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

Dear Andrew,

**RAIB Report: Fatal accident involving a track worker near Newark North Gate station**

I write to report<sup>1</sup> on the consideration given and action taken in respect of recommendations 1 and 2 addressed to ORR in the above report, published on 16 February 2015.

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

The status of both recommendations is '**Implementation on-going**'. 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 16 February 2016.

Yours sincerely,

**Oliver Stewart**

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

## Initial consideration by ORR

1. Both recommendations were addressed to ORR when the report was published on 16 February 2015.
2. After considering the recommendations ORR passed them both 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.

### Recommendation 1

*The intent of this recommendation is that Network Rail improves work site safety discipline and vigilance, especially for teams doing cyclical or repetitive tasks with which they are familiar.*

Network Rail should:

- a) systematically brief and where appropriate rebrief its COSS/Safe Work Leaders that they must be on site at all times, even when working with experienced staff, and that they must provide a full site based safety briefing once the safe system of work has been verified by them as being appropriate for the conditions at the time of the work;
- b) rebrief its lookouts about not leaving the position of safety until the COSS has given permission;
- c) actively monitor the degree to which work site discipline is being maintained, and take appropriate corrective action if any issues are found; and
- d) investigate how best to maintain vigilance and safety discipline for cyclical and repetitive tasks and implement any practicable measures into its working procedures.

### ORR decision

3. ORR wrote to Network Rail on 26 August 2015 asking for greater detail on how to deliver the requirements of parts a, b and c of the recommendation. The panel considered the responses to parts a, b and c to be statements of future intent, with no indication of action being taken to give ORR confidence that the requirements of the recommendation are being met.

4. Network Rail subsequently wrote to ORR on 25 September 2015 to report an extension of the timescale for completion of the work from 30 September to 30 November 2015, in order to collate evidence that the work being carried out to fulfil the recommendation has been completed. Network Rail subsequently wrote to ORR on 15 January 2016 to extend the timescale for completion to 30 June 2016.

5. ORR, in reviewing the information received from Network Rail has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, it has:

- taken the recommendation into consideration; and
- is taking action to implement it by 30 June 2016.

**Status: Implementation on-going. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.**

**Information in support of ORR decision**

6. In its response of 17 July 2015, Network Rail provided the following information:

*a) Network Rail will produce a briefing for delivery to all Sentinel identified COSS and SWL grades. Key elements of this briefing will include:*

- i. Requirements for COSS/SWL being present on site at all times*
- ii. The requirements on the COSS/SWL to carry out full site based briefing of the working team once the safe system of work has been verified by them as being appropriate for the conditions and task being carried out*

*The briefing will be delivered and recorded to confirm attendance.*

*b) Network Rail will produce a briefing for all identified Lookouts that confirms the requirements on them to move to a position of safety and remain there until instructed that it is safe to return to the working position by the COSS/SWL.*

*The briefing will be delivered and recorded to confirm attendance.*

*c) Network Rail will review and develop the requirements for work site inspections by Supervisory and Management grades, including guidance on frequency of visits, requirements where issues are found and reporting of issues found. A method of ensuring routine and regular assurance inspections will be implemented, the frequency of those visits will be based on a risk based profile of the task and safe system of work being implemented.*

*d) The investigation into how best to maintain vigilance and safety discipline for cyclical and repetitive tasks is already underway through the actions addressing Newark Formal Rec 2 and will be dealt with under that workstream. Any practicable measures that are identified will be implemented into the working procedures. The action plan for Newark formal Rec 2 reads:*

*“To address this issue, a cross functional work group will be established with representation from safety culture change, diversity and inclusion and ergonomics. The group will first establish:*

*(a) define remit of research, and*

*(b) objectives/outcomes of the review*

*This will be conducted by the nominated Change Consultant and the remit will be defined by 30 September 2014.*

*The project remit will consider:*

*(a) gang/team/role design,*

*(b) behaviours blockers to effective challenge,*

- (c) *work/task design,*
- (d) *current methods of escalation and reporting,*
- (e) *line manager intervention and feedback.*

*The research method will be to utilise focus groups with typical working teams. A sample of 20 teams is recommended, from across the maintenance and operations functions. The sample team size is to be between 3 and 10 in number. The sample is to be selected from various routes and locations to cancel out local difference. The research is also to give consideration of existing academic research around 'group think' and it's impact on team dynamics. This research will be conducted by the nominated Change Consultant, and will be conducted by 31 January 2015.*

*The working group to meet and review the research findings, to agree the recommendations and to publish a report by 31 March 2015. The report is to make recommendations which will consider as a minimum:*

- (1) *Role/gang design*
- (2) *Behavioural training and development needs around challenge*
- (3) *System and process changes needed*
- (4) *Line manager role and development support."*

## **Recommendation 2**

*The intent of this recommendation is to improve the implementation of Network Rail's procedures for planning safe systems of work, so that the hierarchy of risk is used in the intended way.*

Network Rail should:

- a) introduce sufficient managerial supervision and audit checking to confirm that the standards governing the safety of track workers are being correctly implemented by its delivery units in the planning of safe systems of work (SSOW), particularly in those areas where staff regularly work on lines that are still open to traffic.
- b) take steps to strengthen any weaknesses it finds, including the re-training of staff involved in planning safe systems of work.

## **ORR decision**

7. The Network Rail response describes features of PDSW, which in future should strengthen planning. However, ORR considers good planning to be as much an essential feature under the current system as it will be under PDSW. ORR therefore wrote to Network Rail on 26 August 2015 asking for evidence of improvements in their planning

process and managerial auditing of planning under the existing arrangements, as the introduction of PDSW is likely to be some way off.

8. Network Rail subsequently wrote to ORR on 25 September 2015 to report an extension of the timescale for completion of the review of the necessary standards from 30 September 2015 to 30 June 2016. The standards under review are 501, 019, 133 and 069.

9. ORR, in reviewing the information received from Network Rail has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, it has:

- taken the recommendation into consideration; and
- is taking action to implement it by 30 June 2016.

**Status: Implementation on-going. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.**

#### **Information in support of ORR decision**

10. In its response of 17 July 2015, Network Rail provided the following information:

*Part a) Network Rail will review and develop the requirements for work site inspections by Supervisory and Management grades, including guidance on frequency of visits, requirements where issues are found and reporting of issues found. A method of ensuring routine and regular assurance inspections will be implemented, the frequency of those visits will be based on a risk based profile of the task and safe system of work being implemented. This will enable Network Rail to check the protection method is appropriate for the work.*

*Part b) Planning and Delivering Safe Work will prescribe that Safe Work Leaders are actively engaged in planning safe systems of work, to include operational and task risk. The new Proscient Software ensures that they undertake and validate the risk assessment prior to authorisation and issuing of the permit. The existing hierarchy of controls remain but the default for all safe systems is safe guarded green zone and a 'conscious interrupt' asks the Safe Work Leader to justify any deviation from this, to ensure adequate controls and risk mitigations are in place.*

*Where weaknesses are identified from reviewing the output of part a) above, any necessary changes to process or individual competence will be actioned.*