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OFFICE OF RAIL REGULATION

24 June 2013

Ms Carolyn Griffiths
Chief Inspector of Rail Accidents
Rail Accident Investigation Branch
Block A, 2nd Floor
Dukes Court
Dukes Street
Woking GU21 5BH

Dear Carolyn

Incident at Llanbadarn Automatic Barrier Crossing (Locally Monitored), near Aberystwyth, 19 June 2011

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 27 June 2012.

The annex to this letter provides details of the consideration given/action taken in respect of each recommendation where recommendations 2, 3 and 4 have been implemented[2] recommendations 1 and 5 are in progress and recommendation 6 is being implemented.

We do not propose to take any further action in respect of recommendations 2, 3, 4 and 6 unless we become aware that any of the information provided becomes inaccurate, in which case I will write to you again[3]. We expect to update you on progress with recommendations: 1 and 5 by 31 October 2013.

We expect to publish this response on the ORR website on 8 July 2013.

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)(b)(i)

3 In accordance with Regulation 12(2)(c)

INVESTOR IN PEOPLE

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Initial Consideration by ORR

All 6 recommendations contained in the report were addressed to ORR when RAIB published its report on 27 June 2012.

After considering the report / recommendations, on 2 August 2012, ORR passed:

- Recommendations 1, 2 and 5 to Network Rail,
- Recommendations 3 and 4 to Arriva Trains Wales, and
- Recommendation 6 to RSSB

asking them to consider the recommendations 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 intention of this recommendation is that high risk locally monitored automatic crossings in areas signalled by ERTMS [European Rail Traffic Management System] should be provided with an engineered safeguard to reduce the risk of train driver error.

Network Rail should develop an engineered safeguard to reduce the risk of trains being operated under ERTMS passing over locally monitored automatic crossings (i.e. AOCL [Automatic Open level, locally monitored] and ABCLs [Automatic barrier crossings, locally monitored]) when the crossings have not operated.

This solution should then be applied at Llanbadarn ABCL crossing and, if appropriate, at higher risk crossings on the Cambrian lines and as part of future ERTMS installations.

Assessments of risk should include an evaluation of human factors, previous history, including recorded incidents and accidents.

And

Recommendation 2

The intention of this recommendation is to provide automatic protection at Llanbadarn crossing (similar to that provided at manned barrier crossings) and to remove the plunger at Aberystwyth station.

Network Rail should change the design of circuitry at Llanbadarn ABCL to remove the need for a train driver on Network Rail to operate the plunger before departing Aberystwyth station, but still retain an interface between Network Rail and Vale of Rheidol Railway at the crossing to avoid ‘blocking back’ of road vehicles.

Details of steps taken or being taken to implement the recommendations

1. Network Rail in its initial response to recommendation 2 on 4 October 2012 advised that:

At present, when the seizure mechanism (i.e. the 'Train Ready to Start' plunger) times out, the strike-in mechanism (i.e. the treadle) does not activate the crossing and the driver has to stop at the Drivers Crossing Indicator (DCI) to depress the plunger at the crossing.

Changes in design circuitry at Llanbadarn ABCL are to be implemented by December 2012, in order to significantly reduce the likelihood of the level crossing failing to operate when a train approaches the crossing. This will act as a preliminary form of mitigation prior to the longer term engineering safeguard outlined in Recommendation 1.

Timescale: 14 December 2012

To address this recommendation, two work streams are proposed and have been raised with the ERTMS Programme Sponsor:

1) Tactical Solution for the Cambrian Coast

2) Longer term assessment of ETCS (European Train Control System) integration with Level Crossings. This will review the opportunities/constraints associated with ETCS such that a national concept for ETCS interface with Level Crossings can be developed with supporting analysis on the cost/benefits of the chosen solution(s).

Work stream 1: Resource impacts are being reviewed as the competence for this activity is currently assigned to committed tasks. Alternative resource arrangements are being investigated to allow a costed development plan for an engineered solution. The development plan was finalised in September 2012 including recommendations on an appropriate solution and a target implementation date for a tactical solution of March 2014.

