



THE LADBROKE GROVE RAIL INQUIRY

PART 2 REPORT:

Progress Report to March 2002

Ladbroke Grove Rail Inquiry Part 2 Report: Progress Report to March 2002

Background

Thirty-one people lost their lives in the train crash at Ladbroke Grove in October 1999. Many others were injured. The Health and Safety Commission (HSC) appointed Lord Cullen to conduct a public inquiry into the causes of the collision and to consider the management of safety and the regulatory regime on the railways. Lord Cullen's Part 1 Report into the causes of the collision was published on 20 June 2001 and his Part 2 Report on the management of safety on the railways was published on 20 September 2001. The HSC remains determined that the Inquiry recommendations will be acted on and believes successful implementation of the recommendations will play a part in preventing any similar future catastrophic accidents.

HSC's review of progress

This summary report gives a picture of the reported progress for the six-month period ending March 2002. Industry has provided information to show what action has been taken so far to implement the Recommendations in the Part 2 Report and their detailed reports have been summarised here. This progress report lists the recommendations under seven headings to allow readers to focus on the broad issues. The headings are presented in alphabetical order. This does not imply that HSC regards one issue as being more important than any other.

Summary

This progress report shows some promising signs of development within the rail industry. Action on the recommendations in the Part 2 report is being carried forward vigorously. Many are long-term issues of cultural and institutional changes, which, by their nature, take time to bring to fruition. The key issue now will be to maintain momentum and the pace of change.

Of the 74 recommendations in the report, Lord Cullen proposed that 12 should be completed by March 2002: industry reports that of these, eight have been completed. Of the remaining four recommendations, industry report that three (recommendations 4 and 9 relating to the management of contractors and recommendation 72 relating to the accident investigation body) will be completed by September 2002 and one by April 2003. This extended timescale relates to recommendation 6, the additional issues to be recorded under the Sentinel system and the scale of the project to record the competencies and hours of work of all contractor's employees. HSE has accepted these revised timescales.

On the important area of managing contractors, work will continue beyond Lord Cullen's proposed timescales. While recognising the scale of the challenge in an industry where around 110,000 people are employed by 1500 different organisations, the HSC is disappointed that more has not been achieved to date.

On the changes to the structural and legislative arrangements within the industry, the Department of Transport, Local Government and the Regions (DTLR) will shortly undertake a consultation exercise on the establishment of an independent Rail Accident Investigation body (RAIB). The Rail Regulator has already consulted on proposals for establishment of a Railway Industry Safety body (RISB). Some of the proposals in the Part 2 Report relating to safety culture depend, in the longer term, on the establishment of this body. It is possible that RISB will be established in advance of Lord Cullen's proposed timeframe. Establishment of RAIB will take longer, as primary legislation is needed but work is starting now on examination of the practical issues. Lord Cullen's proposals concerning safety cases, licensing of staff and accreditation of suppliers are being taken forward by HSE in work to evaluate and review the current railway-specific health and safety regulations.

The attached summary gives details on reported progress on implementation of the recommendations.

Future monitoring of recommendations

Some of the Recommendations involve short-term actions, but will lead to continuing longer-term activity with links into the wider safety agenda. It will be important for the industry not to lose sight of the need for such continuing work to deliver the longer-term safety gains when developing future plans.

Where industry report that they consider a recommendation complete but further work is required to deliver all the health and safety benefits, HSE will expect such continuing work to be taken forward as part of ongoing improvement plans, for example in the development of safety cases. HSE will keep such issues under review and will make its own assessment of whether recommendations can be regarded as completed.

We have been considering the most appropriate way to report future progress on implementation of the Public Inquiry Reports. We propose that this will be the only report that concentrates solely on the recommendations arising from Lord Cullen's Part 2 Report. A separate progress report on Southall is also published today. From autumn 2002, HSC will publish progress reports covering all the 295 Public Inquiry recommendations (Southall, as far as it is still relevant, the Joint Inquiry and the two Cullen Reports) under eight broad headings. Although HSC/E will continue to track action on each recommendation, to ensure that none are overlooked. We believe that presenting the information in this format will help everyone involved to gain a better appreciation of the overall safety benefits being delivered as well as sharpening the focus on key issues.

