network Rail should review and, if necessary, revise the arrangements for unplanned / emergency work to reduce the potential for:

- a. confusion when attempting to apply the rules for working in a possession but outside a work site; and
- b. confusion when sharing line blockages.

Options for consideration should include:

- simplification of the rules, and / or improved COSS training, relating to working in a possession but outside a work site;
- means to control the risk associated with a COSS planning the system of work in unfamiliar and complex situations (such as restricting the definition of an 'emergency situation' or by introducing additional checks on the proposed system of work);
- a review of the risk of shared line blockages for unplanned works and the identification of alternative approaches; and
- adoption of situational risk assessments to inform decision making in unfamiliar and complex situations (such as the 'Take Time' process being trialled by the Wessex Route).

Summary

1. ORR is satisfied that the specific points raised by RAIB regarding sharing line blockages and setting up SSOW outside a worksite but within a possession, is covered in existing COSS briefing material and further information about sharing line blockages specifically in emergency situations will be included in training material to be introduced in June 2013 (ORR have requested a copy of the proposed additions in advance).

Details of steps taken or being taken to implement the recommendation

2. Network Rail in its initial response 21 June 2012 advised that:

During 2012, Network Rail is fundamentally changing its approach to safety with a new vision for safety and wellbeing, a new safety strategy and a safety leadership and culture change programme. Core will be implementing 11 lifesaving rules in June 2012 and an invigorated close call process.

In a separate but linked part of the programme, Network Rail will be fundamentally reviewing the suite of standards and procedures with a view to a significant reduction in the number and complexity of the prescriptive requirements.

A change from the top of the company to exemplify and embed our values of honesty, openness, courage and service will increase trust across the company with competent frontline staff being empowered and expected to make better decisions about site safety.

With all of that significant change, we do not plan to make short term standards changes. But the COSS training and supplementary materials including Key Point Cards will be reviewed with stakeholders to check the current content and to identify any improvements to improve clarity.

Timescale: 31 July 2012 to review guidance

3. ORR in consideration of Network Rail's response, on 18 July 2012, concluded the response did not provide sufficient detail to allow ORR to make a considered judgement as to whether the recommendation is being adequately addressed. ORR met with Network Rail, 16 August 2012, to discuss the actions Network Rail is taking to address the recommendation, As a result Network Rail provided ORR with a revised response on 28 September 2012:

Network Rail accepts the intent of this recommendation, which is to reinforce the skills of people undertaking the role of COSS to reduce the potential for them to take unsafe actions. Much of this reinforcement and improvement will be achieved by the COSS Non-Technical Skills programme that is currently under development (further details below).

Network Rail does not believe that the detailed steps outlined in the recommendation will achieve the change the industry requires from COSSes when working in all scenarios/situations, not just unplanned work.

The Rule Book is clear on the process for working in a possession outside a worksite, and it is also clear on the competence need for a Protection Controller (PC) in situations where a line blockage is to be shared.

Network Rail will review the COSS Training Material, and publish any clarification or amendments required in the June 2013 publication, to ensure that the following are adequately addressed and reinforced:

- *work in a possession outside of a worksite (under the control of the PICOP);*
- *sharing a line blockage under normal and unplanned situations; and the role of a Protection Controller (PC);*

- *how a COSS should plan a safe system of work in the event of unplanned or emergency works.*

Network Rail is currently developing the COSS Non-Technical Skills (NTS) Programme. This is aimed at incorporating non-technical skills (e.g. exhibiting the required behaviours) training and development into the COSS selection process as well as technical competence. Details of this have already been shared with ORR Inspectors on 15 August 2012 and 5 September 2012.

The COSS NTS Programme will affect both new and existing COSSes, and will focus on the following skills associated with the effective practice of COSS duties:

- *Conscientiousness i.e. following the Rules not matter what;*
- *Working With Others;*
- *Communications (including Conflict and Challenge);*
- *Willingness and Ability to Learn;*
- *Planning and Decision Making.*

The NTS Programme will deliver a Leadership Day for all new COSS entrants, and will provide a Development Day for all existing COSSes.

