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12 June 2020



Mr Andrew Hall
Deputy Chief Inspector of Rail Accidents
Cullen House
Berkshire Copse Rd
Aldershot
Hampshire GU11 2HP

Dear Andrew,

RAIB Report: Near miss with a group of track workers at Egmonton level crossing, Nottinghamshire on 5 October 2017

I write to provide an update¹ on the action taken in respect of recommendations 1 & 2 addressed to ORR in the above report, published on 9 August 2018.

The annex to this letter provides details of the action taken regarding the recommendations. The status of recommendations 1 & 2 is '**Implemented**'.

We do not propose to take any further action in respect of the recommendations, 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 on 15 June 2020.

Yours sincerely,

Oliver Stewart

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

Recommendation 1

The intention of this recommendation is to both strengthen safety leadership behaviour on site and reduce the occurrences of potentially dangerous rule breaking by those responsible for setting up and maintaining safe systems of work (i.e. COSS, SWL, PIC) (paragraph 117a).

Network Rail should review its processes for monitoring and managing the safety leadership of its staff in COSS, SWL or PIC roles, in order to identify improvements such that only those who exhibit satisfactory safety attitude, leadership and compliance with safety rules and procedures, undertake these roles. The review should include consideration of the following:

- a) risk based analysis of the non-technical skills required for different work scenarios (ie under protection and warning systems of work);
- b) evaluation of the effectiveness of non-technical skills training since its initial introduction;
- c) assessment tools (eg COSS pre-course workbook, 360 degree feedback) to assist managers with monitoring the ongoing suitability of staff for safety leadership roles; and
- d) using re-certification training and assessments, independent of line managers, to reinforce good safety leadership and the importance of compliance with the rules.

Network Rail should then implement the identified improvements to relevant working practices and procedures.

ORR decision

1. Network Rail have reviewed their process for managing and monitoring safety leadership for track workers, taking into account each of the areas identified in the recommendation.
2. 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 implement it

Status: Implemented.

Previously reported to RAIB

3. On 8 August 2019 ORR reported the following:

We are aware of work Network Rail is doing to improve the non-technical skills of track workers to improve safety leadership, but the information provided in the formal initial response does not cover everything we know is being done. We are awaiting a more detailed response from Network Rail and will update RAIB as necessary.

Update

4. On 4 February 2020 Network Rail provided a closure statement and stated the following:

A) *Network Rail have reviewed the processes for monitoring and managing safety leadership in trackside competencies, NR Training engaged consulting company PA consulting (report attached) to review the training and requirements of the delegates, NTS and preselection prior to attending.*

This report confirmed the previous NR's own internal staff's review findings.

This information was then adapted to form the requirements of the revised course materials, the components of the business process NR/L2/OHS/019 safety of people at work on or near the line, hierarchy of control (section 7 table 2) were also updated in the course materials.

B) *Evaluation of the NTS is ongoing as staff continue to attend courses and recertifications example of the trainer revers are attached in screen shots.*

C) *Assessment tools have been considered, but the use of a pre course workbook or 360 degree feedback was not the best method. Workforce Safety and NR Training continue to work together to find/decide the most practical solution for the industry.*

D) *Network Rail staff will follow the industry process for COSS training full course New and recertification they will no longer be permitted to be deemed competent through the Annual Capability Conversation (ACC). Unfortunately, the planned role out for this has been delayed until July 2020 to allow NR training to recruit sufficient trainers to meet the demand for courses and potential inconsistencies it has also allowed the course to be updated to includes new Virtual Reality materials to improve hazard perception without the need to be taken trackside.*

Recommendation 2

The intention of this recommendation is to mitigate the potentially adverse effect that client-contractor relationships can have on the integrity of the Worksafe procedure when contract workers are not willing to challenge unsafe systems of work set up by Network Rail staff in safety leadership roles, due to the fear of losing future employment (paragraph 117a).

Network Rail should assess the effectiveness of its existing processes when its staff act as COSS, SWL or PIC to a team of contractors on site, and consider what additional measures can be taken to enable effective challenge in the event that an unsafe system of work is set up. Options for consideration should include:

a) using only those who are experienced in managing contractors;

- b) including an experienced COSS from the contractor team to review the system of work prior to commencing work;
- c) using an additional Network Rail staff member as part of the work team to perform a challenge function; and
- d) reinforcing the importance of inviting questions as part of the safety brief.

Network Rail should then implement the identified improvements to relevant working practices and procedures

ORR decision

- 5. Personal Track Safety (PTS) training material has been amended to encourage staff to ask questions about the safe system of work during the safety briefing.
- 6. Network Rail have considered the other options identified by RAIB for possible ways to enable track workers to challenge unsafe systems of work and largely rejected them as impractical.
- 7. 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 implement it

Status: Implemented.

Previously reported to RAIB

- 8. On 8 August 2019 ORR reported the following:

As with the response to recommendation 1, we are aware of work Network Rail is doing to improve safety leadership. We are awaiting a more detailed response from Network Rail and will update RAIB as necessary.

Update

- 9. On 4 February 2020 Network Rail provided a closure statement and stated the following:

*Network Rail has reviewed the **effectiveness** of its existing processes*

A) Currently this would be unmanageable, there are approx. 7000 COSS's who work for NR, to restrict work planning to those with experience would greatly affect the

ability for work flexibility and to gain experience you need to be allowed to carry out the role in many scenarios.

