

Chris O'Doherty
RAIB Relationship and recommendation handling manager
Tel No: 020 7282 3752
Email: chris.o'doherty@orr.gsi.gov.uk



10 January 2014

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

Dear Carolyn

RAIB report: Fatal accident at Kings Mill No 1 level crossing, Mansfield

I write to report¹ on the consideration given and actions taken in respect of the recommendation addressed to ORR in the above report published on 14 January 2013.

The annex to this letter provides details of the consideration and actions where recommendation 1 has now been implemented.

We do not intend to take any further action on this recommendation unless we become aware of an inaccuracy in what we have reported in which case I will write to you again.

We expect to publish this response on our website on 25 January 2014.

Yours Sincerely

Chris O'Doherty

¹ In accordance with The Railways (Accident Investigation and Reporting) Regulations 2005 para 12(2)(b)

Recommendation 1

The intent of this recommendation is to raise the awareness of local authorities in relation to the risk associated with new schemes that involve level crossings.

The Health & Safety Executive and the Office of Rail Regulation should draw the attention of local authorities to the need to consider the effects and possible risk associated with developments, such as the promotion of multi-user trails, which are likely to result in an increase in the number and type of users of routes passing over level crossings, with particular reference to the needs of vulnerable groups such as the elderly, users of mobility scooters and people with small children.

Details of steps taken or being taken to implement the recommendation

1. The Health & Safety Executive and the Office of Rail Regulation have been working together to address this recommendation.
2. It was agreed that the HSE and ORR should raise awareness of the recommendation with local authorities by distributing a joint letter to various local government networks for health and safety professionals. This would be done through the members of the Local Government Association's (LGA) National Practitioner Panel, which has representatives from across the English regions and the Welsh LGA. We will also ask the Society of Personnel Directors Scotland and the Convention of Scottish Local Authorities (CoSLA) to circulate the letter. The letter is included below.

Draft Letter

We are writing to ask you to bring a recommendation made by the Rail Accident Investigation Branch (RAIB) to the attention of local authorities through the communication channels available to the LGA's National Practitioner Panel and the Society of Personnel Director's Scotland Health and Safety Forum

The recommendation called on the Health and Safety Executive (HSE) and the Office of the Rail Regulator (ORR) to raise awareness amongst local authorities about the risks where new developments involve level crossings,

HSE and ORR recognise that the LGA's National Practitioner panel and the Society of Personnel Director's Scotland have far-reaching networks with individual local authorities. Through this letter, please can you ask health and safety managers and other members of the networks to bring the attached bulletin to the attention of any departments and directors with responsibility for any community developments involving level crossings.

3. On 7 January 2014 HSE confirmed that:

The letter has been circulated, as requested, to Public Sector Local Authority colleagues where they act as HSWA duty holders.

The conduit used is the Local Government Association, National Practitioners Panel, and the cascade of information is aimed at staff in planning, leisure, Technical Services departments. They are the people who will be involved in developments similar to the one where the incident occurred.

Colleagues in HSE Local Authority Unit approve this action as the most appropriate, and recommended that we did not put the copy on the Local Authority (LA) intranet

as that is only accessed by LA employees who act as H&S Inspectors, and this would cause confusion.

ORR Decision

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

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

Status: Implemented