Work stream 2: Resources were identified and a report into the options associated with the European Train Control System (ETCS) and Level Crossing interfaces was produced in September 2012. It provides a high level system configuration model that can be incorporated into the National ERTMS Programme development programme – this will then allow roll-out with ERTMS applications where appropriate.

Timescale:

Work stream 1: action plan completed. Tactical solution implementation date: March 2014

Work stream 2: report produced. Incorporation into ERTMS Programme will be by March 2013 to allow technical solutions and scope to be assessed for relevant ERTMS implementation projects.

2. ORR in reviewing the response from Network Rail was not satisfied that the response adequately addressed the recommendation. ORR therefore wrote to Network Rail, on 11 December 2012, asking for a copy of the

'development plan, and the 'report into the options associated with the European Train Control System (ETCS) and the Level Crossing interfaces'.

3. Network Rail provided the following documents on 10 January 2013:

- *Llanbadarn Fawr Remit Version 1 (relating to Work-stream 1)*

  The draft Client Remit prepared by the RAM (Signalling) [Route Asset Manager] for the Wales Route sets out the work to be undertaken to address Recommendation 1.

  The remit is in draft pending a HAZID [Hazard identification] meeting in January 2013 to review the proposed actions with internal and external stakeholders to ensure that we have an agreed and integrated solution. Following the meeting the remit will be finalised.

- *ERTMS Crossing and Worker protection Report Version 1 (relating to Workstream 2)*

  The report into options associated with ETCS and level crossings.

Recommendation 1

Network Rail considered 3 options:

1. *Provision of a protection node either side of the crossing, but remain as an ABCL.*
2. *Upgrading to a MCB crossing with full protection.*
3. *Imposition of a temporary speed restriction over the crossing utilising the ERTMS system.*

Option 1: This was dismissed as significant alterations to the installed signalling system that will attract a cost significantly disproportionate to the benefits.

Option 2: ALCRM produced a score of less than 0.8 which showed no considerable safety improvement to upgrade the crossing. Conversion to full MCB type showed the risk moved from 'rail to road' as this would increase the barriers down time, resulting in possible blocking back of vehicles onto a main road.

Option 3: Network Rail is pursuing this option. Imposition of a temporary speed restriction over the crossing when the crossing is open to traffic, by means of the cab signalling system. A feature within the RTCS [Rail Train Control System] is that a temporary speed restriction can be imposed on a train by means of a track mounted balise group (x2) fitted in both directions over the crossing, without impacting on any movement authority carried by the train and in all modes of level 2 operation. Provision of a line side encoding unit at the level crossing allows a balise to impose a temporary speed restriction when the crossing is open to road traffic. When the crossing is closed to road traffic the LEU (lineside encoder unit) causes the balise to transmit a null message. A TSR value is to be defined by assessment to allow the train driver to visually check the view ahead to

assess the situation to either continue over the crossing or to bring the train to a controlled stop at the DCI.

ORR consideration

4. ORR met Network Rail on 12 June 2013 to review the options and proposed solution. Further points made by Network Rail included the following:

- Option 1 would significantly increase barrier down time because of the need for the signalling system to confirm to the driver that it was safe to proceed. This would be true for installation at any automatic crossing.
- For option 3 the speed restriction once the system intervened would be set at 10kph. This is sufficiently slow for the driver to understand what has happened and bring the train to a stand if necessary. If the speed was set at 0kph the train would lose its movement authority, and further progress would need to be in "staff responsible" mode, introducing new risk. ORR's judgement was that 10kph is sufficiently slow.
- Option 3 has the agreement of Arriva Trains Wales.
- Option 3 can be developed for reasonable cost and, subject to product acceptance, will be available as a solution at any auto crossing on an ERTMS-fitted railway.
- Option 3 is planned to be in place by the end of 2013.

ORR decision on recommendation 1

5. 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 actions to implement it

ORR will monitor progress and provide a further update.