Abbreviations

ACOP	Approved Code of Practice
ACPO	Association of Chief Police Officers
ACPOS	Association of Chief Police Officers in Scotland
ALARP	As Low As is Reasonably Practicable
ATOC	Association of Train Operating Companies
BTP	British Transport Police
CIRAS	Confidential Incident Reporting and Analysis System
CSR	Cab Secure Radio
DOO	Driver-Only Operation
ERTMS	European Rail Traffic Management System
FOC	Freight Operating Company
HMRI	Her Majesty's Railway Inspectorate
HRA	Heritage Railway Association
HSC	Health and Safety Commission
HSE	Health and Safety Executive
IMC	Infrastructure Maintenance Company
IECC	Integrated Electronic Control Centre
NSTF	National Safety Task Force
NVQ	National Vocational Qualification
ORR	Office of the Rail Regulator
RAIB	Railway Accident Investigation Branch
RGM	Railway Group Members
RGS	Railway Group Standard
RISB	Rail Industry Safety Body
RITC	Rail Industry Training Council
ROSCO	Rolling Stock company
RSC	Railway Safety Case
RSRP	Railway Safety Research Programme
RIAC	Railway Industry Advisory Committee
RPC	Rail Passengers Council
RS	Railway Safety
RT	Railtrack
SCWR	Safety Critical Work Regulations
SMIS	Safety Management Information System
SPADs	Signals passed at danger
SRA	Strategic Rail Authority
S&SD	Safety and Standards Directorate
TENs	Trans European Networks
TOC	Train Operating Company
TRC	Track Renewal Company

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The use of contractors – recommendations 4 to 10

4. Steps should be put in place to ensure that contractors and sub-contractors are selected by a process which gives due regard to their state of training. They should be given appropriate time further to develop their training and planning as necessary before embarking on work (para 4.72).

Railtrack, IMCs, TRCs Action up to 20 March 2002

Progress Report March 2002

RT report that the timescale suggested is unrealistic when taking account of recommendation 1 to consider the workforce training needs. RT has started a project to define standards of competence and means of assessment for all activities involved in maintenance, renewal and enhancing the infrastructure. RT has prepared a baseline statement of training standards for contractors. RT has enhanced the basic questionnaire seeking information on training by prospective contractors and this has been in use since February 2002. Other parts of industry report a variety of initiatives, including setting rules for the appropriate level of training and competency for each level of staff; reviewing the selection and control of contractors as part of the safety case development plan and reviewing internal selection processes to ensure it is rigorous and fit for purpose. RS issued the supporting software for the competence in strategic safety management model to the Railway Group in February 2002. RS has outlined strategic requirements for a research proposal.

Status

RT's work continues and is reflected in its Safety Case. HSE has agreed a deferred timescale of September 2002 with RT for the revised selection process. Other parts of industry also report that work continues. HSE will continue to look at the training of contractors in the wider context of its own work on accreditation and safety critical work.

5. Steps should be taken to ensure that the quality of work carried out by contractors and sub-contractors entirely meets the required standards, and that any deficiencies are addressed in a timely manner (para 4.75).

Railtrack, IMCs, TRCs Action up to 20 March 2002

Progress Report March 2002

RT has reviewed its organisational structure for managing contractors and has developed 10 strategic maintenance principles that involve RT directly managing inspection, appraisal and key work decisions. The contractor audit process has been simplified and rewritten. RT has appointed a Head of Maintenance Contractor Assurance. RT has reviewed maintenance delivery and a number of improvements are being followed up. Other parts of industry report a variety of initiatives that include a sub-contractor validation system, which is regularly audited by both RT and RS; and reviewing their internal contractor management process to ensure it is rigorous and fit for purpose.

Status

RT considers the recommendation to be closed and ongoing work is included in the Safety Case. Other parts of industry consider this recommendation closed.

The use of contractors – recommendations 4 to 10

6. The Sentinel system should be reinforced with specific reference to the need to record the total hours that any individual works on the railways, and to ensure that the Sentinel card is clearly "tied" to an individual (para 4.80).

Railtrack, IMCs, TRCs Action up to 20 March 2002

Progress Report March 2002

RT report that Sentinel currently has a 98% take-up across 110,000 people employed by 1500 different organisations. RT's 2002/02 Safety Plan identifies a formal programme of new competencies to be included on Sentinel and the commitment to introduce a 'smart card' capable of holding unlimited competence records and individuals' hours worked on RT controlled infrastructure. RT will complete consultations with contractors and subcontractors by April 2002 and suitable recording systems for working hours will be piloted between December 2001 and April 2002. After evaluation RT will modify as necessary the recording system by November 2002 for system to be introduced by December 2002.

