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6 October 2017



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

Dear Andrew,

RAIB Report: Overspeed at Queen's Park, London, 5 January 2016

I write to report¹ on the consideration given and action taken in respect of the three recommendations addressed to ORR in the above report, published on 6 October 2016.

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

The status of all three recommendations is '**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 6 October 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 3 recommendations were addressed to ORR when the report was published on 6 October 2016.
2. After considering the recommendations ORR passed all three recommendations to London Midland, 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 all three recommendations to the attention of all other TOCs as it was concluded that there are equally important lessons for them. ORR did not ask these organisations to provide a reply. Although we did not formally address the recommendations to Network Rail, they provided a response detailing the actions taken in response to the recommendations (see Annex B).

Recommendation 1

The intent of this recommendation is to provide an effective competency regime for London Midland managers who drive trains and assess the train driving skills of others.

London Midland should review and improve the process for routine competence management and assessment of driver managers and other managers with train driving competencies. The review should include consideration of:

- the extent to which people of the same grade and/or from the same location should undertake assessments;
- the minimum amount of driving which driver managers should undertake, and the processes required to record and audit this activity;
- the content and frequency of the refresher training needed for maintaining the skills needed to assess train driving;
- monitoring and, where necessary, improving the conduct of assessments; and
- including an explicit statement about how responsibility for safety of the train is allocated to a driver and an assessor during an assessment.

ORR decision

4. London Midland reviewed and made changes to their competence management and assessment of driver managers in response to the recommendation.
5. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, London Midland has:
 - taken the recommendation into consideration; and
 - has taken action to implement it.

Status: Implemented.

Information in support of ORR decision

6. On 23 January 2017 London Midland provided the following initial response:

In order to meet this recommendation London Midland have:

- *Introduced an independent assessment process whereby driver managers are assessed on their driving skills by assessors from neighbouring depots. The assessments are carried out to include all the elements of a driving turn with particular emphasis on Unit 1 of the performance criteria 'Prepare to undertake driving duties'.*
- *Mandated that driver managers and other managers with train driving competencies complete a minimum of six hours driving trains over a rolling three month period.*
- *Introduced a one-off refresher training programme for all driver managers designed to maintain the skills needed to assess train driving skills.*
- *Conducted a review to determine the optimum competence retention period and frequency for ongoing refresher training of driver managers.*
- *Introduced 'in-cab' assessments of driver managers to monitor and where necessary, improve the conduct of assessments.*
- *Included an explicit statement in the assessor competence management system stating responsibility for safety of the train is allocated to a driver and an assessor during an assessment.*

7. London Midland provided a copy of the briefing note they sent to their drivers addressing each of the points identified in recommendation 1:

SMS changes in response to recommendation 1

Point 1

In order to address the issue raised around peer assessments of driver managers, each driver manager has been assigned an assessor from a neighbouring depot. The candidate and assessor should plan ahead and arrange for driving assessments to be completed in accordance with the CMS timescales on routes and traction that both managers sign. The assessment must be carried out to include all the elements of a driving turn with particular emphasis on Unit 1 of the performance criteria 'Prepare to undertake driving duties'.

Point 2

A minimum amount of driving hours has now been set and all train driver competent managers are required to undertake a minimum of six hours train driving over a rolling three month period. This driving time must be recorded using the relevant forms in the CMS.

Point 3

Mandatory refresher training on competence management designed to maintain the skills needed to assess train driving is being arranged. It is expected this training will commence in January 2017.

Additionally, a review to determine the optimum competence retention period and frequency for on-going refresher training of driver managers is being undertaken. Once complete, the relevant CMS will be updated to include mandatory refresher training.

Point 4

Introduction of 'in-cab' assessments of driver managers is being introduced to monitor assessment quality and aid in the development of assessors. The details of this are contained within a new operational standard LMOPS 031 Internal Quality Assurance.

Point 5

The relevant CMS is being updated to include an explicit statement about how responsibility for safety of the train is allocated to a driver and an assessor during an assessment.

Recommendation 2

The intent of this recommendation is to ensure that safety critical information is easily and unambiguously seen in late notices and other communications.

