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8 January 2014

Ms Carolyn Griffiths
Chief Inspector of Rail Accidents
Rail Accident Investigation Branch
Block A, 2nd Floor
Dukes Court
Dukes Street
Woking GU21 5BH

Dear Carolyn,

**Collision between a stone-blower and ballast regulator near Arley,
Warwickshire, 10 August 2012**

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 8 August 2013.

The annex to this letter provides details of the consideration given/action taken in respect of each recommendation. Recommendations 1, 2 and 3 are in progress and we expect to update you by 31 July 2014.

We expect to publish this response on the ORR website on 24 January 2014.

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. All 3 recommendations contained in the report were addressed to ORR when RAIB published its report on 8 August 2013. After considering the report and recommendations, on 16 August 2013, ORR passed all 3 Recommendations to Network Rail asking it to consider and, where appropriate, act upon them.
2. Details of consideration given and any action taken in respect of these recommendations are provided below.

Recommendation 1

The purpose of this recommendation is to point Network Rail to areas identified in this investigation for potential inclusion in its planned review of the management of engineering possessions and worksites and to encourage a fundamental assessment of the fitness for purpose of current arrangements. The recommendation is intended to achieve an improvement in the means for controlling the risk of collision between trains (and with plant) when travelling to and from their sites of work, and to gain assurance that arrangements for controlling the risks of collision are effectively planned and followed.

Network Rail should:

- a. Review potential systems of work, and/or technical solutions, for reducing the risk of collision between trains when travelling to and from their sites of work. This review should include consideration of the following options:
 - i. greater use of the signalling system during engineering work for controlling the movement of trains;
 - ii. means for detecting the position of trains when normal signalling is suspended; and
 - iii. planning arrangements for engineering work that address the issue of simultaneous movements of trains travelling to and from their sites of work and which minimise the potential for such moves to bring trains in close proximity.
- b. Review (in consultation with RSSB as appropriate) permitted train speeds applying to movements in sections of line that are closed to normal traffic for engineering work, taking account of human factors affecting a driver's ability to judge the distance they can see to be clear, the stopping distance that can be achieved by their train's braking performance, the limitations of headlight illumination in darkness and a driver's route knowledge.

c. Seek an understanding of the reasons for, and scale of, local unauthorised deviations from possession plans, the effectiveness of the planning process to avoid such changes, as well as the suitability of procedures and managerial arrangements for identifying, and subsequently reviewing, unauthorised changes.

The measures identified to further reduce the risk of collisions during engineering work should then be implemented in accordance with a time bound programme.

Details of steps taken or being taken to implement the recommendation

3. Network Rail in its initial response to ORR on 28 November 2013 advised that:

Network Rail will discharge Recommendation 1 through its Track Worker Safety Group (TWSG), specifically under POD 6 - Reviewing Engineering Worksites, and will consider this recommendation within its scope of an industry review.

As recommendation 1 is made to 'point Network Rail to areas identified in this investigation for potential inclusion in its planned review' – the TWSG will review the specific elements of Recommendation 1, a) i-iii to c), and an action plan will be developed detailing the subsequent actions required, owners and timescales.

Following the review, additional action may be necessary involving other industry partners.

Timescale: 31 March 2014

ORR Decision

4. After reviewing information received from Network Rail, 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.

5. ORR awaits the results of the Network Rail review and will update RAIB when we have details of the resulting action plan.

Status: *In-progress* – *ORR will update RAIB by 31 July 2014 on action being taken to address this recommendation.*

Recommendation 2

The purpose of this recommendation is to achieve effective communications between those managing engineering possessions and train drivers (and others working in the possession) so that the potential for miscommunication is reduced to a minimum and that communications take place only when it is safe to do so.

Network Rail should:

- a. Review the equipment and protocols used by those managing possessions for communicating with train drivers to ensure that:
 - i. Drivers are provided with all the information they need to carry out movements safely. The review should consider the use of a standardised format so that any missing information can be readily identified and queried by the driver. In addition to information such as the authorised maximum speed of travel and the driver's treatment of signal aspects, the format could also include confirmation that there are no vehicles obstructing the line to the driver's authorised stopping point.
 - ii. Communications with drivers are made in a manner which does not risk distracting the driver from the driving task.
- b. Network Rail should define when it may be necessary and appropriate to use competent persons as intermediaries when communicating instructions on vehicle movements to drivers. It should then further consider the formal competencies and non-technical skills required of a competent person and the means by which their competency and non-technical skills may be assured. Consideration should also be given to the practicalities of relaying instructions to drivers in ways that do not risk distracting drivers from their driving task.