Other parts of industry report that all drivers employed by IMCs and TRCs have Sentinel cards. RS has outlined the strategic requirements for the research to determine the most appropriate system of accreditation.

Status

A number of 'smart card' and time recording trials are underway across the industry but the scale of the change necessary means that the project will not be completed until April 2003.

7. The steps taken to reduce the number of sub-contractors are endorsed (para 4.82).

Progress Report March 2002

All parts of industry report that they are reviewing the number of approved subcontractors and they will continue to take steps to reduce the numbers.

Status

Industry report action complete.

8. The taking by Railtrack of a direct and active role in the close day-to-day management of safety-critical work is endorsed (para 4.83).

Progress Report March 2002

See comments for recommendations 4 and 5.

Status

RT report action complete.

The use of contractors – recommendations 4 to 10

9. Employers of contractors and sub-contractors should ensure that they work to exactly the same safety standards as those who are directly employed (para 4.87).

Railtrack, IMCs, TRCs Action by 20 March 2002

Progress Report March 2002

RT has started a programme to review the current requirements in their standards, procedures and their contract documentation: shortcomings in the scope of contract documentation has been identified. Additional work is now needed to identify the full range of standards required for possible inclusion in the contract. Each contract will be reviewed, any gaps identified and changes negotiated. Other parts of industry report a variety of initiatives, for example reviewing the internal contractor management process to ensure that work done by contractors is inspected and quality checked. Some parts of industry report that local management and supervisory teams monitor implementation of contracts. Some parts of industry report that their procedures make no distinction between directly employed and subcontract workers.

Status

RT report that due to the huge range of current contracts they cannot complete the work within six months but anticipate that the programme will be substantially complete by September 2002.

10. The proposal of a training school for contractor staff is endorsed (para 4.87).

Progress Report March 2002

Industry has noted the recommendation but there are no plans at present to take this work forward.

Status

HSE will keep this issue under review through its work on accreditation and safety critical work. The SRA are now developing plans for a National Rail Academy.

HSE structure – recommendations 35 to 39

The safety regulator

35. The HSE, through the HMRI, should continue to fulfil the function of safety regulator for the railways. However, it is imperative that the HSE are provided with adequate resources in order to fulfill their role (para 9.66).

HM Government No timescale given

Progress Report March 2002

HSE resourcing for implementing the Cullen agenda is under active consideration in the Government Spending Review 2002 process.

Status

Work continues.

36. The HMRI should be placed under the direction of a new post, to be filled by a person of outstanding managerial ability, not necessarily with a railway background. This post should be regarded as commanding a special salary level for the purpose (para 9.66).

HSC Action up to 20 September 2002

Progress Report March 2002

HSC has advertised the post, both within the Civil Service and externally, and expects to hold interviews during May 2002.

Status

Work continues.

37. The Government should use all reasonable endeavours to ensure that standards such as Railway Group Standards are not required by the European Directive on Railway Safety in its final form to be set by the safety regulator, and that the draft Directive is modified to such extent as is necessary for that purpose (para 9.74).

HM Government No timescale given

Progress Report March 2002

Detailed negotiations on the Safety Directive are scheduled to start shortly. HSE believes the current draft Directive is broadly consistent with the current regulatory structure and Lord Cullen's recommendations.

Status

Work continues.

HSE structure – recommendations 35 to 39

38. The extent of passenger representation on the RIAC should be re-considered (para 9.80).

HSC Action up to 20 March 2002

Progress Report March 2002

RIAC has decided to seek nominations for two additional members to represent broader public interests on the committee. Consultants will be appointed to take the matter forward.

Status

Action completed.

39. The RIAC should be concerned with questions of safety strategy at a high level (para 9.80).

HSC No timescales given

Progress Report March 2002

RIAC revised the terms of reference in November 2001 to reflect the new role.

Status

Action completed.

Accident investigation (RAIB) – recommendations 57 to 73

57. The responsibility of the HSE for the investigation of rail accidents should be transferred to an independent body, here referred to for convenience as the RAIB (para 9.29).

