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

Dear Andrew,

RAIB Report: Runaway hand trolley at Ramsbottom, East Lancashire Railway

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 12 November 2018.

The annex to this letter provides details in respect of the recommendations. The status of recommendation 1 is '**progressing**'; the status of recommendations 2 and 3 is '**Implementation on-going**'.

We will publish this response on the ORR website on 12 November 2019.

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 12 November 2018.
2. After considering the recommendations ORR passed recommendation 1 to the Heritage Railway Association and recommendations 2 & 3 to the East Lancashire Railway 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 recommendation 2 and 3 and the learning points in the report to the attention of the HRA as it was concluded that that there are equally important lessons for them to share with their member organisations.

Recommendation 1

The intent of this recommendation is to ensure that trolleys without fail-safe braking are only used on heritage railways when the risks of doing so have been fully considered and it has been demonstrated safe to do so.

HRA should issue clear guidance to its members that the use of trolleys without fail-safe braking should be prohibited on running lines and restricted to yard or workshop work on level track; unless the use of such trolleys is supported by a robust risk assessment and suitable operating procedures.

ORR decision

4. In response to the recommendation the HRA updated their guidance on the use of hand trolleys. The current version of the guidance (see para 7 below) does not explicitly refer to failsafe brakes; we have asked HRA to clarify the reason for this. Consequently the HRA has stated that it will publish new guidance, but have not given a timescale as they want ORR to agree the content of the guidance first.

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

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

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

6. On 9 December 2018 the Heritage Railway Association provided the following initial response:

We believe that we have fully complied with both the letter and spirit of the recommendations.

We updated our relevant Guidance Note on 19 November 2018 to cover these issues and attach the latest version for your reference, which is freely available from our website, as:

HGR-A0062-Is04 - Safe Use of On Track Plant .pdf

This contains a direct reference to the RAIB report, and in section 6 G, specifically covers the requirements of Recommendation 1 of that report.

We covered the general points and signposted the revised GN to all Operating Members as the last item of our 'Operating & Safety Matters' newsletter issue 21 sent out on 19 November 2018; a copy of which is also freely available from our website and attached as: O&S-Matters 21.pdf

7. The current version of HRA hand trolley guidance states:

Hand trolleys (unpowered, unbraked and not securely linked to a braked vehicle).

1. Unbraked hand trolleys should be confined to yard or workshop work on level track, they must not be permitted on the running line. Yards where any unbraked trolleys (or other unbraked vehicles) are used should be provided with appropriate provisions to prevent runaway vehicles from fouling running lines.

2. Hand trolleys required for work beyond a yard must be fitted with a brake capable of being operated on either side and stopping the trolley when loaded to capacity.

3. All trolleys should carry suitable scotches attached to the trolley.

4. Trolleys are not exempt from the requirements of PUWER and should have an ID and their load capacity marked conspicuously

Recommendation 2

The intent of this recommendation is to ensure that ELR has in place suitable and sufficient working practices in its Permanent Way department to meet the requirements of the Safety Management System.

The East Lancashire Railway Permanent Way department should develop and implement local procedures in accordance with the principles of the railway's Safety Management System, including, but not limited to:

- risk assessing work activities;
- managing and controlling the acquisition (including donation), maintenance and operation of Permanent Way department equipment;
- staff competence management; and
- planning of work activities.

ORR decision

8. The initial response from ELR did not contain sufficient information about the circumstances of the incident or a clear indication of the work that has been completed and what remained outstanding.

9. ELR have since confirmed that they are rewriting their safety management system which they expect to complete by the end of December 2019. This will address all the key parts of the recommendation.

10. An example of a change made to the SMS is that anything now donated to the ELR goes into quarantine and can only come into use once it has been inspected by someone competent in respect of the donated item.

11. Unbraked trolleys have been removed from service on the ELR and replaced with those with a fail safe braking capability. ELR have also developed a maintenance standard for trolleys.

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

- taken the recommendation into consideration; and
- is taking action to implement it by 31 December 2019

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

13. On 14 December 2018: East Lancashire Railway provided the following initial response:

a. risk assessing work activities; [Please see attached document.](#)



Pway Risk
Assessment.pdf

b. managing and controlling the acquisition (including donation), maintenance and operation of Permanent Way department equipment; [Please see attached document PUWER, SMS Document SMSP 03.10M.](#)



ELR SMSP 03.10M -
PUWER.pdf

c. staff competence management; and [At present competency records are maintained by each individual department, with no central access for the Company. This makes obtaining records dependent on the department competency manager and availability can be patchy. The ELR wider ambition to centralise competency including that of the Permanent Way department. ELR preparing to adopt HOPS across all safety critical departments. 2019 project plan for implementation of HOPS. The Footplate Standards role has been expanded to incorporate Railway wide standards. The timescale for implementation of the revised SMS amendments will be](#)

completed by December with consultation period set for January. Then the revised documents will be presented at the March Board meeting for authorisation. A briefing will follow when the final document is issued. The Permanent Way team members have been trained in the use of trolleys and how to use the new trolley. However, since March we have not used trolleys on the ELR infrastructure.

