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11 April 2018

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

Dear Andrew,

RAIB Report: Fatal accident involving a track worker near Newark North Gate station, 22 January 2014

I write to provide an update[1] on the 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 of the action taken regarding these recommendations, the status of which is now '**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 becomes inaccurate, in which case I will write to you again.

We will publish this response on the ORR website on 11 April 2018.

Yours sincerely,

Oliver Stewart

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

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

1.   Network Rail have rebriefed staff on the duties of a COSS/SWL and taken steps to improve worksite safety discipline and vigilance as part of the reissued standard NR/L2/OHS/019. ORR will monitoring implementation of the revised 019 standard through our usual inspection work.

2.   After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:

- has taken the recommendation into consideration; and

- has taken action to implement it

Status: Implemented.

Previously reported to RAIB

3.   On 9 February 2016 ORR reported the following:

> *"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.*

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."

Update

4.   Following timescale extensions, Network Rail provided a closure statement on 26 February 2018, which included the following summary:

NR would like to propose a closure of the recommendation. All staff have been re-briefed on the updated GE/RT8000/HB07 – General Duties of a Controller of Site Safety (COSS), Section 4 – working with a group 4.1 States that the COSS must stay with the group until the work is complete or replaced by another COSS, it also identifies the types of SSOW that will be used to protect the group. NR/L2/OHS/019 issue 9 July 2017, requires the issue of a SWP to the COSS and Person In Charge (PIC) which includes the SSoW and the Site Risks. Section 4.3 Explains when one is required and 4.4 when one is not required. It also explains the Roles & responsibilities of the Planner: Responsible Manager. Section 5.2.2 explains the responsibilities for cyclical works and repeated tasks, although this SWP can be authorised & verified for up to 6 months before implementation the PIC has to perform a final acceptance check that cyclical & SWP details are still valid for the site, and the responsible manager has authorised the SWP for use on form, NR/L2/OHS/019/F01. Note in 5.3 states that the person in charge retains ultimate accountability for the Safety at a site of work. Extract for briefing below; full copy of NR/L2/OHS/019 is attached for reference. GE/RT8000/HB03 - Duties of the Lookout and Site Warden, section 4 General : the COSS will tell the lookout where to Stand in a Position of Safety. Training Materials have been updated to include the requirement of the COSS/Lookout to have been assessed by the manager as having the required skills to undertake the duties (non-technical skills are undertaken prior to attending the course. (evidence of this additional information is available from the NR Training tools (access restrictions prevents me attaching this at the moment) By improving and updating the NR standard NR/L2/OHS/019 Safety of people at work or near the line with specific requirements for the Planner; Responsible Manager; COSS/SWL, person in charge (PIC}. Published with modules in July 2017, the Responsible Manager decides how work is to be prioritised; planned and delivered Section 5 of the standard (PIC) is now appointed who will be accountable for the implementation of controls to be put in place for operational, site and task risk controls associated with the work. The person in charge, who will also be a competent COSS, needs to be involved with the planning of the work and where working with a warning system the most suitable is selected & they will need to agree the arrangement for the site. 019 tables 3 stipulates the hierarchy of warning systems which could be employed, and need to

be considered in turn, for the planner and pic to consider utilising before resorting to unassisted lookout warning lookout. Areas that have restricted sighting distance and areas that do not provide adequate sighting for IWA or COSS working alone are listed in the Hazard Directory. By having the PIC involvement in the planning to advise the planner, this will help to provide the necessary assurance that at the site to be worked it will be possible to set up a warning system with a compliant sighting distance The revision of 'NR/L2/OHS/019 - Safety of People at Work On or Near the Line' has introduced several requirements that reinforce Responsible Manager monitoring and assurance of staff at work on or near the line.

These include;
- *The introduction of Responsible Manager authorisation of each Safe Work Pack (SWP). This authorisation includes an understanding of the capability of the person in charge and review of the SWP arrangements to control task, site and operational risks against a hierarchy of control;*
- *Where a SWP is produced for cyclical/repeat works the previous issue of the standard required all SSOWPS packs to be subject to Responsible Manager review a minimum of once per year. This requirement has been reduced to once every 6 months where work is planned to be undertaken with warning (formerly known as Red Zone working);*
- *The issue and return of all SWP's must be monitored locally. Where a SWP is not returned the Responsible Manager is now required to record the details of the person in charge and the reason for non-return to improve the opportunity for SWP quality assurance;*
- *There has also been the introduction of a requirement for all SWP's that contain identified errors or amendments to be reviewed by the Responsible Manager to determine what learning or changes are required for future planning;*
- *There is also a requirement for the Senior Management to monitor levels of safe system of work within their organisation to enable them to more clearly understand how effective the planning and implementation of SWP's are within their area of control.*
- *Additional Monitoring through manager self assurance, including updated question sets, increased audit and monitoring of key performance indicators using route and national reporting. The SWP 019 Pack also includes a form for the PIC to record site observations and give feed back to the Manager and Planner. NR also has available to site staff and managers a number of Planned General Inspection Forms and Safety Tour Forms."*

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

5.   Network Rail have revised their standard for people working on or near the line ('019'). The revised standard should improve the implementation of safe systems of work. ORR will monitoring implementation of the revised 019 standard through our usual inspection work.

6.   After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:

- has taken the recommendation into consideration; and
- has taken action to implement it

Status: Implemented.

Previously reported to RAIB

7.   On 9 February 2016 ORR reported the following:

"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.

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."

Update

8.   Following timescale extensions, Network Rail provided a closure statement and supporting evidence on 9 January 2018:

The revision of 'NR/L2/OHS/019 -Safety of People at Work On or Near the Line' has introduced several requirements that reinforce Responsible Manager monitoring and assurance of staff at work on or near the line. These include;

• The introduction of Responsible Manager authorisation of each Safe Work Pack (SWP). This authorisation includes an understanding of the capability of the person in charge and review of the SWP arrangements to control task, site and operational risks against a hierarchy of control;

• Where a SWP is produced for cyclical/repeat works the previous issue of the standard required all SSOWPS packs to be subject to Responsible Manager review a minimum of once per year. This requirement has been reduced to once every 6 months where work is planned to be undertaken with warning (formerly known as Red Zone working); ·The issue and return of all SWP's must be monitored locally. Where a SWP is not returned the Responsible Manager is now required to record the details of the person in charge and the reason for non-return to improve the opportunity for SWP quality assurance;

• There has also been the introduction of a requirement for all SWP's that contain identified errors or amendments to be reviewed by the Responsible Manager to determine what learning or changes are required for future planning;

• There is also a requirement for the Senior Management to monitor levels of safe system of work within their organisation to enable them to more clearly understand how effective the planning and implementation of SWP's are within their area of control. With the implementation of the 019 standard, there has also been a focus on compliance levels and subsequent action plans to address temporary variations to the standard. This is being backed up with a corporate audit to determine effectiveness of implementation and any potential weaknesses within Network Rail. Part B closure provided by Justin Page 14/08/15: The introduction of Planning & Delivering of Safe Work involves retraining of all Front Line Leaders. This training includes risk identification and briefing as well as knowledge of the new permit to work technology (Proscient) which provides planning discipline and concious interupt to those planning and delivering activity. Planners also receive additional training to support new technology which includes reinforcement of existing SSOW hierachy that requires specific justification to move down hierachy. Audit reports can identify where open line working takes place and this then allows review of justification used.