Any resulting actions should be implemented as soon as possible.

Details of steps taken or being taken to implement the recommendation

6. Network Rail in its initial response to ORR on 28 November 2013 advised that:

Network Rail will discharge Recommendation 2 through the same delivery mechanism for Recommendation 1. The Track Worker Safety Group (TWSG), specifically under POD 6 - Reviewing Engineering Worksites, will consider this recommendation within its scope of an industry review.

TWSG will review the specific elements of Recommendation 2 and an action plan will be developed detailing the subsequent actions required, owners and timescales.

The internal Network Rail investigation into the Arley collision recommends similar activity (Recommendation A.5.3 and 5.4 particularly). A consolidation workshop will be held by January 2014 to consider each component part of linked recommendations, and identify the most appropriate work stream to discharge it.

Timescale: 31 March 2014

ORR Decision

7. After reviewing information received from Network Rail, 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.

8. ORR awaits the results of the Network Rail consolidation workshop and will update RAIB when this is received.

Status: In-progress ORR will update RAIB by 31 July 2014 on action being taken to address this recommendation.

Recommendation 3

The purpose of this recommendation is to gain assurance from Network Rail that it understands why the managerial arrangements in place at Saltley Infrastructure Maintenance Delivery Unit have not prevented a recurrence of non-compliant behaviour and to ensure that any measures put in place to address these issues will be effective in the long term.

Network Rail should review why the measures taken to implement Recommendation 2 from RAIB report 01/2011 to achieve improved management surveillance and supervision at Saltley Infrastructure Maintenance Delivery Unit, did not detect or prevent unauthorised changes being made to a plan of work and instances of non-compliance with its company standards for possession management. It should then implement any measures identified to bring about a sustained behavioural change.

Details of steps taken or being taken to implement the recommendation

9. Network Rail, in its initial response to ORR on 28 November 2013, advised that:

The S&SD safety culture change team propose to work collaboratively with LNW and the Saltley Delivery Unit management team to address the potential safety culture issues identified by:

1) Undertaking a full review of the current safety culture and producing a summary report of the findings. This review will include, but not be limited to:

- *Current Close Call Reporting Trends for Saltley:
(i) numbers reported,
(ii) information/learning on unsafe acts,
(iii) responsible manager close out actions*
- *Local Lifesaving Rule Breaches and the learning from investigations/consequences model*
- *Review of recent incidents and recommendations*
- *Review of safety culture focus group data, undertaken March 13, to identify local feedback*
- *Proactive Safety Conversations with Saltley management and frontline teams, to understand blockers to safe working, as well as what has prevented progress since the 2011 safety management conferences. Safety Change Consultant to undertake and collate learning anonymously, using a standard template/framework to enable collation of learning.*

Review to be undertaken and summary report to be produced by Culture Change Agent (LNW) by 31 December 2013

2) Undertake a Safe Teams workshop, to enable management and workers to come together to look at the learning gained by action 1 and to understand the real blockers that prevent compliance/effective management of change, which perhaps sometimes leads to cutting corners where safety is concerned.

The principal of the workshop will be to gain real commitment from all parties to making a sustainable change and to enable them to build the resulting action plan. Attendees for the workshop will be determined partially by the learning from action 1.

Culture Change Agent (LNW) to lead in arranging a Safe Teams Workshop, to be undertaken by 28 February 2014.

3) Action plan to be developed around the outcomes from the one-day workshop, the issues identified by the team, and the local skills and ownership needed to make a change. The action plan will take into consideration:

- Active Safety Management – developing the skills of frontline supervisors to challenge unsafe acts and decisions, whether within their teams or in challenging more senior managers, and provide effective feedback;*
- Chance to practice and develop confidence in making and asserting safe decisions;*
- Development of risk awareness within DU management and supervision team;*
- Review of local systems and processes to ensure they are not overly complex and therefore hindering compliance;*
- Development of a local simple change management process that enables plans to be amended, taking account of risks and identifying suitable controls.*

A monitoring plan will be developed to measure progress throughout 2014 – focusing on both the behaviour inputs and the safety outcomes to assure effective implementation.

Culture Change Agent (LNW) and DU Team to jointly develop plan and monitoring by 31 March 2014, and undertake monitoring until December 2014.

Timescale: 31 December 2014

[Expect Implementation by 31 March 2014]

ORR Decision

10. After reviewing information received from Network Rail, 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.

11. ORR awaits the detail of the action plan arising from the one day workshop and will update RAIB when this is received.

Status: *In-progress* ORR will update RAIB by 31 July 2014 on action being taken to address this recommendation.