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Feras Alshaker
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By email only

11 February 2025

Dear Martin

Health and Safety at Work etc. Act 1974
Management of Health and Safety at Work Regulations 1999

Management of structures – structures examination and assessment non-compliance

We are writing further to recent correspondence about Network Rail's management of structures. This letter sets out the findings from our review of the submissions you provided to us in November 2024. It also confirms the regulatory action that we are taking as a result.

In summary, we are not satisfied with the progress being made. We are particularly concerned that the resultant safety, performance, and asset stewardship impacts are not being accurately assessed or mitigated. As a result, we confirm that we now require specific actions under health and safety law and are commissioning an Independent Reporter to investigate the systemic issues underlying the historical and current non-compliance to standards.

For the purposes of clarity and to aid understanding, we use three key terms within this letter which have the following meanings:

- Structure examination - collecting data, either on site or remotely, to inform the condition of a structure or part of and identify changes in use or in the immediate vicinity which may influence the risk of functional failure.
- Structural assessment - the process to determine the load carrying capacity of a structure taking into accounts its physical condition and location.

- Structural capacity – the loads that a structure, and elements thereof, can support.

Background

ORR and Network Rail have been in significant dialogue on the management of structures and operational property within Network Rail's portfolio for some time. In May 2023, we wrote to express concerns about insufficient progress towards addressing ongoing non-compliance with structure examinations. Despite prior discussions, progress remained slow, with some regions seeing worsening compliance with Network Rail's own standards. We highlighted the risks of undetected faults, safety hazards and operational disruptions, and noted the significant effect that this could have on passengers, members of the public, and your workforce. Network Rail committed to address our concerns by the end of CP6.

In July 2024, we reported mixed progress at the end of CP6. While regions such as Eastern were on track with their recovery trajectories, others, such as North-West & Central and Southern, did not show significant improvement. At this stage, we considered that a pragmatic approach was to extend enhanced monitoring for six months to monitor examination recovery plans. We also sought further assurances on performance, resources, and the technology in use to address backlogs.

In September 2024 we found that, in addition to ongoing examination non-compliance, Network Rail lacked up-to-date structural assessments, and in some cases had no recorded structural capacity, for some of its structural assets, including both structures (such as bridges) and buildings (such as stations). The situation was worsened by insufficient oversight of non-compliance through assurance activities. At that point, Network Rail undertook to provide structural assessment recovery plans.

A lack of up-to-date structural assessments means that you lack essential information about your assets. This could affect your ability to make appropriate decisions about the management of your infrastructure. This could lead to unaddressed risks to train performance and public safety. Additionally, the failure to conduct risk assessments for all assets that are non-compliant with your own standards means that you cannot demonstrate that any resultant safety risks are being identified and managed.

Current position

We have reviewed Network Rail's initial high level recovery proposals for non-compliant structural assessments, unknown or unverified structural capacities, and missing risk assessments. These proposals lack sufficient detail to give confidence that they will be delivered, and recovery periods are unacceptably long. In some

locations you have not defined dates by which compliance with your own standards will be achieved. This is unacceptable. We have also reappraised Network Rail's examination compliance status against the proposed trajectories and remain unconvinced that all Network Rail Regions will achieve compliance without significant changes in its approach.

We note that there are some significant variations across the regions. For example, North-West & Central is a year behind its recovery plans for examination and proposing 10 years for recovering structural assessments, whilst Scotland can substantiate a recovery of examinations and structural assessments within CP7.

Taking into account the duration and scale of non-compliance, we are concerned that Network Rail is unable to effectively fulfil its legal obligations and responsibilities for the asset management and safety of its structures and operational property.

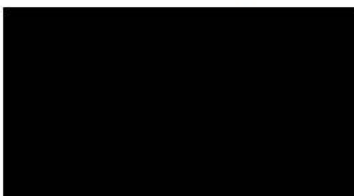
Regulatory action and next steps

We will shortly be writing formally to you to confirm the actions we require to be taken in respect of your duties under health and safety law. Failure to take these actions will likely result in enforcement action being taken without further recourse. Specifically, we will require all risk assessments for non-compliant assets to be completed by **30th April 2025**, and assets for which there is currently no recorded structural capacity to be structurally assessed by **28th February 2026**.

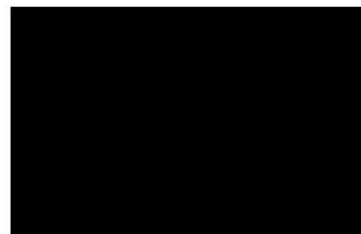
We will also commence an Independent Reporter commission into Network Rail's examination, structural assessment, and evaluation of structural assets. This study will examine the underlying causes of the current non-compliance and help to inform our assessment of whether Network Rail is achieving compliance with its standards in the most efficient way possible given the circumstances.

A copy of this letter will be placed on our website in due course.

Yours sincerely



Richard Hines
HM Chief Inspector of Railways



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Director, Planning and Performance