Status: In-progress: *ORR to update RAIB by 31 October 2013*

Recommendation 2

Network Rail considered 2 options:

1. *Remove and replace the plunger with a suitable input to generate a movement authority.*
2. *Remove and replace the plunger with a suitable train detection, to activate the seize control when the train departs from the station platform.*

Option 1 was dismissed as considerable engineering development would be required to receive the movement authority, transmitted over the GSM-R network, into the line side installation at Aberystwyth and conversion into an

electrical input to the crossing circuitry. This was considered not to meet the CBR (cost benefit ratio) assimilation for the project.

Option 2: Network Rail is pursuing this option. Replace of the platform plunger by a track mounted device, positioned so that it is operated by a train departing from the station platform. This will give the same operational effect as the current plunger, however, any time lost by the distraction of the driver before he initiates his move off the platform causing the timer circuitry to reset before the crossing 'strike in' treadles have been activated will be removed.

With this solution it is recommended that the plungers at the exit of the siding and at MH1151 marker board be left in situ as movement from the siding are infrequent. The plunger at the market board was provided as part of the deployment if ETCS to ease train movements departing towards Machynlieth from the sidings.

6. Network Rail in a further response, 13 June 2013, advised:

The project has been completed (5 December 2012). The modification has not removed the plunger from the operation but it will reduce the instances of when the level crossing times out with a train approaching; thus reducing the risk.

ORR consideration

7. ORR met Network Rail on 12 June 2013 to review the options and proposed solution. Network Rail clarified the solution it had applied.

8. If Network Rail had replaced the plunger with any kind of track-mounted device (as proposed in 2 above) it would have needed to be positioned far enough out of the station to avoid seizing control of the crossing during shunt moves. This would have meant that it was so close to the crossing that it was ineffective, i.e. a Vale of Rheidol train would already have struck in for its crossing and the ATW train would encounter a flashing red DCI. This might actually increase the risk, if ATW trains left Aberystwyth without control of the ABCL.

9. The control measure adopted is to remove the timer from the plunger. Once the plunger is pressed, control of the ABCL will not time out, so trains are less likely to encounter a flashing red DCI.

10. The risk remains of a driver omitting to press the plunger at all, though this will be controlled in due course by the measure taken in response to recommendation 1.

ORR Decision on recommendation 2

11. 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 actions to meet the intention in a different way

Status: Implemented – by alternative means

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

Recommendation 3

The intention of this recommendation is that the train operating company undertake a study into drivers' workload when departing Aberystwyth station.

Arriva Trains Wales should carry out a human factors analysis and risk assessment of the workload of drivers when departing Aberystwyth station under different ERTMS modes and implement any findings.

And

Recommendation 4

The intention of this recommendation is to improve the style of driving.

Arriva Trains Wales (ATW) should review the way in which drivers interact with *European Rail Traffic Management System* (ERTMS) and Driver Machine Interface (DMIs) and develop new training and on-going competence checks to encourage a move away from the 'head down' style of driving undertaken by some drivers under ERTMS.

Details of steps taken or being taken to implement the recommendations

12. Arriva Train Wales in its initial response on 18 September 2012 ORR with a copy of it's:

- *Llanbadarn Driver Task Analysis; and*
- *Aid Memoir for Train Drivers*

13. Extract from Arriva Train Wales 'Llanbadarn Driver Task Analysis'

ATW has considered the recommendations of the RAIB report for the incident at Llanbadarn crossing on 19 June 2011.

In Arriva Train Wales' efforts to fully address the findings, Arriva Train Wales used three Subject Matter Experts (SME's) to carry out a site visit and task analysis of the departure and initial driving of the route to ensure safe passage of trains over Llanbadarn ABCL.

Post assessment and review it was deemed by the SMEs that workload wasn't managed by the driver on the day of the incident in June 2011, rather than the workload being too much and or too complex for a competent train driver.

The SME's believe the ArrivaTrain Wales initiatives shown in this report should reduce the risk of recurrence of a train accident at Llanbadarn ABCL on the Cambrian Line.