London Midland should review and improve the communication of safety critical information transmitted to its drivers using traditional methods (eg late notice cases) and any transmitted electronically. The review should include:

- ensuring essential safety information is prominently displayed;
- ensuring subsidiary information is differentiated from safety critical content;
- ensuring non-essential information is omitted;
- considering the use of differing fonts, differing font sizes and colours;
- considering use of maps or plans; and
- considering the introduction of a requirement for staff to acknowledge the receipt and understanding of such communications.

This recommendation may also apply to other train operators.

ORR decision

8. London Midland has made improvements to how it communicates safety critical information to drivers to reduce the risk of a repeat of the circumstances that happened at Queens Park. ORR has reviewed the new arrangements London Midland have in place and are content they have addressed the recommendation.

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

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

Status: Implemented.

Information in support of ORR decision

10. On 23 January 2017 London Midland provided the following initial response:

Reviews into how to safety critical information is communicated and how control room managers can determine who is driving a train have been completed. These reviews have led to changes being made in the way safety critical information is displayed leading to a standardised format being used across all depots, and removed driver managers from control room pager messages regarding speed restrictions. A system that provides relevant managers with details on who is driving a train has also been introduced.

Recommendation 3

The intent of this recommendation is to assist prompt action in response to safety related issues which require identification of the person driving a train.

London Midland should introduce an effective means of ensuring that relevant staff (for example control room operators) can rapidly establish who is driving a train (for example when driver managers replace booked drivers).

This recommendation may also apply to other train operators.

ORR decision

11. London Midland has changed its procedures so the driver of a train is accurately recorded and so they can be quickly identified should they need to be contacted.

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

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

Status: Implemented.

Information in support of ORR decision

13. On 23 January 2017 London Midland provided the following initial response:

Reviews into how to safety critical information is communicated and how control room managers can determine who is driving a train have been completed. These reviews have led to changes being made in the way safety critical information is displayed leading to a standardised format being used across all depots, and removed driver managers from control room pager messages regarding speed restrictions. A system that provides relevant managers with details on who is driving a train has also been introduced.

14. London Midland provided a copy of the briefing note they sent to their drivers identifying the changes they made to their SMS in response to recommendation 3:

SMS changes in response to recommendation 3

Prior to taking over a train to maintain train driving competence or for the purpose of conducting an assessment (assessing a non-booked driver), managers must inform the relevant DTCM. The DTCM must update Genius to indicate which trains managers are driving or who will be driving if not the booked driver.

Summary of end implementer correspondence

Recommendations 1, 2 and 3

1. In its response on 25 April 2017, Network Rail provided the following information on actions they had taken in relation to the Queens Park recommendations:

Recommendations	Action taken	
	Initial action take	Interim measures
	<i>The intent of this recommendation is to provide an effective competency regime for London Midland managers who drive trains and assess the train driving skills of others.</i>	
<i>London Midland should review and improve the process for routine competence management and assessment of driver managers and other managers with train driving competencies. The review should include consideration of:</i>	<i>Whilst the operational and managerial aspects of London Midland differ considerably from the nature of our operation and managerial structure, the likelihood of human error is however probably the same i.e. failing to come to a clear understanding. Therefore, Directly Operated Fleet accepts this recommendation</i> <i>In regards to initial action see interim measures email.</i>	
<i>1. the extent to which people of the same grade and/or from the same location should undertake assessments;</i>	<i>Normally only a Supervisor or his deputy assesses the competence of our Drivers and themselves. With the recent appointment of a Training & Competency Manager, he will now be responsible for assessing their occupational competence. In regards to initial</i>	

		action see interim measures email.	<i>I've also asked Control to advise me on how we communicate ESR's to our Drivers. Any questions give me a call.</i>
	<i>2. the minimum amount of driving which driver managers should undertake, and the processes required to record and audit this activity;</i>	<i>No immediate action required</i>	<p><i>Currently we do not have Driver managers; however, should the circumstances change the following will be documented and enacted upon:</i></p> <ul style="list-style-type: none"> <i>Unless rostered frequently as a Driver, the minimum hours each period is 4 hours. This is based on good industry practice.</i> <p><i>Managers will be required to complete a log to record driving hours. This record will be subject to audit and verification.</i></p> <p><i>Changes being made to made to SP – 1.08</i></p>