HSC Action up to 20 September 2002

Progress Report March 2002

These recommendations (57 to 63 and 65 to 73) relate to the establishment and working methods of a Rail Accident Investigation Body (RAIB). Primary legislation will be necessary to set up RAIB. The Government announced in the Queen's speech in June 2001 that it will publish in this Parliamentary session its proposals to take forward those of Lord Cullen's recommendations which require primary legislation, including the establishment of an independent accident investigator. However, the Parliamentary timetable will not allow the establishment of the RAIB by September 2002, the timeframe envisaged by Lord Cullen. Where possible, work is being taken forward now to reflect these recommendations. HSE has contributed to an early draft of a DTLR consultation paper, which identifies issues and seeks to establish the provisions that need legislation. DTLR expects to issue the Consultation Paper before the summer.

Status

Work continues.

58. The investigation of rail accidents and incidents of whatever nature should be brought under the overall control of the RAIB (para 11.8).

HSC Action up to 20 September 2004

59. The more serious cases should be the subject of inquiry by the RAIB. The categories of case which would fall to the RAIB to inquire into should be the subject of further study (paras 11.8 and 11.10).

HSC Action up to 20 September 2004

60. The less serious cases should be delegated to the industry to be dealt with by formal inquiry or formal investigation. However, the RAIB should have the ability to call in any case for inquiry by itself where that appears to be appropriate (para 11.8).

HSC Action up to 20 September 2004

61. Consideration should be given, in the longer term, to reducing the investigation of accidents or incidents at industry level to a single method (para 11.9).

RAIB No timescale given

62. The sole objective of the investigation of accidents or incidents should be the prevention of accidents and incidents. It should not be the purpose of such investigations to apportion blame or liability (para 11.11).

HSC Action up to 20 September 2004

Accident investigation (RAIB) – recommendations 57 to 73

63. The appointment of an independent chairman and, where appropriate, independent members for the panel of a formal inquiry, is endorsed (para 11.13).

Railway Safety, RAIB No timescale given

Progress Report March 2002

RS has revised the RGS, published in December 2001.

Status

Preparatory work done, to be reconsidered when RAIB established.

64. Save and to the extent that there is good reason to the contrary, representatives of persons who have been affected by an accident should be allowed to attend, as observers, formal inquiries into more serious accidents. There should be a criterion for the purpose of determining for which inquiries this would be suitable (para 11.14).

Railway Safety Action up to 20 March 2002

Progress Report March 2002

RS has revised the RGS, published in December 2001.

Status

Action completed, to be reconsidered when RAIB established.

65. Representatives of those who have been affected by an accident should be allowed to attend as observers at an RAIB inquiry into that accident (para 11.14).

RAIB No timescales given

66. Procedures, such as those followed by the AAIB, for keeping those who have been bereaved or injured fully informed of what is happening during the investigation process, are commended (para 11.15).

RAIB No timescale given

67. The RAIB should exercise a supervisory function in regard to the working of formal inquiries and formal investigations (para 11.16).

HSC Action up to 20 September 2004

68. The proposal of an appeal against a finding of a formal inquiry should be the subject of further study (para 11.16).

Railway Safety Action up to 20 March 2002

Progress Report March 2002

RS has revised the RGS, published in December 2001.

Status

Action completed.

Accident investigation (RAIB) – recommendations 57 to 73

69. The reports of RAIB inquiries and formal inquiries should be published, subject to the protection of the identity of persons involved (para 11.17).

Railway Safety, RAIB No timescale given

Progress Report March 2002

RS has revised the RGS, published in December 2001.

Status

Initial work completed, to be reconsidered when RAIB established.

70. The rail industry safety body should maintain a current record of:

- a) the recommendations of RAIB inquiries and formal inquiries;*
- b) the responses of all the organisations to which the respective recommendations are directed; and*
- c) the state of progress towards implementation in relation to stated timescales (paras 11.19-11.21).*

RISB No timescale given

Progress Report March 2002

RS issued a new RGS, December 2001, including Cullen 1 recommendations 6 and 7, to facilitate recommendation tracking. RS has developed recommendations tracking module within SMIS for installation by 31 March 2002.

Status

Initial work completed, to be reconsidered when RAIB established.

71. The RAIB should regularly examine the reports of formal investigations in order to determine whether there are matters of importance which should be brought to the attention of the industry (para 11.22).

RAIB No timescales given

72. There is a need for a protocol dealing with the release of technical information and access to technical experts in investigations involving the police (para 11.29).