Arriva Train Wales concluded:

- *An aide memoir shall be issued to all drivers that aims make a driver think about key stages in driving when departing Aberystwyth Station.*
- *Driver Safety Training and Update Day (STUD) shall consider specific degraded working situations applicable to European Rail Traffic Management System (ERTMS) Level 2 Driving.*
- *ERTMS Level 2 Driver Training shall include hazard awareness with regards to 'Heads Down' Driving.*
- *Driver function shall make sure the hazards associated with 'Head Down' Driving are covered during Formal Driving Assessments.*

14. ORR in reviewing the response from Arriva Train Wales was not satisfied that all the actions being taken to address recommendation 4. ORR therefore wrote to ATW, on 8 January 2013, requested timescales to deliver its remedial actions.

15. ATW in its response on 16 January 2013 advised that:

ATW confirmed with the ORR by telephone on 09 January 2013 there was not a requirement for a Human Factor specialist to be involved with the risk assessment.

i. An aide memoir shall be issued to all drivers that aims to make a driver think about key stages in driving when departing Aberystwyth Station.

The next Train Driver Safety Training Update Day (STUD) 10 is planned to commence on 04 February 2013 where the aide memoir will be discussed and issued to all ERTMS Level 2 Drivers.

ii. Driver STUD shall consider specific degraded working situations applicable to ERTMS Level 2 Driving.

The current STUD 09 is running a session on degraded working and STUD 10, which is planned to commence on 04 February 2013, will continue with this theme.

iii. ERTMS Level 2 Driver Training shall include hazard awareness with regards to 'Heads Down' Driving.

During initial training of drivers specific emphasis is placed on the requirement to not become preoccupied with heads down driving technique. During training there is emphasis around drivers not becoming overly focused on the DMI.

iv. Driver function shall make sure the hazards associated with 'Head Down' Driving are covered during Formal Driving Assessments.

ATW believe that It is not reasonable to give an end date to this action because Formal Driving Assessments are continuous that form part of the Competence Management System (CMS). ATW Driver Assessment Procedure, which was introduced on 03 December 2012, includes driver task criteria that cover tasks such as 'Monitoring of the DMI' and 'Monitoring External Environment'.

ORR Decision

16. ORR is satisfied that: ATW has carried out an appropriate review of train drivers' activities to safely depart Aberystwyth station under different ERTMS modes and has implement additional measures intended to reduce the risk of a recurrence of this type of incident.

17. After reviewing information received from Arriva Trains Wales, ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Arriva Trains Wales has:

- taken the recommendations into consideration; and
- has taken action to implement them.

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

Status: *Implemented* *- by alternative means*

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

Recommendation 5

The intention of this recommendation is to clarify the type and quality of documents being submitted as part of a deviation (including derogation) from Railway Group Standards.

Network Rail should review its processes for seeking deviation (including derogation) from Railway Group Standards and Technical Specifications for Interoperability.

The review should include consideration of the extent and nature of the risk assessments that should be carried out and the supporting information provided, for each deviation request.

Details of steps taken or being taken to implement the recommendation

18. Network Rail in its initial response on 4 October 2012 advised that:

The process for seeking a deviation from Railway Group Standards (RGS) is laid down in the RGS Code and Manual (and a help-note has recently been published by RSSB).The process for seeking derogation from Technical Specifications for Interoperability (TSIs) is laid down in the Railway (Interoperability) Regulations (and it is understood that a help-note will shortly be published by Department for Transport). These are both industry processes rather than Network Rail processes and as such Network Rail operate within their requirements.

A peer review will be undertaken by our professional heads, who oversee submissions for these deviations, in order to clarify the underpinning evidence.

Timescale: *This will be complete by end December 2012.*

Outcome of review (Provided: 2 May 2013)

A review has taken place in the form of various meetings and discussions between Network Rail's Director of Engineering, Professional Head of Signalling and Head of Asset Management & Railway Systems. Whilst there were no minutes taken during the discussions, full consideration was given to the suitability of Network Rail's current process for seeking deviation (including derogation) from Railway Group Standards and Technical Specifications for Interoperability.

