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18 December 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 and trolleys at South Hampstead, London, 11 March 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 18 December 2018.

The annex to this letter provides details in respect of the recommendations. The status of recommendations 1, 3 and 6 is '**progressing**'; the status of recommendation 2 is '**implementation on going**'; and the status of recommendations 4 and 5 is '**implemented**'.

We will publish this response on the ORR website on 18 December 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 6 recommendations were addressed to ORR when the report was published on 18 December 2018.
2. After considering the recommendations ORR passed all 6 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.
3. This annex identifies the correspondence with end implementers on which ORR's decision has been based.
4. This response needs to be considered in light of Network Rail's response to ORR enforcement, which is resulting in major strategic initiatives. These will be described in detail in our planned joint workshop on workforce safety.

Recommendation 1

The intent of this recommendation is that there is complete clarity about the responsibilities and operation of the 'Person in Charge' (PiC) role defined in Network Rail standard NR/L2/OHS/019 Issue 9.

Network Rail should:

- a) revise its standard for managing the safety of people at work on or near the line (currently standard NR/L2/OHS/019 issue 9) to clarify the following aspects of the 'Person in Charge' (PiC) role:
 - i. a PiC should be allocated to each separate work group, and remain with that work group for the duration of the work;
 - ii. the same PiC should be involved in both the planning process and delivery of the work (excluding exceptions stated in the standard);
 - iii. when the COSS duties of a PiC are delegated to someone else, that individual should be appointed during the planning process, endorse the safe work pack and deliver COSS duties on site.
- b) provide suitable guidance to support the understanding and implementation of the standard, and maintain access to such documentation for relevant staff and contractors.
- c) brief out the changes arising from a) and b) above to relevant staff and contractors.

ORR decision

5. Network Rail has amended the COSS training syllabus to reflect and clarify the role of the PIC. It is intended to discontinue the COSS role and replace with

PIC's over a 2-year period, which will include re-training when an individual's COSS competence falls due for renewal.

6. Network Rail hope to revise 019 by April 2020, but this isn't simple as the PIC role and COSS line clear role clarifications need TOMSC input as they involve rule book changes.

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

8. On 3 May 2019 Network Rail provided the following initial response:

Action Plan

Network Rail Workforce Safety with the Planning and Delivery Safe Work team have been undertaking a post implementation review of standard 019. The outputs will be reviewed and a working group will be set up to review the documents and associated modules.

In answer to this recommendation in adding simplification and clarity to the text (IMS requirement), modules 02;03;04 will also be reviewed in particular section 3.6 within these modules that are linked to Safe Work Pack Verification. (it has been noted that where cyclical packs are in use authorised for up to 12 months there is no specific details as to what a PIC should do if COSS duties are delegated (which is specified in non repeated tasks).

A full review of COSS training has also been undertaken and enhancements to the course material will be trialled during July /August 2019 this places added requirements on the behaviours and suitability of the COSS to undertake the role and additional work is being undertaken to formalise the Pic capability to a competence again outputs will be ready for Dec 2019 and course material determined ready for December 2020.

Currently the tool for briefing safety changes is through the various alerts that exist and Safety Central and recording using the Sentinel system. A review by Head of Corporate Workforce Safety and Head of Standards team to utilise a process available to formally record all safety information upon receipt is being considered and then mandating on the business this should be completed and implemented during 2019. (Timescale: 31 January 2021)

Recommendation 2

The intent of this recommendation is that all those who act in the role of Responsible Manager, as defined in standard NR/L2/OHS/019 Issue 9, are fully briefed on their responsibilities under the standard.

Network Rail should verify that all of its staff who currently act in the role of Responsible Manager, as defined in standard NR/L2/OHS/019 Issue 9, are fully aware of their responsibilities with respect to signing off safe work packs and, where this is not the case, take action to address this lack of understanding.

ORR decision

9. Network Rail accept that responsible managers need to be briefed on their duties under the 019 standard and have provided a plan of how they are going to carry this out.

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

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

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

11. On 3 May 2019 Network Rail provided the following initial response:

Action Plan

Network Rail implemented the revised standard NR/L2/OHS/019 issue 9 during 2017, there was a requirement for the briefings to be recorded using the sentinel process as an event, these records focused on a general briefing and a COSS more specific detailed briefing. There was no specific briefing for responsible managers.

As the standard is going to be fully reviewed as per Rec 1 the requirement for the responsible managers (rm) briefing will be separated and added to the briefing document to focus on the areas of responsibility (it could add confusion to the people in these roles if an emergency re-brief was initiated during the early part of 2019 & again when the revised issue 10 was landed)

A Sentinel report run will be requested and reviewed which will identify that RM's received the briefings as per the standard briefing issue 019. (Timescale: 31 January 2021)

12. On 17 December 2019 Network Rail provided the following update:

1. Network Rail have used the SSOWP's system to download a list of all responsible managers, this will be compared to the Oracle records of those that have completed the 019 briefing. Completed by mid Jan 2020.
2. Anyone identified in action 1 to not have completed the 019 briefing will be contacted and requested to do so as a matter of urgency. Completed by 31 Mar 2020. Anyone not completing the briefing by that date will have their competence suspended on Sentinel.
3. The technical briefing will be made available on the SSOWP's system. Jan 2020.
4. Network Rail will consider amending the ACC (annual capability conversation) document making reference to 019 and the accountabilities and responsibilities within the standard. Jan 2021.
5. Lessons Learnt from actions 1, 2 and 4 will be taken forward with the development of the new PiC competence.