The training programme will focus on the development and practice of these non-technical skills, but will also involve some situational and preferred work-styles analysis so that the individual builds an awareness of their areas for improvement as well as building a Development Plan to support progress. Set criteria, such as an individual's risk excitement, are expected to result in some candidates being identified as not suitable to hold a COSS competence.

By reinforcing core non-technical skills in the individuals within Network Rail's workforce and those within the contracting fraternity, individuals will be armed with the skills to manage challenge and to make decisions in accordance with the technical rules, in both planned and unplanned situations.

As discussed with the ORR, the COSS NTS training and assessment programme will go-live for existing COSSes from December 2012 and it will be available to all new entrants and industry-wide by 30 June 2013.

4. ORR having considered the above information, asked Network Rail if it would be implementing any short-term measures. On 21 June 2012 Network Rail advised:

With regards to recommendations 1 & 2, all of the actions described (COSS NTS, Leadership Conversations, Managing Site Safety) are either imminent in their delivery or already live, so Network Rail does not believe any short-term or interim measures are now necessary. Network Rail believes the longer term actions will deliver sufficient impact in a reasonable timeframe

5. ORR wrote again to Network Rail on 18 October 2012 acknowledging that 'Lifesaving rules' have been finalised and briefed to Network Rail staff, so that no one should be in any doubt that safety comes first but asked if any clarification or amendment was identified from the review of the COSS Training Material, and if so, what the amendment was and what was the justification of waiting until June 2013.

6. Network Rail in its response of 29 October 2012 advised that:

One amendment in terms of sharing line blockages will be made in June 2013 materials.

7. ORR has requested a copy of Network Rail's additional material when finalised. We also reminded Network Rail that it should have a suitable assessment to conclude that this amendment does not need to be included with the issue of December 2012 material or that some other method of communication is not necessary before June 2013.

ORR decision

8. After reviewing information received from Network Rail, 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.

ORR will undertake assurance activity and will write to RAIB again if it becomes aware that the information below is inaccurate.

Status: Network Rail is taking action to implement the recommendation – by alternative means

Recommendation 2

The purpose of this recommendation is to reduce the pressure on an engineering supervisor and / or COSS when there is an unplanned interruption to the normal passage of trains, due to a possession overrun or the need for emergency engineering access.

Network Rail should develop a set of proposals for managing the pressures related to train performance on those responsible for setting up protection arrangements for access to the railway in unplanned and / or emergency situations. This might include (but should not be limited to):

- a. improving the mutual understanding of the challenges faced by shift leaders in maintenance delivery units and incident controllers at route control centres, for example by providing regular experience of working in each other's environments;
- b. a suitable briefing to remind trackside staff, as well as route controllers, that trackside staff themselves should decide the most appropriate protection arrangements for carrying out emergency work; and
- c. the provision of clear protocols on communication and co-ordination arrangements in situations where pressure may arise particularly where performance may conflict with safety.

Summary

9. ORR is satisfied that the 'life saving Rules' underpin the principle that a SSoW needs to be in place before allowing access to the railway to respond to unplanned and / or emergency situations and is understood by senior managers.

Details of steps taken or being taken to implement the recommendation

10. Network Rail in its initial response 21 June 2012 advised that:

Network Rail's new vision for safety and wellbeing, to be launched in summer 2012 will reinforce that safety is at the core of everything Network Rail does, delivering business improvement through safety.

In parallel, Network Rail's devolution (implemented nationally since this event) created 10 routes bringing operations and maintenance activity under common local management.

And in our Wessex route, the deep alliance that started in May 2012 continues the process of local ownership to enable one management team to take account of maintenance, and operational priorities.

In devolved routes, there is an improved understanding between signallers and maintenance staff with examples of joint work to develop exactly what 2a seeks.

The implementation of 11 lifesaving rules, including one that clearly lays out the expectations for setting up safe systems of work, with consequences for non-adherence, are designed to support those who are faced with performance/safety decisions.