Target completion date: *Initial – closed* *Interim: - closed* *Full closure -*
31 March 2017

Recommendations	Action taken	
	Initial action take	Interim measures
3. <i>the minimum amount of driving which driver managers should undertake, and the processes required to record and audit this activity;</i>	<i>No immediate action required</i>	<p><i>Currently we do not have Driver managers; however, should the circumstances change the following will be documented and enacted upon:</i></p> <ul style="list-style-type: none"> <i>Unless rostered frequently as a Driver, the minimum hours each period is 4 hours. This is based on good industry practice.</i> <p><i>Managers will be required to complete a log to record driving hours. This record will be subject to audit and verification.</i></p> <p><i>Changes being made to made to SP – 1.08</i></p>
4. <i>the content and frequency of the refresher training needed for maintaining the skills needed to assess train driving;</i>	<i>No immediate action required</i>	<i>Existing CMS being updated to reflect European Train Driver Licence regulation (TDLCR) requirements</i>
5. <i>monitoring and, where necessary, improving the conduct of assessments; and</i>	<i>No immediate action required</i>	<p><i>The Driver's CMS is being fully reviewed to encompass Managers (who drive), Trainers and Assessors. This will address any weaknesses in the CMS.</i></p> <p><i>The monitoring of its effectiveness will be by internal verification and audit</i></p>
6. <i>including an explicit statement about how responsibility for safety of the train is allocated to a driver and an assessor during an assessment.</i>	<i>No immediate action required as in addition to providing safety of the line information to a Driver when booking on, they also email out this information to <u>all</u> Drivers.</i>	<i>New requirements for SP – 1.08 - OTM Driver/Trainer/Assessor/Driver Instructor competence and fitness</i>

Target completion date: **Initial** – closed **Interim:** - work in progress **Full closure** - 31 March 2017

Recommendations	Action taken	
	Initial action take	Interim measures
<p>The intent of this recommendation is to ensure that safety critical information is easily and unambiguously seen in late notices and other communications. London Midland should review and improve the communication of safety critical information transmitted to its drivers using traditional methods (eg late notice cases) and any transmitted electronically.</p>		
	<p>We do not have depots or notice cases. Drivers book on via Control using a dedicated telephone line.</p> <p>Instructions are contained in the Control Manual as to the actions of the Controller during this process (see below)</p> <p>Controller also text emergency speed restriction advice to all Drivers on receipt.</p>	<p>Whilst there is a written (robust) procedure in place, a review on the effectiveness of the booking on process is also underway to ensure its adequacy and fitness for purpose.</p>
<p>The review should include:</p>		
<p>1. ensuring essential safety information is prominently displayed;</p>	<p>Not applicable due to the nature of our operations and the associated risks</p>	<p>See above</p>
<p>2. ensuring subsidiary information is differentiated from safety critical content;</p>	<p>Not applicable due to the nature of our operations and the associated risks</p>	<p>See above</p>
<p>3. ensuring non-essential information is omitted;</p> <p>4. considering the use of differing fonts, differing font sizes and colours;</p>	<p>Not applicable due to the nature of our operations and the associated risks</p>	<p>See above</p>
<p>5. considering use of maps or plans; and considering the introduction of a requirement for staff to acknowledge the receipt and understanding of</p>	<p>Not applicable due to the nature of our operations and the associated risks</p>	<p>See above</p>

	<i>such communications.</i>		
<i>This recommendation may also apply to other train operators.</i>			

Target completion date: *Initial* – closed *Interim*: - work in progress **Full closure** - 31 March 2017

Recommendations	Action taken	
	Initial action take	Interim measures
<i>The intent of this recommendation is to assist prompt action in response to safety related issues which require identification of the person driving a train.</i>		
<i>London Midland should introduce an effective means of ensuring that relevant staff (for example control room operators) can rapidly establish who is driving a train (for example when driver managers replace booked drivers).</i>	<i>See page 2 interim measures email</i>	<i>Long term SP1.08 and the Control Manual will be strengthened to cover Assessors reporting to the Control what machines they are travelling on.</i>
<i>This recommendation may also apply to other train operators.</i>		

Target completion date: *Initial – closed Interim: - work in progress Full closure - 31 March 2017*