Recommendation 3

The intent of this recommendation is that staff in charge of safety on site have good quality location information to minimise the risk of accidents arising from confusion about which lines are open to traffic.

Network Rail should review and improve the quality of the location information provided in its safe work packs, to help staff better identify running lines, access points and other relevant geographical features. The review should include consideration of supplementing the current minimum information specified in Appendix A of standard NR/L2/OHS/019 with detailed track diagrams, local street maps, ground level and/or aerial photographs (eg from RouteView) etc, using a risk-based approach.

ORR decision

13. The recommendation is being addressed through the Safe Work Pack simplification programme (SSOWP 3), which is expected to be rolled out in June 2020. We support the approach being taken and have asked Network Rail for more information about the programme of work.

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

- taken the recommendation into consideration; and
- is taking action to implement it, but ORR has yet to be provided with a detailed plan.

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

15. On 3 May 2019 Network Rail provided the following initial response:

Action Plan

Network Rail has been undertaking a lot of work in this area, during 2018 improvement updates have been made to the various systems used to formulate Safe Work Packs (SWP)

The WFS Team and our business Partners in the Information technology group & PDSW, have improved how track side information about positioning is viewed when planning SWP.

CP6 funding has also been secured to develop the use of QR codes for access points so that accurate information can be displayed on COSS handsets so that they know they are in the correct place, going forward when digital packs are in place the pack won't be allowed to go live if the COSS is in the wrong access point or position on the track.

Trials in two routes are being set up for autumn 2019, details to be confirmed to the ORR once known.

Recommendation 4

The intent of this recommendation is that the access point at South Hampstead station is recognised in the hazard directory and has appropriate information signage.

Network Rail should:

- amend its National Hazard Directory to include the access point alongside South Hampstead station; and
- provide access point signage to clearly identify each running line to staff using the access point.

ORR decision

16. Network Rail have amended the Hazard Directory to include the access point at South Hampstead station and installed a new sign displaying access point information.

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

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

Status: Implemented.

Information in support of ORR decision

18. On 28 March 2019 Network Rail provided the following initial response:

Action Plan

Network Rail has amended it's National Hazard Directory to include the access point alongside South Hampstead station. The entry in the directory is shown below:

LEC1: LONDON EUSTON - RUGBY TRENT VALLEY JCN	2.0726	2.0726	Authorised Access Point - Pedestrian	South Hampstead Station Disused Platform	HSJ9 Down Slow
LEC1: LONDON EUSTON - RUGBY TRENT VALLEY JCN	2.0726	2.0726	Authorised Access Point - Pedestrian	South Hampstead Station Disused Platform	HSJ9 Up Main/Fast

Network Rail has erected access point signage that clearly identifies each running line to staff using that access point. Photo of the sign in position is shown below:



Recommendation 5

The intent of this recommendation is that Network Rail reviews how standard NR/L2/OHS/019 Issue 9 is being applied across its network and takes appropriate actions based on what it finds.

Network Rail should carry out a detailed audit of how standard NR/L2/OHS/019 Issue 9 has been implemented across the network, including in its supply chain. The purpose of this audit is to determine how the standard has been interpreted and understood, and areas of good and bad practice. Network Rail should take appropriate actions to address any issues found.

ORR decision

19. Network Rail has not yet done a detailed audit across the network of the application of 019 standard. So far a comprehensive audit has only been done in South Wales.

20. Network Rail has committed, through its 'safety task force' to making improvements as a result of the ORR enforcement notices issued on 8 July 2019. ORR inspections uncovered shortcomings in how 019 is being implemented therefore we see little benefit in Network Rail doing its own audit.

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

- taken the recommendation into consideration; and
- is considering what action to take to implement it

Status: *Implemented by alternative means*

Information in support of ORR decision

22. On 12 October 2019 Network Rail provided the following initial response:

Action Plan

Following the Post implementation Review of the current 019 standard, a 019 core principles solution will be available December 2019. To ensure that everyone will have sight of this solution, we will make sure data is captured to demonstrate acknowledgment that individuals have been party to the output.

This, more than an audit, will show that our workforce has been given sufficient information with regards to the 019 Standard.

We do however recognise that as a behavioural change for the workforce the step between Standard 019 rev 8 to 9 has been a step bigger than first anticipated.

Therefore as a PDSW and Near Miss Reduction Programme we are creating different outputs to enhance the knowledge of our workforce in the coming months.

This implementation will give us, as a company a greater confidence that the standard is understood and adhered to.

Timescale: August 2020

Recommendation 6

The intent of this recommendation is to understand how the revision of safety critical business processes can be improved.

Network Rail should undertake a review of how the change of NR/L2/OHS/019 from issue 8 to issue 9 was managed, in order to identify any areas for improvement in the management of change.

ORR decision

23. Network Rail have committed to providing ORR with an overview of the post-implementation review of the change from 019 issue 8 to issue 9.

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

25. On 3 May 2019 Network Rail provided the following initial response:

Action Plan

Under the requirements laid out for standards change for Network Rail, all changes of standards are required to undertake a post implementation review. This has been undertaken at a route level as NR/L2/OHS/019 issue 9 was rolled out in this way.

The reviews are complete and are being centrally collated by the workforce safety team to produce a holistic view of lessons learned and how this can be improved in future. This is due to be complete by the end of July.

26. On 2 August 2019 Network Rail advised us that it had extended RAIB Rec 6 for South Hampstead to Oct 2019 while they collate the evidence from the post implementation review.

27. On 14 November Network Rail advised us of a timescale extension for completion of the work to 29 February 2020.