Timescale: Summer 2012

11. ORR in consideration of Network Rail's response, on 18 July 2012, concluded the response did not provide sufficient detail to allow ORR to make a considered judgement as to whether the recommendation is being adequately addressed. ORR met with Network Rail, 16 August 2012, to discuss the actions Network Rail is taking to address the recommendation, As a result Network Rail provided ORR with a revised response on 28 September 2012:

Network Rail accepts the intent of the recommendation but believes that the detailed steps recommended could hinder the launch of the new Safety Vision and Strategy being rolled out across the business, and would not want to dilute the message.

Network Rail therefore intends to meet the intent of this recommendation by:

Network Rail's vision for Safety and Wellbeing, launched in summer 2012 reinforces safety as being at the core of everything Network Rail does.

Network Rail's allied 11 Lifesaving Rules include one that clearly lays out the expectations for 'having a valid safe system of work in place before going on or near the line'.

Supporting the Lifesaving Rules is a programme to implement a 'Just Culture' through the application of a consequences model where there are appropriate consequences associated with non-adherence to a Lifesaving Rule depending on the circumstances/behaviour that led to the breach.

Most of the outcomes from the consequences matrix lead to support, training and other positive reinforcement of better decisions. The Lifesaving Rules are designed to support those who are faced with performance/safety decisions to enable them to make good safety decisions.

This is further reinforced by the launch of the Safety (Leadership) Conversations Programme – where training started in August 2012. The purpose of the Programme is to develop managers into accepting challenges on safety and holding good safety conversations to reinforce safety when performance is also an issue.

Improving the skills of the managers to hold safety conversations with the workforce will help to reinforce the message of 'safety first'. Network Rail is committed to delivering training to the first 90 executive and senior leaders by December 2012 and to have reached all 450 by June 2013.

Front Line Supervisors are currently undergoing a Managing Site Safety Programme which focuses on non-technical skills development; so that Front Line Supervisors can support and reinforces COSSes in making good safety decisions to implement the most appropriate safe system of work. 2515 front line supervisors have completed this programme in the last 12 months, and the remaining 2000 will be trained during 2013.

12. ORR having considered the above information, asked Network Rail if it would be implementing any short-term measures. On 21 June 2012 Network Rail advised:

With regards to recommendations 1 & 2, all of the actions described (COSS NTS, Leadership Conversations, Managing Site Safety) are either imminent in their delivery or already live, so Network Rail does not believe any short-term or interim measures are now necessary. Network Rail believes the longer term actions will deliver sufficient impact in a reasonable timeframe.

ORR decision

13. After reviewing information received from Network Rail, 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.

ORR will undertake assurance activity and will write to RAIB again if it becomes aware that the information below is inaccurate.

Status: Network Rail is taking action to *implement the recommendation – by alternative means*

Recommendation 3

The purpose of this recommendation is to determine whether, following the proposed changes to Assessment in the Line, the workload of Track Section Managers is reasonable. If necessary, the role should be restructured to strengthen the supervision of staff competence.

Network Rail should review the workload of Track Section Managers, to determine whether it is reasonable, taking account of the changes which are due to be introduced in 2012 as part of the 'Assessment in the Line review project'. This review should include the requirement to manage technical, managerial and administrative tasks; specific attention should be given to the work associated with the management of staff competence and on-site surveillance. If this review identifies that the workload of the role is unreasonable following the proposed changes, practical steps should be taken to restructure responsibilities to improve the delivery of safety-related activities.

Summary

14. Network Rail is carrying out a review planned to be completed by May 2013

Details of steps taken or being taken to implement the recommendation

15. Network Rail in its initial response 21 June 2012 advised that:

An initial review of the workload of TME [Track Maintenance Engineer] and SMs [Section Managers] has been undertaken by the former Maintenance Strategy & Programme Director and the Professional Head of Track.

Locations visited included London Bridge, Derby, Clapham, Ely, Euston, Westbury and Newbury. These were undertaken via informal discussion with the TME or SM.