BTP, Railtrack, HSE Action up to 20 March 2002

Progress Report March 2002

RT report that the relevant RGS and outline protocol for stakeholder comments, including liaison with BTP, HSE and RS, has been drafted. RS report that the RGS is scheduled for publication in April 2002.

Status

Action ongoing, expected completion date June 2002.

Accident investigation (RAIB) – recommendations 57 to 73

73. The statements made by witnesses in connection with RAIB inquiries and industry inquiries and investigations should not be disclosed to the police, save by order of a judge (para 11.32).

HSC No timescale given

Industry Safety Body, inc RISB—recommendations 2, 3, 17 and 40 to 56

Large scale projects and the case for system authorities

2. The arrangements for the establishment of system authorities should ensure that they are properly empowered, provide clear leadership and command the commitment of all parties to their work and decisions. System authorities require the means of enforcing their decisions. They should have adequate finances, through proper and equitable contributions from participating bodies (para 4.48).

Railtrack, ATOC No timescale given

Progress Report March 2002

RS is taking the lead on this issue and published RGS in December 2001. RS is the administrator for the first two system authorities and in the longer term these will be administered by RISB and this should be recognised in the arrangements established in the meantime.

Status

Work continues and will be taken forward as part of the development of RISB, see recommendation 55.

Research and development

3. Subject to Recommendation 55, research and development should, as matters stand, be led by Railway Safety but with the support of the SRA and the Rail Regulator. Further funding should be based on a levy on the participating bodies in proportion to their railway-based income (para 4.54).

Railway Safety, SRA, Rail Regulator No timescale given

Progress Report March 2002

RS is developing a strategic approach to the management of the research programme, under 24 'themes' supported by developing strategies for research under each theme. Consultation on draft strategies will take place during April – July 2002. ATOC report that that all industry bodies are involved in delivery and there are many other pan-industry research projects underway not covered by the Railway Safety Research Programme, which focuses on safety related research.

Status

Work continues.

Railway Group Standards

17. There should be a systematic review of the standard setting process to assess whether it is effective in achieving its overall aim of safe interworking (para 6.18).

Railway Safety, RISB No timescale given

Progress Report March 2002

RS published RGS strategy in September 2001, based on a review of the current process: a further review to consider the impact of European developments is planned.

Status

Action completed.

Industry Safety Body, including RISB – recommendations 2, 3, 17 and 40 to 56

A rail industry safety body

40. The function of the setting of Railway Group Standards should be assumed by a new rail industry body which is independent of both Railtrack Group plc and their subsidiaries and of the safety regulator (paras 8.38, 9.46 and 10.1).

Rail Regulator Action up to 20 September 2004

Progress Report March 2002

Recommendations 40 – 56

These recommendations relate to the establishment of a new rail industry safety body (RISB) and the responsibilities and working methods that the new body will undertake. The ORR is leading the process of consultation with stakeholders and issued a consultative document in December 2001.

A conference was held in January 2002 and another is planned in May 2002, to facilitate stakeholder discussion. Representatives of key stakeholders meet every two to three weeks in a development group, to discuss issues relating to the structure, responsibilities, governance and working methods of the new RISB. There appears to be broad agreement that the RISB should be established through amendments to the ORR licences of the infrastructure controller and the operating companies, rather than through health and safety regulations. ORR hopes that RISB could be established by the end of 2002. A further consultative document from ORR is expected in the summer.

Status

Work continues.

41. The body should be responsible for setting not only Railway Group Standards but also standards of the type which have ceased to be Group Standards in respect that they are concerned only with the interiors of rail vehicles (para 10.7).

Rail Regulator Action up to 20 September 2004

42. It should be considered whether in due course:

(i) the separate existence of the SAB is unnecessary; and

(ii) the RISSC should become a strategy committee of the body (para 10.8).

RISB No timescales given

43. The body should also be responsible for the preparation of any proposed changes to the Railway Group Standards Code (para 10.8).

Rail Regulator Action up to 20 September 2004

44. The body should have explicit duties to set and review standards. In the performance of its duties it should be subject to the supervision of the HSE through auditing and other actions (para 10.9).

Rail Regulator Action up to 20 September 2004

Industry Safety Body, including RISB – recommendations 2, 3, 17 and 40 to 56

45. The standards should be binding not only on members of the Railway Group but also on any company to which the requirement to comply currently applies, whether by virtue of a licence condition or a contractual term (para 10.10).

