

Oliver Stewart
Senior Executive, RAIB Relationship and
Recommendation Handling

Telephone 020 7282 3864

E-mail oliver.stewart@orr.gsi.gov.uk

20 August 2019



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 track workers at Pelaw North Junction, 21 February 2018

I write to report¹ on the consideration given and action taken in respect of the recommendations addressed to ORR in the above report, published on 28 August 2018.

The annex to this letter provides details of actions taken by Nexus in response to the recommendations and the status decided by ORR. Recommendations 1, 2 and 5 are 'implemented'; recommendation 3 is 'implementation on-going'; and recommendation 4 is 'progressing'.

ORR will advise RAIB when further information is available regarding actions being taken to address recommendations that we do not consider to have yet been implemented.

We will publish this response on the ORR website on 21 August 2019.

Yours sincerely,

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

A handwritten signature in black ink, appearing to read 'Oliver Stewart', with a stylized, cursive script.

Oliver Stewart

Initial consideration by ORR

1. All 5 recommendations were addressed to ORR when the report was published on 28 August 2018.
2. After considering the recommendations ORR passed all 5 recommendations to Nexus 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. ORR also brought the recommendations to the attention of TfL and Network Rail as it was concluded that there are equally important lessons for them. ORR did not ask these organisations to provide a reply. Learning point 3 was brought to the attention of RDG.
4. This annex identifies the correspondence with end implementers on which ORR's decision has been based.

Recommendation 1

The intent of this recommendation is to reduce the risk of track workers being struck by trains when working on lines still open to traffic, by ensuring adequate lookout protection is provided.

Nexus Rail should identify, by means of risk assessment, and taking into consideration the lessons from this incident, locations on the Tyne and Wear Metro system where multiple lookouts are required to establish a safe system of work, and make this information available to work site controllers and in its hazard directory

ORR decision

5. Nexus have identified locations on the T&W Metro network where multiple lookouts are necessary and updated the Hazard Directory accordingly. Nexus keep this information up to date by reviewing safe systems of work and carrying out sample health and safety visits.
6. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Nexus has:
 - taken the recommendation into consideration; and
 - has taken action to implement it.

Status: Implemented.

Information in support of ORR decision

7. On 19 October 2018 Nexus provided the following initial response:

We have collated details of locations on the T&W Metro network where multiple lookouts are necessary because of system topography, and enhanced the way we illustrate and describe these in our Hazard Directory. This is supported by an ongoing risk assessment process where Nexus Work Site Controllers are encouraged to raise problems with establishing compliant safe systems of work, and sample visits undertaken by members of the H&S team.

Recommendation 2

The intent of this recommendation is that mobile staff have relevant safety information to hand when they set up systems for working on the track.

Nexus Rail should provide its mobile staff, including fault finding teams, with remote access to the hazard directory to enable them to set up safe systems of work and alert them to sighting hazards.

ORR decision

8. Nexus have procured Kindle ereaders which have been loaded with the Hazard Directory. The Kindles will be issued to staff imminently, together with guidance material for their use. Suitable protective cases have also been issued.

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

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

Status: Implemented.

Information in support of ORR decision

10. On 19 October 2018 Nexus provided the following initial response:

We are arranging to issue mobile staff with portable electronic devices that will allow them to read the Hazard Directory whilst in the field, rather than obtaining information from it by telephone from the Control Centre.

11. On 3 July 2019 Nexus provided the following update:

160 “Kindle” e-readers have been procured and configured with software that will allow field person to access the HD. The readers automatically update whenever a section of the HD is reissued – so, as long as the field worker checks their device, they will have current information about known permanent hazards in the area where they will be working. The readers will fit in a (large) pocket and are equipped with cases to provide a degree of protection. The readers have good quality colour touch screens capable of showing a high degree of resolution, which you can see in the attached a photograph of one of the Kindles displaying a section of the Hazard

Directory. A simple guide to their use has been produced (which I have also attached), and the devices are now ready to be issued. As an added benefit we anticipate making other technical material, and rules, available via the same medium.

Recommendation 3

The intent of this recommendation is to improve the quality of on-site risk assessments undertaken by work site controllers.

Nexus Rail should:

a) improve the documentation it provides to its mobile staff to enable them to undertake a suitable risk assessment on site, including consideration of the need for additional lookouts; and

b) provide improved training to its work site controllers on recognising, assessing and mitigating risks in situations where work is to be carried out on lines open to train movements. The training should include use of the improved documentation from (a), the use of information derived from the implementation of Recommendation 1 of this report, the correct assessment of sighting distances on curved track and examples of locations on its network (eg Pelaw North Junction) where visibility of approaching trains can be compromised by train movements on other lines.

ORR decision

12. Nexus have trialled but not yet finalised a new risk assessment form for Work Site Controllers (WSC). Recognising that the bulk of the work to implement 3b has been carried out, a final briefing on the new WSC paperwork should be all that is required to move the recommendation to implemented.