Issues and concerns which were raised during these visits included:

- *Access availability.*
- *Changes to the work plan.*
- *Workload arising from SSOWPS [Safe System of Work Planning System process], self-assurance process, emails, performance conferences and paperwork.*
- *Diminished HR [Human Resources] support.*
- *Quality (competence and experience) and availability of key staff.*
- *Ability to recruit.*
- *Perception of budget availability.*
- *NCAP [National Core Audit Programme] process – volume of NCRs [Non-Conformance Reports] generated.*

As a result of this Network Rail's Chief Executive has remitted a comprehensive review of Network Rail's Engineering and Operations working arrangements (somewhat loosely described as Standards and Competences).

This includes the specific objective of improving the working environment of key frontline managers including Track Section Managers and Assessment in the line.

The other issues raised by the visits to delivery units will be taken into consideration.

Timescale: The review will complete in May 2013 but will make improvements progressively through the next year.

16. ORR in consideration of Network Rail's response, on 18 July 2012, concluded the response did not provide sufficient detail to allow ORR to make a considered judgement as to whether the recommendation is being adequately addressed. ORR met with Network Rail, 16 August 2012, to discuss the actions Network Rail is taking to address the recommendation. Network provided ORR with a revised response on 5 November 2012:

In addition to the response of 22 June 2012:

...Network Rail considers that the work tasking of Track Section Managers should be better focused.

... Network Rail will use a comprehensive risk model to consider whether the workload in Assessment in the Line is proportionate to the risk it is seeking to mitigate and whether there are any unintended consequences of such a regime.

This may lead to re-structuring of activity or potentially a re-structuring of the role. It is important that all aspects of the role are considered before making changes that could make matters better in one respect and worse in another.

This work is being done under the auspices of the Executive Rules Programme.

Timescale: The review will complete in May 2013.

ORR decision

17. After reviewing information received from Network Rail, 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.

ORR intends to meet with Network Rail to progress this workstream.

Status: *In-progress* ORR will update RAIB in August 2013

Recommendation 4

The purpose of this recommendation is to improve the competence of track maintenance staff in safety-critical roles, particularly when exposed to situations with which they are unfamiliar.

Network Rail should review the adequacy of training and assessment of track maintenance staff to deliver practical competence, particularly in skills or situations

which are encountered infrequently. Where necessary, improvements should be made to enhance current processes. Consideration should be given to:

- a. the extent to which it is appropriate to have detailed and complex rules for responding to infrequently-encountered situations;
- b. methods of providing experience in situations which an individual may encounter infrequently;
- c. identifying methods of assessment for situations which it is unlikely a line manager would normally be able to observe;
- d. reassessing safety-critical competences when there are significant changes in an individual's work pattern, e.g. changing from day patrolling to planned maintenance work on permanent night shifts; and
- e. reinforcing the need for regular face-to-face reviews of staff performance and competence by line managers.

Summary

18. ORR is satisfied with Network Rail's response and agrees with Network Rail's course of action.

19. ORR believes that Network Rail has correctly identified that the volume of rules and standards together with task based prescriptive training regimes appear to have a negative impact on competence. Network Rail is therefore taking action to change its competence training regime from *task-based to role-based*, focusing on behaviours of safety critical staff and to equip them with the skills to make the right decision in circumstances they are confronted with.

Details of steps taken or being taken to implement the recommendation

20. Network Rail in its initial response 21 June 2012 advised that:

While there are processes in place to regularly review Network Rail's training and assessment methods, Network Rail believes that the intent of this recommendation is best delivered through the fundamental review of Network Rail's Standards & Competence Management System.

The review started in May 2012 and will conclude in July 2012. Subsequent actions plans with dates for implementing the proposed changes will be published in August.

In parallel, our safety leadership and culture change programme, lifesaving rules and new vision for safety and wellbeing, to be launched in summer 2012 will reinforce the principles of 'real time risk assessment' in Network Rail's culture alongside the 'Life saving Rules'. It would be counterproductive to respond by further tightening the competence and standards regime.

Timescale:

- *Review to be concluded in July 2012 and action plan to be published in August 2012.*
- *Safety leadership and culture change programme, lifesaving rules and new vision for safety and wellbeing, to be launched in summer 2012.*

21. ORR in consideration of Network Rail's response, on 18 July 2012, concluded the response did not provide sufficient detail to allow ORR to make a considered judgement as to whether the recommendation is being adequately addressed. ORR met with Network Rail, 16 August 2012, to discuss the actions Network Rail is taking to address the recommendation.

