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7 April 2014

Ms Carolyn Griffiths
Chief Inspector of Rail Accidents
Cullen House
Berkshire Copse Rd
Aldershot
Hampshire GU11 2HP

Dear Carolyn,

RAIB Report: Signal passed at danger at Stafford

I write to report¹ on the consideration given and action taken in respect of recommendations 3 and 4 which were addressed to ORR in the above report, published on 16 September 2013.

The annex to this letter provides details of the action taken. We do not intend to take any further action in relation to these recommendations unless we become aware of an inaccuracy in which case we will write to you again.

Yours Sincerely,

Chris O'Doherty

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

Initial Consideration by ORR

1. When the report was published on 16 September 2013 two recommendations were addressed to Devon and Cornwall Railways (DCR), two were directed to ORR and one was addressed to RSSB.
2. After considering the recommendations ORR passed recommendations 1 and 2 to DCR and recommendation 5 to RSSB asking those organisations to consider and where appropriate take action to address the recommendations.
3. The consideration given to recommendation 3 and 4 by ORR is detailed below. We will provide information on recommendations 1, 2 and 5 as soon as we have received and considered the information provided by DCR and RSSB.

Recommendation 3

The intent of this recommendation is to confirm that the Office of Rail Regulation's revised assessment and supervision process is effective in verifying that the risk from the commencement of operations by new train operators has been appropriately limited.

The Office of Rail Regulation should establish a process for the periodic management review of its assessment of safety certificate applications and the resolution of outstanding issues through supervision. This process should include an evaluation of the extent to which the assessments of applications from new operators are correctly identifying matters for urgent inspection or for refusal of certification. It should also evaluate the effectiveness of post-certification supervision in limiting the risk to the railway in cases requiring urgent inspection.

Actions taken by ORR to address the recommendation

4. As advised to RAIB before you published your report, ORR has already reviewed and revised its procedures for the assessment of safety certificate applications and ORR inspectors have been working to the new process since May 2013. Changes made to the process include the following:
 - a new assessment form (F4);
 - assessors are asked to declare any areas for inspection that they identify in their assessment;
 - the lead assessor is required to state whether the issues flagged up can be deferred to inspection;
 - the matters for inspection have to be allocated a timescale for actions. You will see here there is then an instruction that these inspection actions must be transferred to the 5 year inspection plan for the company;
 - before the assessment manager can consider signing off the certificate recommendation they are required to confirm that the 5 year plan for the inspection of the company has been updated with the outcomes of the assessment.

5. In addition ORR created and filled the role of Rail Safety Directorate (RSD) System Compliance Manager in July 2013. The purpose of this role is to ensure guidance surrounding RSD systems is in place, can be understood, is being complied with and appropriate action is taken if non-compliances are found. The following tasks will form part of this role:

- Carry out audits / reviews of a process on an annual basis at least, to ensure inspectors are complying with requirements of it;
- Where non-compliances are found, to raise with relevant team manager and copy relevant head of inspection into correspondence, requesting that their team follows procedures in place;
- If serious levels of non-compliance are found, take up with relevant Head of Inspection and suggest recommendations to achieve acceptable levels of compliance;
- Report findings from reviews / audits to senior management. Where required, suggest recommendations and actions to ensure compliance is achieved in the future;
- Track recommendations arising from reviews and ensure they are closed out within the agreed timescales;
- **Track recommendations for inspections arising from safety certificate / authorisations assessments to ensure they are being closed out to the agreed timescales;**
- Track delivery of RM3 inspections through the 5-year inspection plan to ensure they are being closed out to the agreed timescales.

6. ORR also commissioned an external audit on the safety certification process, a number of minor actions from this audit have also been implemented.

7. ORR, having revised its process and created the role of System Compliance Manager, whose duties include auditing processes at least annually, has, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, taken this recommendation into consideration and implemented it.

Status: Implemented

Recommendation 4

The intent of this recommendation is to ensure that the changes made to Devon and Cornwall Railways' safety management system have enabled its effective implementation.

The Office of Rail Regulation should satisfy itself as soon as possible, through supervision, that Devon & Cornwall Railways' revised safety management system has established adequate controls regarding the competence of safety-critical staff, traction and rolling stock maintenance and safety culture.

Actions taken by ORR to address the recommendation

8. ORR has fully assessed DCR's safety management system as part of its recently amended safety certificate application. Further meetings took place on 31

July 2013 and 28 August 2013 between ORR and DCR regarding issues raised in the assessment process and how DCR intend to address these issues.

9. A further meeting took place on 17 October 2013 between ORR and DCR's senior management team (Managing Director, Engineering/Safety Director and functional heads) the purpose of which was to ensure that DCR's safety management system provides the necessary controls to ensure a safe and effective train operation is being maintained. Issues discussed were staff competencies, traction and rolling stock maintenance and DCR's safety culture. DCR were left with a series of further questions at this meeting, the responses to which were received on 7 November 2013. The ORR inspector who has assessed the response is satisfied with the replies he has received.

10. ORR also visited DCR's control centre on 17 October 2013 and questioned control room managers and operators in their roles and responsibilities as well as assessing their overall safety culture. The final part of ORR's assessment was to assess DCR's document management and control arrangements, this assessment took place at a visit on 8 November 2013 where we were able to confirm we are fully satisfied with the arrangements in place.

11. On 7 November 2013 ORR received from DCR a copy of the external audit conducted on DCR by DB Schenker. This report presents no major issues but recommends continuing diligence in staff route knowledge retention and in the management of on-call and incident response. The audit acknowledges the extensive work done by DCR to overhaul their systems between the SPAD occurring and the publication of the RAIB report.

ORR decision

12. ORR has satisfied itself that DCR's revised safety management system has established adequate controls regarding the competence of safety critical staff, traction and rolling stock maintenance and safety culture. Therefore, ORR has, in accordance with The Railways (Accident Investigation and Reporting) Regulations 2005, considered this recommendation and taken action to implement it.

Status: Implemented