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13 August 2019



Mr Andrew Hall
Deputy Chief Inspector of Rail Accidents
Cullen House
Berkshire Copse Rd
Aldershot
Hampshire GU11 2HP

Dear Andrew,

RAIB Report: Derailment of a freight train at Stoke Lane Level Crossing, near Nottingham on 27 August 2013

I write to provide an update¹ on the action taken in respect of recommendation 3 addressed to ORR in the above report, published on 2 April 2015.

The annex to this letter provides details of the action taken regarding the recommendation. The status of recommendation 3 is '**Implementation on-going**'.

ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

We will publish this response on the ORR website on 14 August 2019.

Yours sincerely,

Oliver Stewart

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

Recommendation 3

The intent of this recommendation is that Network Rail's asset protection engineers have sufficient knowledge about UTXs, and the time to properly assess and manage the associated risks to its infrastructure.

Network Rail should:

- a) review the working knowledge of its asset protection engineers with respect to UTXs and where necessary provide appropriate training, which should include information on types of UTX, methods of construction, best practice, failure modes, seeking specialist assistance; and
- b) review the resourcing in its asset protection teams to check that engineers have sufficient time allocated to carry out their duties and access to specialist technical assistance when required, and where necessary, make any appropriate changes.

ORR decision

1. Network Rail have developed the assessment criteria and training framework for their asset protection engineers regarding UTXs. We are now waiting on stages 2-4, which are being delivered by Network Operations/the routes.
2. Network Rail initially proposed a completion date of 26 July 2019 but this has now been extended to 30 November 2019.
3. After reviewing the information provided 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 by 30 November 2019.

Status: Implementation on going. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Previously reported to RAIB

4. On 3 March 2016 ORR reported that Network Rail had failed to provide a response.

Update

5. On the 16 March 2016 Network Rail sent the following initial response:

Network Rail will address this recommendation through the following stages:

1. **Develop assessment criteria and training framework (STE Structures)**
 - a) **Assessment criteria to take account of:**
 - Sole reliance should not be placed on qualifications.

- *Trained individuals need to be supervised and given the opportunity to gain positive experience*
 - *To establish whether training is necessary:*
 - (a) assess the existing health and safety skills, knowledge, training and experience of their workers;*
 - (b) compare these existing attributes with the range of skills, knowledge, training and experience they will need for the job; and*
 - (c) identify any shortfall between (a) and (b). The difference between the two will be the 'necessary training'.*
 - *As a general rule, if the person being assessed demonstrates the required qualities, no further training should be needed.*
 - *Need for further training and refreshments*
 - *Softer skills - foresee risk, maintain sensitivity to risk, anticipate mistakes and to communicate clearly*
 - *Qualifications*
 - *Relevant experience*
- b) Training syllabus and format based on:**
- *To cover as a minimum*
 - *Method of installation*
 - *Hazard and Risk Awareness*
 - *Appropriate Design Philosophy and Analysis*
 - *Best Practice Guidance*
 - *Monitoring and Contingency Planning*
 - *Failure Modes Awareness*
 - *Legislation and Standards*
 - *Roles, responsibilities and functions*

Stage One – Implementation Plan

- I. Change Panel to increase STE structures Stoke Lane project resources & costs and gain authority for 3rd Party services – 07/03/16- 29/04/16.*
 - II. Produce remit/ scope for development of assessment criteria and training syllabus – 02/05/16 – 11/06/2016*
 - III. Milestone tender for training development – 11/06/2016*
 - IV. Tender Period – 13/06/16 – 22/07/16*
 - V. Tender evaluation and award 25/07/16 – 19/08/16*
 - VI. Implementation 22/08/16 – 25/11/16*
 - VII. Review /approval of material, endorsement and handover to Network Operations 28/11/16 – 23/12/16*
- VIII. Completion of stage 1 plan – 23/12/16**
- 2. Reviewing working knowledge of its asset protection engineers (Network Operations)**
 - *Produce a programme to undertake assessments*
 - *Undertake assessment to identify gaps in skills, knowledge and experience*
 - 3. Provide appropriate training (Network Operations supported by PD&T)**
 - *Put identified staff through training to bridge the current gaps identified in assessment*

4. Review the resourcing in its asset protection teams (Network Operations)

- Review historical requirements – frequency of UTX projects
- Review current resource – allowance for staff cover
- Measurement of sufficient time allocated to carry out their duties

Make arrangements for specialist technical assistance to fill competency gaps.

6. On 19 April 2016 ORR wrote back to Network Rail stating the following:

Thank you for sending us the Network Rail initial response to Stoke Lane rec 3. However we still consider the response to be insufficient as it does not fully explain how the recommendation will be addressed.

The majority of the Network Rail response constitutes a plan for developing assessment criteria. We are not clear why this process is necessary, and it does not in itself close out any part of the recommendation.

The further stages identified (2 - 4), which cover the action necessary to implement the recommendation, do not have a timescale or an identified lead manager. We will require a lead manager to be identified and a time bound plan in order to at least report to RAIB that the recommendation is 'progressing'.

7. On 1 August 2016 Network Rail responded as follows:

Apologies for the delay in responding to your letter dated 19 April 2016.

In response to the second paragraph, the assessment criteria will be used to assess the Asset Protection Engineers' skill, knowledge and experience of UTXs, and the training framework will be produced to deliver the required competency levels.

Stage 1 of the action plan will be progressed within STE and Stages 2 – 4 will then be allocated to each of the 8 Route Managing Directors to deliver.

The indicative timescale for stages 2 – 4 is 31 December 2017.

Since the above Network Rail have notified ORR of timescale extensions. The latest one until 30 November 2019.

Previously reported to RAIB

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ORR decision

1. Network Rail has failed to provide a response to this recommendation. ORR has approached the Network Rail contact for recommendations 2 and 4 to try and ascertain what action they are taking to implement this recommendation.
2. As Network Rail have not provided a response to this recommendation, ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, it has:
 - not taken the recommendation into consideration; and
 - has not provided a response setting out how it will be delivered.

Status: *Insufficient response.* ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR's decision

3. Network Rail has not provided a response to recommendation 3. The original deadline for a response to all three recommendations directed to Network Rail was 19 June 2015. Responses to recommendations 2 and 4 were provided on 12 November 2015 with a promise to respond to recommendation 3 following a meeting on 8 December 2015.