22. Network provided ORR with a revised response on 11 October 2012:

*Consideration is being given to this recommendation under the headings of **why, what, when** and measures of success.*

Why?

Network Rail recognises the need to improve the competence of track maintenance staff in safety-critical roles, particularly when exposed to situations with which they are unfamiliar. In doing so, however, Network Rail must address the causal factors that are preventing individuals and teams recognising and addressing safety situations

The key issue compromising staff competence is the complexity and volume of rules that staff are required to follow, with little clarity of responsibility or accountability. These "standards" are now so widespread and impenetrable that they are no longer serving a practicable compliance purpose.

In parallel, Network Rail has a very prescriptive training & assurance regime; the theory is excellent, but the practice and output is not. Whilst initial training regimes are in place, their focus is on tasks rather than roles, and the bureaucracy of on-going competence management (effort on assessment & verification) by Line Managers, hinders the on-going competence development of individuals.

Network Rail has contrasted our approach with other organisations, where Network Rail noted the following:

- *competence levels were inversely proportional to the amount of prescription required in the documentation;*
- *role-supporting guidance and information was linked to risks in the business*
- *training and competence requirements were broadly based on role and not task*
- *critical roles in the business were defined and certificated; and*
- *competence was re-tested periodically according to the risk level and complexity of the tasks involved in the role.*

What?

Network Rail has recently rolled out its Life Saving Rules aimed at providing clear and unambiguous lines in the sand in areas where our colleagues are at greatest risk. This is the first tangible step on the culture change journey that Network Rail believes will make our colleagues safer and more efficient.

The next step in Network Rail's culture change journey is to extend this approach to all other key risks facing our business and in doing so, remove "standards" in areas where there is little or no risk.

Network Rail intends to replace its "standards" regime with a risk management framework to bring purpose, structure and continuous improvement into the current system of how Network Rail works.

Network Rail will introduce a number of Executive Rules (Life-Saving Rules is the first), that will be supported by a hierarchy of controls which will provide more flexibility to staff both in terms of how they might manage lower-level risks as well. These will set out WHAT needs to be achieved but will leave the Routes, IP, NDS etc. the freedom to determine HOW to achieve compliance with the rule.

Compliance with the Executive Rules will be mandatory and therefore Temporary Non-Compliances will no longer be acceptable. In areas not covered by an Executive Rule, Network Rail will provide support through Guidance and Business Processes that will help it deliver efficient ways of working.

This integrated management system will bring purpose and structure to the existing way of working – and drive simplification and systematic improvement. It will define minimum expectations of people and their roles, link clear standards & guidance to the expectation, assess how well standards and guidance are being followed, and define improvement actions if conformance is low.

Within this integrated management system, the roles (of Network Rail people) need to be designed as 'barriers' to business risks. Network Rail's focus will be on key Safety & Performance-critical decision-making roles and to provide clarity of responsibility and accountability.

Network Rail will introduce role-based training tailored to the capability and risks that those roles are managing. Training needs to comprise both behavioral and technical elements, and a wider understanding of the impact of a role's decisions on the rail system.

Going forward, the aim is to train people before taking up a role or promotion, and to provide an accompanying career development framework.

Network Rail also wish to ensure each key role is accompanied by a 'How to' manual designed to support the role incumbent. Network Rail is also considering changes to the assessment-in-the-line process which we know is inefficient and not risk-based in its approach.

Network Rail intends to introduce risk-based assurance through a combination of a mandatory line manager Annual Review of Competence, independent observation of high risk activity to provide deeper levels of assurance (aligned to Management System's key risks), a frequency of assessment regime based on risk, with a recognition that lower risk activity can be covered by direct supervision or 'train & trust'.

Network Rail intends to pilot its design with a control group of the following 7 key roles within Track:

- *Track Maintenance Engineer*
- *Assistant Track Maintenance Engineer*
- *Section Manager (Track)*
- *Section Supervisor (Maintenance)*
- *Team Leader (Maintenance)*
- *Technician (Maintenance)*
- *Operative (Maintenance)*

When?