Within the peer review, Network Rail has:

- *Reviewed current processes for seeking deviation (including derogation) from Railway Group Standards.*
- *Reviewed current standards.*
- *Assessed the suitability of current arrangements.*

Current Process

The process for seeking a deviation from Railway Group Standards (RGS) is laid down in the RGS Code and Manual (and a help-note has been published by RSSB). The process for seeking derogation from Technical Specifications for Interoperability (TSIs) is laid down in the Railway (Interoperability) Regulations (and it is understood that a help-note will shortly be published by Department for Transport.) These are both industry processes rather than Network Rail processes and as such Network Rail operate within their requirements.

Current Network Rail Standard

The Network Rail standard NR/L2/EBM/STP001, Managing Standards, was updated to Issue 3 in December 2008 to take account of changes to:

- *the non-compliance process to include local authorisation, reflecting the needs of the then new Maintenance Support organisation; and,*
- *to reflect changes to Railway Group Standards Code, Issue 3 for the management of the RGS non-compliance process.*

These changes enabled all clients requesting deviations to submit requests and associated information (e.g. risk analysis) using a common form for Network Rail and RGS standards. Timescales for resolutions to requests for deviations to Network Rail standards were also reduced.

Under its current modularised form NR/L2/EBM/STP001 (Issue 5) references Network Rail standard NR/L2/EBM/STP001/04, How to manage deviations to Network Rail and Railway Group Standards (Issue 5, Dec 2011). The purpose of this module is to provide a structured approach to the management of deviations from Network Rail standards and Railway Group Standards.

It is important to recognise that a deviation is permission to meet a requirement in an alternative way – not a permission to not meet a requirement. The detail of any deviation should therefore demonstrate how the requirement is being met and how risks are being managed. In some

cases this is likely to require a risk assessment specific to the nature of the risk being managed by the original requirement and the alternative means of managing it (the deviation).

Suitability of Network Rail's current arrangements

The requirement of this recommendation, and its intent, has been considered by experts within the Standards Management and Systems Engineering teams at Network Rail. Expertise was provided by those managing the processes for derogation and System Compatibility. Due consideration has been given to current Network Rail practice and adherence to industry prescribed processes; in particular RSSB Railway Group Standards and Department of Transport Railway (Interoperability) Regulations.

The review identified that the existing requirements for deviations (and derogations) are satisfactory. It is not appropriate to make a specific statement of the extent and nature of the risk assessments that should be carried out within Network Rail standards. Such requirements are specific to an individual project and a generic approach to define the extent and nature of any risk assessment may act as a constraint; this will vary significantly depending on the nature of the requirement being deviated and proposed alternative means of meeting the requirement (the deviation). It is considered that the differing circumstances of individual projects and the site specific environments that may exist within them deem it inappropriate to be prescriptive in terms of defining the extent of such risk assessments. Taking such an approach would be counterproductive and possibly drive 'tick box' behaviour rather than that of a bottom-up approach.

The conclusions are that the processes, standards, submissions, and underpinning evidence related to derogations and deviations from Railway Group Standards and Technical Specifications for Interoperability are satisfactory. During the review, it was observed that further to the arrangements for derogations and deviations that the System Review Panel and CIP reviews provides a supplementary assessment of suitability for complex changes to the infrastructure. Subsequently there are no further actions to be taken in this area.

19. In reviewing the responses from Network Rail ORR was not satisfied that the recommendation was adequately addressed. ORR therefore wrote to Network Rail, on 28 May 2013, requesting further information on how Network Rail's process complies with MHSW Regulation 3 Risk Assessment.

20. Network Rail responded on 12 of June 2013 advising:

In order to provide you with a full response to your query, we would like to request an extension to Friday 12 July 2013. This extension is to enable a formal peer review to take place, and will give time to form an appropriate response that should satisfy your queries.

21. ORR agreed to the time extension.

ORR Decision

22. 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.