B) *This is also not practical as the current contractual arrangements do not specify experienced COSS's, as in response above experience is gained by carrying out the task/activity, all COSS's complete their training and mentoring and deemed sufficiently competent any COSS who has responsibility under 019 standard taking part in the work or leading should be reviewing and agreeing with the SSOW being utilised, this is not new.*

C) *This is also not practical/manageable requiring a resource who's main function would be to challenge a colleague. As part of the revision of all trackside training materials there are elements built into the courses (components attached) which require/given opportunity to candidates to challenge were the SSOW briefing is not sufficiently clear and understood, the trainer also now has the requirement to monitor candidates throughout the course for participations and behaviours, (screen shots attached).*

D) *The importance of asking/inviting staff to question materials being briefed is part of the briefing process, however this is now built into the trackside training PTS materials and examples of these can be made available (they would need to come in and view film)*

Note: Open line working with unassisted (flag waving) lookouts warning is being greatly reduced and forms part of the Safer Trackside Access and Safety taskforce work.

Previously reported to RAIB

Recommendation 1

The intention of this recommendation is to both strengthen safety leadership behaviour on site and reduce the occurrences of potentially dangerous rule breaking by those responsible for setting up and maintaining safe systems of work (i.e. COSS, SWL, PIC) (paragraph 117a).

Network Rail should review its processes for monitoring and managing the safety leadership of its staff in COSS, SWL or PIC roles, in order to identify improvements such that only those who exhibit satisfactory safety attitude, leadership and compliance with safety rules and procedures, undertake these roles. The review should include consideration of the following:

- a) risk based analysis of the non-technical skills required for different work scenarios (ie under protection and warning systems of work);
- b) evaluation of the effectiveness of non-technical skills training since its initial introduction;
- c) assessment tools (eg COSS pre-course workbook, 360 degree feedback) to assist managers with monitoring the ongoing suitability of staff for safety leadership roles; and
- d) using re-certification training and assessments, independent of line managers, to reinforce good safety leadership and the importance of compliance with the rules.

Network Rail should then implement the identified improvements to relevant working practices and procedures.

ORR decision

1. We are aware of work Network Rail is doing to improve the non-technical skills of track workers to improve safety leadership, but the information provided in the formal initial response does not cover everything we know is being done. We are awaiting a more detailed response from Network Rail and will update RAIB as necessary.

2. 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 around non-technical skills, but have not yet provided ORR with a detailed plan

Status: Progressing. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

3. On 11 January 2019, Network Rail provided the following initial response:

Network Rail produced a report in 2013 regarding changes to Controller of Site Safety & Safe work Leader (COSS&SWL) and introducing Non-Technical Skills (NTS) assessments. We need to collate further information from other groups and sources who have worked on this topical area.

NR already has plans in place to create Safety Leadership Competence/Capability, which will include sociometric testing and personal behaviours.

A separate report was done, which has informed the decision making, this with the changes to Controller of Site Safety & Safe work Leader (COSS & SWL) and Non-technical Skills (NTS) this work has been progressing in stages since 2013 and will be reviewed again, for further review for COSS training with the Training team.

Proposals have been put in place to change the recertification training and assessment for NR Staff, which will mirror industry best practice and bring the identified improvements to NR through changes to the relevant working practices and procedures.

Timescale: 31 January 2020

Recommendation 2

The intention of this recommendation is to mitigate the potentially adverse effect that client-contractor relationships can have on the integrity of the Worksafe procedure when contract workers are not willing to challenge unsafe systems of work set up by Network Rail staff in safety leadership roles, due to the fear of losing future employment (paragraph 117a).

Network Rail should assess the effectiveness of its existing processes when its staff act as COSS, SWL or PIC to a team of contractors on site, and consider what additional measures can be taken to enable effective challenge in the event that an unsafe system of work is set up. Options for consideration should include:

- a) using only those who are experienced in managing contractors;
- b) including an experienced COSS from the contractor team to review the system of work prior to commencing work;
- c) using an additional Network Rail staff member as part of the work team to perform a challenge function; and
- d) reinforcing the importance of inviting questions as part of the safety brief.

Network Rail should then implement the identified improvements to relevant working practices and procedures

ORR decision

4. As with the response to recommendation 1, we are aware of work Network Rail is doing to improve safety leadership. We are awaiting a more detailed response from Network Rail and will update RAIB as necessary.

5. 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 improve on site client/contractor relationships

Status: Progressing. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

6. On 11 January 2019, Network Rail provided the following initial response:

Network Rail believe that the way this has been written it is not practical to complete, the text in the recommendation, differs from the intent explained.

To complete some work which will show the Revised NR/L2/OHS/00112 – Worksafe Procedure currently out for Working Group and Stakeholder review due for publication in June 2019 will have an independence requirement now (all Worksafe's raised will be logged by the Supply Chain Organisation control (SCO 24/7) and get a unique call reference number and be able to use the contact log for escalation process. (on Call Process) Details can be attached but will be draft.

Work embedding the NR/L2/OHS/019 Safety of People at work on or near the line continues and improvements are being seen, there has been a PDSW Working Group Post Implementation Review (PIR) the outputs of this are required to be studied by the Workforce Safety team to inform and be incorporated into a further response.

Timescale: 31 January 2020