d. planning of work activities. (paragraphs 75a.i, 75a.ii, 75b.i, 75b.ii and 76) 5 Those identified in the recommendations have a general and ongoing obligation to comply with health and safety. The Permanent Way team every day the working team are provided with Safety brief and method statement for the work activity. These are recorded and documents retained. Person in charge of work is responsible for delivering the briefing prior to work commencing. Please see attached document PIC Best Practice.



14. On 1 November 2019, ELR provided the following update on each point of the recommendation:

a) Risk assessing work activities

Manager have completed the IOSH Managing Safely Course and training in the 5 x 5 risk assessment process. Risk assessments are completed for each work activity and for the group undertaking the work. Daily briefings are given with the document signed by the person in charge of the work. Safety Team has been established with representatives from most departments across the ELR including infrastructure. New position has been advertised to support the Pway supervisor and complete the transfer of paper records into the one system of HOPS. Audit has been completed for the PWay department in October Vs the SMS. This has highlighted some action points.

b) managing and controlling the acquisition (including donation), maintenance and operation of Permanent Way department equipment

All acquisitions arrive in the Traction and rolling stock department with the equipment details entered into HOPS as an asset and the schedule for inspection and maintenance exams set up. The ELR have adopted HOPS to centralise competency and maintain records centrally. All vehicles, rolling stock, locomotives and assets have now been registered in HOPS and the maintenance schedule entered to track and remain the maintenance team of the examination schedule.

c) staff competence management

The competency of staff conducting all safety critical duties are now entered into HOPS. Supervisors and managers have been trained in the use of the system and also supported to complete the IOSH Managing Safely course to set the standard that we expect. The Pway department have gone through training and the records have been supplied for the inclusion in HOPS.

- d) *planning of work activities. (paragraphs 75a.i, 75a.ii, 75b.i, 75b.ii and 76) 5 Those identified in the recommendations have a general and ongoing obligation to comply with health and safety*

The Permanent Way team every day the working team are provided with Safety brief and method statement for the work activity. These are recorded and documents retained. Person in charge of work is responsible for delivering the briefing prior to work commencing. The Pway Manager has completed the IOSH Managing Safely and all risk assessments are completed to the 5 x 5 measure.

Recommendation 3

The intent of this recommendation is to ensure that ELR is aware of the extent to which its Safety Management System is being effectively implemented.

The East Lancashire Railway should implement a process of thorough regular audits, which are capable of detecting non-compliances with its Safety Management System and identifying corrective actions needed to improve the management of safety.

ORR decision

15. ELR are undertaking departmental audits, including for the permanent way department covering equipment used and work procedures (including planning and execution of work). ELR have indicated that they expect all actions to be implemented by January 2020.

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

- taken the recommendation into consideration; and
- is taking action to implement it by 31 January 2020

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

17. On 14 December 2018: East Lancashire Railway provided the following initial response:

Already started this by the deployment of an independent compliance audit for operations functions. The finds from this report have been used to develop an action plan for improvement. Some recommendations have been challenged but the reasons have been recorded.

Additional actions:

- *Safety Manager appointed. The original appointed Safety Manager was unable to dedicate the time required to fulfil the duties.*

•SMS Document Controller appointed. *This is a voluntary position and will track the amendments and updates to documents and when they are ready for review.*

•Re-invigorated safety team co-ordinated. Remit and the group includes Safety audit programme for 2019 and safety tours. *Representatives from most departments that act as safety champions*

- Agenda for safety team meeting attached below:
 - Remit of the group
 - Fire risk assessments
 - Safety Management System re-write and priorities
 - Training
 - External audit actions and updates
 - Audits
 - Internal
 - Safety tours
 - External – Potential for RM3 audit or independent safety audit.
 - Actions and plan
 - Safety documentation
 - Any other business
 - Assets register for plant and equipment set up in fleet maintenance pro.
 - Assessor training for all assessors .
 - Train the trainer course ready for 2019.
 - Traction and Rolling stock annual examination of trolleys for fitness to use.
 - Safety Management System in review and re-write process.

18. On 1 November 2019, ELR provided the following update:

The actions from the independent audit are recorded in this tracker. The Safety Team have set up a schedule of Safety Tours, and Safety Audits to cover departments one by one. The Safety Team review actions and monitor improvements. The ELR will adopt the RM3 model for auditing by April 2020.