Status: *In-progress:* *ORR to update RAIB by 31 October 2013*

Recommendation 6

The intention of this recommendation is to ensure that location specific risks are considered when standards committees approve, and RSSB authorise, deviations (including derogations). The outcome of these considerations should be recorded.

RSSB should review and, if necessary, amend the processes and guidance applicable to Standards Committees and RSSB when taking decisions about applications to deviate from Railway Group Standards.

This should include:

- considering the provision of guidance for Standards Committees on how to make the necessary judgement about whether the risk assessment and supporting analysis is suitable and sufficient and the extent to which location specific risks should be taken into account; and
- guidance on how the basis of the Standards Committee's decisions should be recorded.

Details of steps taken or being taken to implement the recommendation

23. RSSB in its initial response on 15 October 2012 advised that:

RSSB tabled the issued raised by the above recommendation at the 14 September 2012 meeting of the Industry Standards Co-Ordination Committee (ISCC).

As the minutes record, the committee:

a) Noted the recommendation;
b) Noted the reasons why it might be appropriate to address the RAIB recommendation in the wider context of all the decisions Standards Committees make about changes to, or deviations from, Railway Group Standards; and
c) Supported the approach to addressing the recommendation summarised below.

In response to the recommendation RSSB will:

- *Review and, if necessary, amend the processes applicable to Standards Committees and RSSB when taking decisions.*

- *Produce guidance on decision taking for Standards Committees and RSSB staff involved in changing RGSs or managing deviations. This guidance will:*
  - *promote the principles set out in the industry document Taking Safe Decisions;*
  - *be compatible with the risk management process required by the CSM on risk evaluation and assessment;*
  - *reflect the decision making principles set out in the revised RGS Code and Standards Manual;*
  - *include advice on making the necessary judgements about whether a risk assessment and supporting analysis is 'suitable and sufficient'.*
- *Produce guidance for applicants regarding the information required to support deviation applications.*

24. RSSB in further response on 15 October 2012 advised that:

The review of the processes applicable to standards committees and RSSB when taking decision is complete. RSSB has developed 'guidance on how the basis of the Standards Committee's decisions should be recorded' and amended the relevant SGI [Standard Guide Items] (due for publication in January 2013[4]). The other changes to these processes will be embedded as part of the revision to the RGS [Railway Group Standards] Code and Standards Manual, and the consequential changes to our PPs [Process Procedures], TPs [Technical Procedures] and SGIs. This element will be complete by June 2013.

The production on decision taking for standards committees and RSSB staff involved in changing RGSs or managing deviations will be embedded as part of the revision to the RGS Code and Standards Manual, and the consequential changes to our PPs, TPs and SGIs.

Standards committees' members and RSSB staff will be invited to workshops dealing with the revision to the RGS Code and Standards Manual and the application of the CSM [Common Safety Methods] on risk evaluation and assessment. These workshops will take place between March and June 2013. This element will be complete by June 2013.

The production of guidance to support deviation applications will also be done as part of the revision to the RGS Code and Standards Manual, and the consequential changes to the deviation application form. This element will be complete by June 2013.

The process will therefore be complete by June 2013.

25. ORR in reviewing the response from RSSB was not satisfied that it all the actions being taken to address the recommendation. ORR therefore wrote to RSSB, on 11 December 2012, asking for a copy of the 'guidance on how the basis of the standards committee's decision should be recorded'.

[4] Now published

26. RSSB in its response on 18 December 2012 advised that:

The 'guidance on how the basis of the Standards Committee's decisions should be recorded' is contained in SGI029; Standards Committee minutes (Issue 2, 7 January 2013).

RSSB provided ORR with a copy of Standards Guide Item 029.

Standards Guide Items are a series of papers that have been developed to assist RSSB staff in applying the Railway Group Standards Code and Standards Manual, and RSSB's associated internal procedures and processes.

Standards Guide Items are a compendium of explanations and examples, which are added to as and when the need for an explanation or example is identified.