The transition from task to role-based competency needs to be carefully managed and Network Rail is currently considering how this can be achieved without introducing additional risks.

Network Rail's plan is as follows:

- *Stage 1 (September – October 2012) will define the project and ensure alignment with Network Rail's key risks.*
- *Stage 2 (October – December 2012) will design (with stakeholders) the competence frameworks, training course modules and content, and the implementation programme for our revised risk-based assurance model (draws on lessons from RSSB).*
- *Stage 3 (January – March 2013) will implement training for Line Managers and pilot our design with the first control group of 7 key roles within Track.*

Measures of Success

Network Rail's intent is that this role-based competency model (derived from key risks) will drive improved behavioural compliance. It will generate more time for Line Managers to identify staff development requirements by focusing on a risk-based approach to competence management.

In conjunction with Network Rail's Life-Saving Rules (e.g., only conduct an activity that you are trained and assessed as competent to do); it will also introduce greater personal ownership of competence.

Network Rail expects to see improvements in the following:

- *Non-productive hours (prepared prior to role, less knowledge testing)*
- *Technical Non-Compliances (no latitude on mandatory risks)*
- *Verification Non-Compliances (no competence latitude for mandatory risks)*
- *Records of Development Actions (systems tools in place to assist Line Managers)*

- *Safety & Performance Metrics (trained for role, clarity of accountability, more autonomy and trust in low-risk activity, less bureaucracy delivering more innovation and commitment)*
- *Staff Engagement Scores*

23. Network Rail provided ORR with further information on 24 January 2013 advising:

Network Rail has looked at the recommendation in the round in terms of improving the competence of staff in safety-critical roles, noting the point about encountering unfamiliar situations.

Clearly, there are limits to training staff for every eventuality (whilst we do endeavour to maintain a realistic approach to developing competence). Perhaps another way to think about mitigating this particular risk is to develop the types of behaviours that allow people to cope better, when confronted with unfamiliar situations. Hence the integration of 'behavioural training' into Network Rail's technical training programme.

The first programme of which has been the new COSS training for the industry. This is built around a behavioural and safety culture framework that includes such competences such as 'controlled under pressure, risk-awareness etc.' All of which help to mitigate the risks associated with unfamiliar situations.

Network Rail provided ORR with a 'toolkit', which provided some confidence in the rigour that Network Rail is now applying to incorporating these behavioural skills into all of its technical training.

A representative of ORR, recently attended the new course and fed back that "the course was a massive step forward with intricate links to the changes we are seeking in both culture and workforce safety. It is part of the overall move towards more competent people able to take sensible risk-based decisions."

In the medium term, Network Rail also designing a new Role-Based Capability training packages to include scenario-based training as a matter of course – Network Rail want to close the gap in terms of realism wherever we can, but more importantly, specifically prepare people for the roles and the risk-environments for which they will be responsible.

Consequently, there is a range of actions Network Rail is taking to address this recommendation – some of which are listed below and could helpfully form the basis of further discussions:

- *Network Rail Safety Leadership Culture Change Programme (it's OK to stick your hand up and say "I don't feel confident doing...." without recrimination)*
- *Network Rail specific Life-Saving Rule around competence ("Never Undertake an activity unless you have been trained, assessed as competent and have the right equipment").*
- *The integration of behavioural training into all Network Rail technical offerings – COSS programme now in play across the industry.*

- *More scenario-based training afforded by the transition a Role-Based Capability approach to competence.*
- *Network Rail's change in approach to skill fade and competence assessment – instead of a one-size fits all, we are now using a task hazard analysis (which includes issues such as frequency of undertaking task, complexity etc.) to better determine the frequency of competence assessment.*

24. After reviewing information received from Network Rail, 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.

ORR has written to Network Rail requesting further evidence and timescales for its actions. We will update RAIB when this information has been received.

Status: *In-progress* ORR will update RAIB in August 2013

Recommendation 5

The purpose of this recommendation is to increase the likelihood that a signaller will be correctly informed that an ESR has been implemented by an appropriate person.

