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15 February 2013

Carolyn Griffiths
Chief Inspector of Accidents
Cullen House
Berkshire Copse Road
Aldershot
Hampshire GU11 2HP

Dear Carolyn

RAIB report: Track worker struck by a train at Stoats Nest Junction

I write to report on the consideration given and action taken in relation to the recommendation from the above report published on 12 June 2011.

The annex to this letter provides detail of the consideration given and action being taken by Network Rail to address the recommendation. ORR will continue to monitor the actions being taken and will write again to RAIB if we become aware of an inaccuracy in what has been reported.

We expect to publish this response on the ORR website on 1 March 2013.

Yours Sincerely

Chris O'Doherty



Initial consideration

1. The recommendation from the report was addressed to ORR when the report was published on 6 August 2012. After considering the report and the recommendation ORR passed the recommendation to Network Rail asking it to consider and where appropriate act upon it and advise ORR of its conclusions. The consideration given to the recommendation is outlined below.

Recommendation 1

The intent of this recommendation is to achieve, as soon as reasonably practicable, full implementation of processes intended to ensure that managers do not undermine the safety related responsibilities of controllers of site safety.

Network Rail should develop a time based programme which expedites the implementation of its existing activities designed to improve safety culture and qualities of safety leadership for:

- a. track maintenance staff; and
- b. their managers.

Activities covered by this programme should include steps to enhance the quality of safety leadership provided by the COSS, and to address the behaviour of managers when working on site such that this role of the COSS is not undermined

Summary

2. Network Rail has indicated that it has developed and commenced three time based programmes (COSS non-technical skills programme – to commence in December 2012, Safety (Leadership) Conversations Programme and Managing Site Safety Programme) of activities to improve safety culture and qualities. In addition Network Rail has launched its Life Saving Rules Programme which encompasses all track maintenance staff.

3. ORR notes and is fully supportive of the Network Rail policy of including non Network Rail staff in its COSS NTS programme. ORR will monitor Network rail's implementation of the programmes.

Actions being taken to address the recommendation

4. Network Rail provided the following information on 30 October 2012.

Network Rail is currently developing the COSS Non-Technical Skills (NTS) Programme. This is aimed at incorporating non-technical skills (e.g. exhibiting the required behaviours) training and development into the COSS selection process as well as technical competence. Details of this have already been shared with ORR Inspectors – Martin Cooke, 15/08/12 and Daniel Bulcock, 05/09/12. The COSS NTS

Programme will affect both new and existing COSSes, and will focus on the following skills associated with the effective practice of COSS duties:

- Conscientiousness i.e. following the Rules no matter what*
- Working With Others;*
- Communications (including Conflict and Challenge);*
- Willingness and Ability to Learn;*
- Planning and Decision Making.*

The NTS Programme will deliver a Leadership Day for all new COSS entrants, and will provide a Development Day for all existing COSSes. The training programme will focus on the development and practice of these non-technical skills, but will also involve some situational and preferred work-styles analysis so that the individual builds an awareness of their areas for improvement as well as building a Development Plan to support progress. Set criteria, such as an individual's risk excitement, are expected to result in some candidates being identified as not suitable to hold a COSS competence

By reinforcing core non-technical skills in the individuals within Network Rail's workforce and those within the contracting fraternity, individuals will be armed with the skills to manage challenge and to make decisions in accordance with the technical rules, in both planned and unplanned situations.

As discussed with the ORR, the COSS NTS training and assessment programme will go-live for existing COSSes from December 2012 and it will be available to all new entrants and industry-wide by 30 June 2013. The attached process and timeline elaborates in further detail.

Our Vision for Safety and Wellbeing, launched in Summer 2012 reinforces safety as being at the core of everything we do. Our allied 11 Lifesaving Rules include one that clearly lays out the expectations for 'having a valid safe system of work in place before going on or near the line'. Supporting the Lifesaving Rules is a programme to implement a 'Just Culture' through the application of a consequences model where there are appropriate consequences associated with non-adherence to a Lifesaving Rule depending on the circumstances/behaviour that led to the breach. Most of the outcomes from the consequences matrix lead to support, training and other positive reinforcement of better decisions. The Lifesaving Rules are designed to support those who are faced with performance/safety decisions to enable them to make good safety decisions.

This is further reinforced by the launch of the Safety (Leadership) Conversations Programme – where training started in August 2012. The purpose of the Programme is to develop managers into accepting challenges on safety and holding good safety conversations to reinforce safety when performance is also an issue. Improving the skills of the managers to hold safety conversations with the workforce will help to reinforce the message of 'safety first'. We are committed to delivering

training to the first 90 executive and senior leaders by December 2012 and to have reached all 450 by June 2013.

Front Line Supervisors are currently undergoing a Managing Site Safety Programme which focuses on non-technical skills development; so that Front Line Supervisors can support and reinforce COSSes in making good safety decisions to implement the most appropriate safe system of work. 2515 front line supervisors have completed this programme in the last 12 months, and the remaining 2000 will be trained during 2013

ORR decision

5. ORR in reviewing the response and considering the documents provided by Network Rail has concluded that in accordance with the Railway (Accident Investigation and Reporting) Regulations 2005, it has:

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

ORR continues to monitor the actions and will report again to RAIB if we become aware of an inaccuracy in what we have reported.

Status: Network Rail is taking action to implement the recommendation.