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

Dear Andrew,

RAIB Report: Overspeed at Fletton Junction, Peterborough, 11 September 2015

I write to report¹ on the consideration given and action taken in respect of the five recommendations addressed to ORR in the above report, published on 1 August 2016.

The annex to this letter provides details in respect of each recommendation.

The status of recommendations 1 is '**progressing**'; recommendations 2 and 5 are '**implementation on-going**'; and recommendations 3 and 4 are '**insufficient response**'.

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 on 2 August 2017.

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. All 5 recommendations were addressed to ORR when the report was published on 1 August 2016
2. After considering the recommendations, ORR passed recommendations 1, 2 and 5 to Virgin Trains East Coast and recommendations 3 and 4 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. It was agreed at the CP-2 panel meeting that there were important lessons for other train operators in the report. Therefore, recommendations 1, 2 and 5 and the four learning points in the report were brought to the attention of other TOCs through normal liaison with ORR account holders, although we did not request a formal response.

Recommendation 1

The intent of this recommendation is to build on management processes and techniques already available to drivers and their managers, so as to provide the appropriate support when needed to mitigate safety risks caused by adverse influences from a driver's personal circumstances.

Virgin Trains East Coast should introduce an enhanced process to encourage increased partnership between its drivers and their managers. This process should include:

- encouraging drivers and their managers to have timely, open, and honest discussions about drivers' personal circumstances, and the operational risks arising from personal problems;
- recognising that staff suffering from stress may not be the most appropriate people to judge the possible effects of this stress;
- providing drivers with access to, and encouraging them to apply, appropriate advice about the management of fatigue, including the importance of appropriate eating as well as sleeping;
- evaluating and disseminating the advantages and limitations of non- technical skills training, particularly whether non-technical skills are the appropriate means to address risks due to distraction from personal problems; and
- identifying the additional or alternative support which should be provided to drivers if non-technical skills training does not adequately mitigate the risks associated with their personal circumstances.

This recommendation may also apply to other train operators

ORR decision

4. ORR was content that the actions proposed by VTEC in their initial response would help develop working relationships between drivers and driver managers to

facilitate the identification of personal issues. So far, ORR has only received verbal assurance that the actions had been completed. At a liaison meeting with the ORR account holder on 14 July 2017, VTEC agreed to provide ORR with a formal update on progress with the three recommendations addressed to them in the Fletton Junction report.

5. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Virgin Trains East Coast has:

- taken the recommendation into consideration; and
- is taking action to implement it, but ORR has yet to be provided with formal confirmation that all associated actions have been completed

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 6 November 2016 Virgin Trains East Coast provided the following initial response:

Action	Timescale
<p><i>Much of the recommendation is covered by our new Health and Wellbeing Strategy.</i></p> <p><i>Specifically to address the recommendations:-</i></p>	<p><i>Ongoing, all Health and Wellbeing Expertise is now in house with contracts in place for psychological assessment and counseling.</i></p>
<p><i>Awareness campaign on going in SUD briefings as part of the regular Health and Wellbeing section</i></p>	<p><i>Ongoing</i></p>
<p><i>Introduction of Wellbeing Warriors with responsibility for promoting wellbeing awareness to all staff.</i></p>	<p><i>Completed</i></p>
<p><i>Complete review of Non-Technical Skills training (currently RSSB course delivered by VTEC trainers). Examine fitness for purpose of course and how it can be delivered in a more engaging way to front line staff.</i></p>	<p><i>Due by 25/11/2016</i></p>
<p><i>Engagement with external providers regarding options for identifying methods to ascertain “psychological” fitness for duty proactively and also</i></p>	<p><i>Completed. Meeting with OPC and other Stagecoach companies held on 7/10/16</i></p>

<i>reactively as part of the investigation process.</i>	
<i>Development of RED Safety DVD dramatisation featuring non workplace related issues importing risk into workplace</i>	<i>Completed. Filming undertaken on 01/09/16 at KGX. Will feature in RED46</i>
<i>Introduction of Operational Safety Magazine for VTEC staff where learning Ongoing, all Health and Wellbeing Expertise is now in house with contracts in place for psychological assessment and counseling.</i>	<i>10/11/16 (issue one, then on-going)</i>

Recommendation 2

The intent of this recommendation is to identify locations (such as Fletton Junction) where there is a greater than usual risk that a driver may be unaware of a speed restriction. This is one of the circumstances in which the effectiveness of mitigation provided by infrastructure and signalling equipment should be considered (learning point 4).