Network Rail should amend its company standards to clarify who is responsible for informing the signaller that the equipment for an emergency speed restriction has been set up, and that it is no longer necessary to caution trains.

Summary

25. Standard NR/L3/SIG/MG0110 Issue 3 places the responsibility on the “initiator” of the speed restriction to provide information to the signaller. ORR agrees with Network Rail that it is not appropriate to define a responsible role as the activity is competence driven and many Network Rail roles can hold the competence.

Details of steps taken or being taken to implement the recommendation

Network Rail in its initial response 21 June 2012 advised that:

The imposition of an Emergency Speed Restriction can be the result of a number of lineside or infrastructure related issues. As such, the most appropriate method of reaching all those who would be involved in implementing such arrangements is to include the requirement within the training and assessment regime for the Controller of Site Safety (COSS).

The training and assessment materials for all Track Safety competences are reviewed bi-annually as a result of the Rule Book changes. The next scheduled review commences in July for the December 2012 changes and this requirement has been included in the items to be considered for inclusion.

The proposed changes will be effective in the training and assessment materials planned for issue in December 2012.

Timescale: 1 January 2013

26. ORR in consideration of Network Rail's response, on 18 July 2012, concluded the response did not provide sufficient detail to allow ORR to make a considered judgement as to whether the recommendation is being adequately addressed. ORR met with Network Rail, 16 August 2012, to discuss the actions Network Rail is taking to address the recommendation, As a result Network Rail provided ORR with a revised response on 28 September 2012:

The arrangements for the imposition of Emergency Speed Restrictions by Maintenance staff, is defined in the Standard NR/L3/SIG/MG0110 "Imposition and Removal of Emergency & Temporary Speed Restrictions". This standard was re-issued in June 2012 (Issue 3) with a compliance date of 1st September 2012. The standard has been briefed to all Delivery Unit Maintenance staff through the Maintenance Standards Awareness Cascade Briefing Process.

27. Network Rail also provided ORR with a copy of Standard NR/L3/SIG/MG0110 and the supporting brief.

Extract from Network Rail's 'Standards Awareness Brief June 2012':

NR/L3/SIG/MG0110 Issue 3 - Imposition and Removal of Emergency and Temporary Speed Restrictions 01 September 2012

- *Comments: This procedure details the process for the imposition and subsequent removal of emergency and temporary speed restrictions by maintenance staff on Network Rail infrastructure*
- *All scenarios requiring the use of emergency and temporary speed restrictions are included.*
- *This procedure covers maintenance responsibilities only. The process for initiation of an emergency or temporary speed restriction by any function other than maintenance is not covered in this document. Reference should be made to other functional procedures for details of their process.*
- *What's New/ What's Changed and Why: Clause 5.1.2 previously did not state what information the initiator of the ESR should provide to the signaller, instead it was a cross reference to the rule book (which contained this information). This clause has now been expanded and tells exactly what information the signaller requires from the ESR initiator.*

Technical Briefing – None Required

Awareness Briefing – IMDMs - IMEs, ISMs TMEs, S&TMEs, All Section Managers (Track & Signalling)

28. ORR requested further information on 20 December 2012: Having reviewed both the briefing slides and the updated standard, we felt neither stated who (by role- e.g. COSS) is responsible for communicating to the signaller when ESR set up. It

does say the initiator of the ESR should do this though – we asked whether this was sufficient or should a specific role be named. The briefing / amendment to the standard concerns the information to be provided rather than by who, which was the thrust of the RAIB recommendation?

29. Network Rail provided ORR with a further response on 15 January 2013:

In the standard the responsibility is given to the “initiator” of the speed restriction to provide information to the signaller and the revised standard confirms the information required. It is not appropriate to define a responsible role as the activity is competence driven and many Network Rail roles can hold the competence.

As the application of speed restriction is more widely used for asset protection (track defect) than it is for staff protection, it seems inappropriate for the role of COSS to be identified for this activity.

ORR decision

30. After reviewing information received from Network Rail, 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 implement it.

ORR will write to RAIB again if it becomes aware that the information below is inaccurate.

Status: *Implemented*