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

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

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

Information in support of ORR decision

14. On 19 October 2018 Nexus provided the following initial response:

Recommendation 3(a) - Improving the documentation provided to mobile staff

We have enhanced the form that the Work Site Controller (WSC) must complete. This now emphasises the requirement for a suitable risk assessment on site, and requires the WSC to record the number of lookouts he/she needs (if he/she elects to

use lookout protection). The revised form is currently undergoing field trials; I expect this phase to be complete by the end of November.

Recommendation 3(b) - Training Work Site Controllers

We will use the enhanced form from recommendation 3(a) as part of a training session for all our WSCs. The training will also include the correct assessment of sighting distances, and examples of places on the Tyne and Wear Metro system where visibility of approaching trains may be obscured by other train movements. This training will begin in mid-December 2018. We have about 250 WSCs to train, so I anticipate that this will continue into early 2019.

15. On 3 July 2019 Nexus provided the following update:

Recommendation 3a (revise WSC paperwork) – trials of a revised form concluded at the end of April. Extensive feedback was compiled, and provided to our Track Safety Working Group. The Group will, inter alia, finalise and implement a new WSC form using this feedback. We also envisage improving the way in which any future revisions to these and other similar forms are communicated to the people who will be using them.

Recommendation 3b (retrain WSCs) – apart from a very small number of people who are on long-term sick leave all WSCs (amounting to more than 200 individuals) have undergone retraining.

This training covered:

- the reason for retraining – the Pelaw near miss, and the critical importance of rule compliance
- the revised layout of the HD, and when/how to access it, including the use of an electronic device such as a Kindle
- the requirement always to undertake a site assessment, so that transient hazards (e.g., vegetation) are taken into account
- the trial WSC form, when/how to complete this, and the provision of feedback on it
- the availability of other methods of track worker protection
- the correct technique for assessing 350m sighting distance (i.e., using individual mast identification numbers), and reminding WSCs that the long-standing “7 Mast” reckoner is unreliable and must not be used
- the risk of one train obscuring another one

Recommendation 4

The intent of this recommendation is to reduce the risk to track workers arising from inexperienced staff implementing unsafe systems of work.

Nexus Rail should put into place a process to mentor and support newly qualified safety critical track staff, such as lookouts and WSCs, until they have acquired sufficient operational experience and knowledge to fully appreciate risks and are

able to make safe decisions in potentially hazardous situations and changing conditions.

ORR decision

16. Nexus have reviewed the processes used by other railway administrations to support newly qualified staff in safety critical roles. Work is ongoing to update their standard for training and mentoring track workers.

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

- taken the recommendation into consideration; and
- is taking action to implement it, but ORR has not yet been given a clear completion date.

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

18. 19 October 2018 Nexus provided the following initial response:

We have gathered examples of practice for newly-qualified personnel from other railway administrations and will also use ORR guidance to determine the approach.

19. On 3 July 2019 Nexus provided the following update:

Work is progressing under the Competency Management Review Panel to update the Track Safety Training Standard, adding the required mentorship requirements for track protection activities and also to produce any associated forms and handbooks.

Recommendation 5

The intent of this recommendation is to clarify and strengthen the process that Nexus Rail use to manage staff on prescription medication.

Nexus Rail should:

- a) decide upon and regularise its process for managing staff on prescription medication enquiries, including how advice from its occupational health provider should be assessed; and
- b) brief the process to line managers and supervisors so that there is clarity about how it should work.

ORR decision

20. Following our own review of the Nexus process for managing staff on prescription medication and further discussions with Nexus, we are satisfied that it is fit for purpose. The policy has been re-briefed to all managers and supervisors explaining that the OCC health advice must be followed and is not subject to a further risk assessment. Nexus also concluded from their own review that the existing guidance is fit for purpose, but have carried out a programme of rebriefing to appropriate staff and will provide them with further information about actions to take if a risk assessment is recommended by an occupational health provider.

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

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

Status: Implemented.

Information in support of ORR decision

22. On 19 October 2018 Nexus provided the following initial response:

Recommendation 5(a) - Medication

We have reviewed the guidance we publish in Nexus Human Resources Policy HR002 and consider this is already clear. However, we will provide our managers and supervisors with additional material to formalise the action they may take in the event that advice from the Occupational Health provider recommends a risk assessment, rather than a simple recommendation that a person be stood down from safety critical work.

Recommendation 5(b) - Medication training for Line Managers and Supervisors

The content of our response to recommendation 5(a) will be briefed to our managers and supervisors.

23. On 3 July 2019 Nexus provided the following update:

It was determined that the existing policy was sufficiently clear; briefing was completed via the 4-weekly Director of Rail & Infrastructure's briefing cascade, which goes to all managers and supervisors in the Nexus Rail directorate. We consider this action to be complete.