Virgin Trains East Coast, working with Network Rail, should review and implement any necessary improvements to its processes for:

- reviewing Virgin Trains East Coast routes to identify locations where a driver may be at greater than usual risk of being unaware of a speed restriction;
- identifying appropriate and effective mitigation measures at these locations;
- implementing these mitigation measures when they are within Virgin Trains East Coast's control; and
- confirming that Network Rail is aware of these mitigation measures when they are within its control.

This recommendation may also apply to other train operators

ORR decision

7. ORR was content with the actions proposed by VTEC in their initial response, but has not yet seen sufficient evidence that they have been satisfactorily completed. At a liaison meeting with the ORR account holder on 14 July 2017, VTEC agreed to provide ORR with a formal update on progress with the three recommendations addressed to them in the Fletton Junction report.

8. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Virgin Trains East Coast has:

- taken the recommendation into consideration; and

- reported that actions to implement the recommendation would be completed by 31 March 2017, but has yet to provide written confirmation.

Status: Implementation ongoing. ORR will advise RAIB when actions to address this recommendation have been completed.

Information in support of ORR decision

9. On 6 November 2016 Virgin Trains East Coast provided the following initial response:

Action	Timescale
<i>Complete review of route risk assessment process to expand focus from purely signaling risk (ie SPAD) to other risks, both technical (speeding) and where there is a foreseeable risk from human error.</i>	21/11/16
<i>Workshop with Network Rail to identify operational risk from train operations and comparison with SRM model to identify if there are missing elements.</i>	28/11/16
<i>Develop route risk assessment model with an output to be in a format that can be easily understood by the end user and can form the basis of the route knowledge assessment process.</i>	16/12/16
<i>Once completed safety validation of revised process on a section of VTEC route and independently checked for robustness by sister company.</i>	14/01/17
<i>Train depot route risk champions in the implementation of the process.</i>	28/01/17
<i>Complete review of VTEC route risk assessments in conjunction with NeR (and potentially other operators on ECML) – where additional controls are required these are tracked through Level 2 and regional TORG sub group.</i>	31/03/17

Recommendation 3

The intent of this recommendation is to capture, and make available at an appropriate time, information about risk mitigation measures which should be considered at line speed restrictions.

Network Rail should introduce a process to capture and retain the output from recommendation 2 relating to its infrastructure, so that:

- any reasonably practicable short-term risk reduction measures are taken; and
- appropriate information about risk reduction measures is available for consideration when future infrastructure changes are being considered and developed.

ORR decision

10. ORR addressed recommendations 3 and 4 to Network Rail on 5 September 2016, requesting a response by 4 November 2016. We are yet to receive a formal response to either recommendation. We requested an update on the progress of the response on 27 April, 1 June and 13 July 2017.

11. ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:

- not provided a response setting out how it will be delivered.

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

Recommendation 4

The intent of this recommendation is to identify, and ensure replacement of non-compliant operational signage. It may be possible to include this within an existing inspection activity.

Network Rail should develop and then implement a process to:

- check whether operational signs (eg signs associated with speed restrictions) are provided in accordance with relevant documentation (eg signalling plans); and
- record, and then correct, any non-compliances that are identified.

ORR decision

12. ORR addressed recommendations 3 and 4 to Network Rail on 5 September 2016, requesting a response by 4 November 2016. We are yet to receive a formal response to either recommendation. We requested an update on the progress of the response on 27 April, 1 June and 13 July 2017.

13. ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:

- has not provided a response setting out how it will be delivered.

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

Recommendation 5

The intent of this recommendation is for investigations to gain a deeper understanding of events caused by people who become distracted.

Virgin Trains East Coast should review and develop its existing arrangements for incident investigation so that information about possible causes of loss of attention/distraction (eg from personal problems) is properly considered as a possible cause of the incident

ORR decision

14. ORR are content that VTEC were proposing appropriate changes to their incident investigation guidance to take account of distraction due to personal circumstances. So far ORR has only received verbal assurance that the changes have been made. At a liaison meeting with the ORR account holder on 14 July 2017, VTEC agreed to provide ORR with a formal update on progress with the three recommendations addressed to them in the Fletton Junction report.

15. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Virgin Trains East Coast has:

- taken the recommendation into consideration; and
- is taking action to implement it, but ORR has yet to be provided with formal confirmation that the

Status: Implementation ongoing. ORR will advise RAIB when actions to address this recommendation have been completed.

Information in support of ORR decision

16. On 6 November 2016 Virgin Trains East Coast provided the following initial response:

Action	Timescale
<i>Production of Investigations Guidance material for investigators of operational incidents</i>	10/11/16

<i>Revision to SMS15.3 to include reference to seeking independent advice when considering “non technical” skills or distraction related evidence in an investigation</i>	10/11/16
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