

Oliver Stewart
RAIB Recommendation Handling Manager



1 August 2024

Mr Andy Lewis
Deputy Chief Inspector of Rail Accidents

Dear Andy,

RAIB Report: Near miss with two track workers at Penkridge, Staffordshire on 10 July 2022

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 2023.

The annex to this letter provides details of actions taken in response to the recommendations and the status decided by ORR. The status of recommendation 1 is **'Open'**. The status of recommendations 2 is **'Closed'**.

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

We will publish this response on the ORR website.

Yours sincerely,

Oliver Stewart

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

Proposed response to RAIB

Initial consideration by ORR

1. Both recommendations were addressed to ORR when the report was published on 8 August 2023.
2. After considering the recommendations ORR passed recommendations to Network Rail asking them to consider and where appropriate act upon them and advise ORR of its conclusions. The consideration given to each recommendation is included below.
3. This annex identifies the correspondence with end implementers on which ORR's decision has been based.

Recommendation 1

The intent of this recommendation is to ensure that appropriate safety arrangements remain in place when groups split during activities on or near the line.

Network Rail should undertake a review of the relevant rules, standards, procedures and training material to ensure that adequate instructions and guidance exist for Persons in Charge and Controllers of Site Safety about the actions to be taken when track workers split from a group while on or near the line. This review should specifically examine how the safety of the staff being split from the group is maintained and the way in which modified arrangements will be planned, implemented, briefed and recorded. Network Rail should develop a timebound programme for the implementation of any appropriate changes identified

ORR decision

4. From the findings of the review undertaken in response to recommendation 2, Network Rail plan to replace the existing COSS initial/recert training with specific modules on subjects such as Track Warning Systems, Protection Systems and Possessions. In addition, a request to help has been raised with RSSB to clarify guidance to COSSs when supervising a group (Section 4.1 of Handbook 7), including when a work group is split.
5. Network Rail expect to be in a position to close the recommendation once a post implementation review of the changes has been completed.
6. 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 close it

Status: Open.

Information in support of ORR decision

7. On 29 January 2024 Network Rai provided the following initial response:

Action Plan

Please provide milestones with dates

Following on from the work carried out on non-technical skills to meet the requirements of Margam Recommendation 4, all the actions were completed apart from the last two points:

- Monitor and review any changes made – Ongoing (PTS and COSS changes)
- Update report to be provided after the review to demonstrate effects of the interventions.

It was agreed by the ELT that elements of the person In charge work along with safety leadership and NTS is to be part of the COSS Enhancement programme. This has had funding agreed for Control Period 7 (CP7) with an end date (if not sooner) of December 2024.

The review of the effects of the intervention cannot be done until after the training has been updated and used for at least a year, this would be the end of 2025 based on current timescales.

To meet the requirements of the two outstanding actions the Margam recommendation 4 was closed and as part of the Penkrigde RAIB Recommendation 1 the work that P4D are continuing with COSS enhancements, along with the findings from Penkrigde Recommendation 2.

18th October 2023 – Request for help sent to RSSB – **Completed (details below)**

4th December 2023 – NR Training to make changes to the COSS materials to capture 2023 Rule Book changes.

22nd December 2023 – Bridgeway Consulting to conclude the data analysis of Near Misses and Operational Close Calls to be used in the enhancements of the training - **Completed.**

8th to 9th January 2024 – COSS Modular PID/Scoping session to take place.

1st April 2024 – (CP7) Work on changes to the COSS training to commence.

31st December 2024 - COSS Enhancement programme concludes and goes into Business-As-Usual changes.

1st June 2025 to 31st December 2025 – Post Implementation Review of the COSS Enhancements to start to gain insight into how the changes have been received and implemented.

Progress of the actions plan will be track via the P4D Programme Board and updates to the ORR via the Trackworker Experts board.

Evidence required to support closure of recommendation

Copy of request for help to the RSSB:



Review and enhance
HB7 in response to R/

Visual of COSS enhancements Programme:



COSS Plan.pdf

P4D Programme Board track progress the enhancements progress, attached is the Terms of Reference:



P4D Programme
Board ToR.pdf

Recommendation 2

The intent of this recommendation is to ensure that Persons in Charge and Controllers of Site Safety are able to maintain appropriate control of the groups for which they are responsible during activities on or near the line.

Network Rail should undertake a review of how the Rule Book requirement for COSSs to observe and advise their group is being undertaken in practice. The results from this review should be used as required to produce appropriately updated rules, guidance and training for those planning, approving and implementing safe systems of work

ORR decision

8. Rather than carrying out a specific review of how COSS's work 'on the ground', Network Rail's review accepted that COSS's are not always observing and advising their workgroups. The findings of this review are being used to inform the changes to the training for PICs and COSSs when a work group splits, which will be delivered by actions being taken to address recommendation 1.

9. Based on the findings of the review, Network Rail plan to replace the existing COSS initial/recert training with specific modules on subjects such as Track Warning Systems, Protection Systems and Possessions. Network Rail have also identified a lack of clarity in guidance to COSSs when supervising a group (Section 4.1 of Handbook 7), including when a work group is split. Network Rail have issued a request to help to RSSB to consider the issue.

10. 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
- has taken action to close it.

Status: Closed.

Information in support of ORR decision

11. On 3 October 2023 Network Rail provided the following initial response:

Action Plan

Please provide milestones with dates

A Special Topic audit will be conducted from Oct 23 – Feb 24.

The audit will involve watching forward facing train footage from across the network to view 'normal' working practices. Individuals will not be identified.

Liaise with Bridgeway on the work done on compliance in Southern and NW&C
Run workshops with COSS's to receive open and honest examples and opinions of working arrangements when observing and advising a workgroup.

Oct 23 - Scope to be produced and agreed
Engage with TU's and ISLG to advise of the work

Nov 23 - Jan 24 - Field work

Feb 24 – write up and agreed report

March 24 – publish report

The outcomes of this report will input into the work being delivered as part of Penkrige Rec 1.

Evidence required to support closure of recommendation

Audit report

10. On 9 July 2024 Network Rail provided the following closure statement and supporting document:



[N228-15] Penkrige
Rec 2.doc



[N228-15] Penkrige
Rec 2 Level 2 Special