The Standards Manual places a responsibility on RSSB to provide a person to be the Secretary for each standards committee (clause 7.7.7.1.a) and the Secretary to prepare the draft minutes of standards committee meetings (clause 7.8.1.a).

The Standards Manual (clause 7.8.1.b) also requires the minutes to include a record of:

- *All decisions made in that meeting, and*
- *The rationale for each decision made in that meeting, or a reference to where the record of the rationale may be found.*

SGI029 therefore assists RSSB staff in delivering the requirements the Standards Manual places on the Secretary when drafting minutes of standards committee meetings.

RSSB would stress that SGI029 only addresses one part of the recommendation. As noted in our original response, the production of guidance on decision taking for Standards Committees and RSSB staff involved in changing RGSs or managing deviations will be embedded as part of the revision to the RGS Code and Standards Manual, and the consequential changes to our PPs, TPs and SGIs. This element will be complete by June 2013.

27. ORR in reviewing the response from RSSB was not satisfied that it adequately addressed the recommendation. ORR therefore wrote to RSSB, on 15 March 2013, requesting that it outline:

a) whether SGI029 will be amended to better address the recommendation; and

b) to give further detail of how guidance on making the necessary judgement about whether the risk assessment and supporting analysis is suitable and sufficient, and the extent to which location specific risks should be taken into account, will be incorporated into SGI029 / RSSB's forthcoming revision to the RGS Code and Standards Manual.

28. RSSB in its response on 19 April 2013 advised that:

The Standards Guide Item sets out guidance on recording all decisions made by Standards Committees, not only deviations. Not all decisions will be supported by a risk assessment. However, if a deviation is supported by a risk assessment, then the guidance says that, to avoid including a lengthy summary of the risk assessment in the minutes, it's possible to simply refer to the risk assessment document provided to the SC.

The Standards Guide Item sets out guidance on recording all decisions made by Standards Committees, not only deviations; and not all decisions will be supported by a risk assessment.

The applicant may have considered the 'local specifies and risks' by means of a formal risk assessment. In which case, this will be recorded. But if the applicant has not done this, this too will be recorded.

Please bear in mind that the Standards Guide Item is addressing the question of how decisions are recorded – not how they are made.

a) *Network Rail believes that the Standards Guide Item does address the recommendation, in so far as the recommendation addresses the question of how decisions are recorded.*

b) *In order to address the first part of recommendation 6, RSSB is currently developing a guidance for Standards Committees on how to make the necessary judgement about whether the risk assessment and supporting analysis is suitable and sufficient and the extent to which location specific risks should be taken into account.*

   This guidance will notably encourage applicants for deviations to use the method for risk management set out in the Common Safety Method on Risk Evaluation and Assessment (CSM on REA), whether or not the change proposed is formally 'significant', and will refer to the ORR guidance on it.

   To inform the production of the guidance, ISCC debated the nature of the decisions standards committees are making when they approve a deviation. The attached presentations were used to introduce the debate.

   When complete, the guidance for Standards Committees will be published on RSSB website and will therefore be available to Standards Committees members and to anybody considering applying or applying for a deviation against Railway Group Standards (RGS) requirement(s).

   The RSSB website also provides a deviation application form that an applicant must use when applying for a deviation. This is currently being revised, and will require an applicant to explain the predicted impacts on safety and technical compatibility of the railway system of the railway system of the alternative actions they propose in place of the RGS requirement(s). The form specifies that the explanation should include any relevant supporting documents, which may (where appropriate) include a risk assessment.

ORR Decision

29. After reviewing information received from RSSB, ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, RSSB has:

- taken the recommendation into consideration; and
- is taking action to implement it.

30. ORR is satisfied that RSSB has reviewed its processes and guidance on how the basis of the Standards Committee's decisions should be recorded and that it is currently developing guidance for Standards Committees on how to make the necessary judgement about whether the risk assessment and supporting analysis is suitable and sufficient and the extent to which location specific risks should be taken into account.

Status: ***Network Rail has advised that it is taking action to implement the recommendation***

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