Rail Regulator Action up to 20 September 2004

46. The body should have the benefit of feedback from the auditing carried out by Railtrack and the HSE (para 10.14).

Railtrack, HSE No timescale given

Progress Report March 2002

RT report that they are discussing with ATOC a proposal for RT to carry out TOC audits instead of RS. RT seek clarification from HSE on the way forward, taking account of the current Safety Case Regulations, the emerging European Safety Directive and HSE's own views.

Status

Ongoing.

47. The body should also be responsible for the accrediting of the suppliers of products and services and the licensing of individuals, subject to the supervisory activity of the safety regulator (para 10.15).

Rail Regulator Action up to 20 September 2004

48. The body should take an active role in steps to streamline the processes for the approval of new rail vehicles (para 10.17).

RISB No timescale given

Progress Report March 2002

RS has established 'RailConform Ltd' as a notified body to ensure that UK has the capability for acceptance services against European technical standards for interoperability. RS will review existing acceptance arrangements.

Status

Work continues.

49. The body should be set up as a new legal entity, independent of any company in the rail industry and of any part of that industry. It should have the power and the duty to take binding decisions (para 10.21).

Rail Regulator Action up to 20 September 2004

Industry Safety Body, including RISB – recommendations 2, 3, 17 and 40 to 56

50. The arrangement of the governance of the body should include provision for the representation of railway operators and of any other company to which the requirement to comply with Railway Group Standards or the additional standards referred to in Recommendation 41 applies, whether by virtue of a licence condition or a contractual term. There should also be representation of the manufacturers and suppliers of infrastructure equipment and rolling stock, and the three main rail trade unions (para 10.22).

Rail Regulator Action up to 20 September 2004

51. The body should have an independent chairman and a number of independent members with suitable practical experience (para 10.23).

Rail Regulator Action up to 20 September 2004

52. There should be a clear and easily accessible means of resolving any matter which is in dispute (para 10.23).

Rail Regulator Action up to 20 September 2004

53. Consideration should be given to the constitution of the body by modification of Railtrack's network licence and the licences of the other railway operators (para 10.26).

Rail Regulator Action up to 20 September 2004

54. The body should be funded by means of a levy on the companies covered by the requirements referred to in Recommendation 50 (para 10.27).

Rail Regulator Action up to 20 September 2004

55. The body should also exercise a number of functions to assist the members of the rail industry to collaborate in the promotion of safety, including:

- (i) establishing and managing system authorities;*
- (ii) funding and sponsoring research and development;*
- (iii) monitoring and reporting on the industry's safety performance;*
- (iv) developing the annual Railway Group Safety Plan;*
- (v) disseminating good practice; and*
- (vi) providing safety leadership (para 10.29).*

RISB Action up to 20 September 2004

56. Even if the European Directive on Railway Safety in its final form requires that responsibility for setting standards such as Railway Group Standards are to be taken over by the safety regulator, a rail industry safety body should be set up and assume the functions referred to in Recommendations 47, 48, 55 and 70 (para 10.30).

No timescale given

Safety cases – recommendations 18 to 23 and 27 to 34

18. The application of the safety case to Great Britain's railways is endorsed (para 7.9).

Progress Report March 2002

Noted.

19. The definition of responsibilities for the control of risk at specific sites which are shared by different railway operators and at the interfaces between them across the network should be refined and set out in the safety case. However, the details of the arrangements and agreements for these purposes should not be required to be set out in the safety case; it should be sufficient that the safety case provides information as to the means of access to them (para 7.15).

Railtrack, TOCs Action up to 20 September 2002

Progress Report March 2002

RT report that a description of the 'Connections Agreement', a table to TOCs and their principle RT point of contact and a table of connections with other infrastructure controllers have all been included in the revised safety case. RS issued two RGS in 2001 that set out criteria for assessment of RSC. Many TOCs are waiting for details of HSE's revised safety case acceptance and other TOCs will review, and revise where necessary, their RSC to bring them in line with the recommendations.

Status

Work continues, but RT, ATOC and the majority of the TOCs need clarification from HSE before proceeding further. Freightliner and WT consider this recommendation closed.

20. A duty holder should be required to show by means of its safety case that it has reduced the risks associated with its operation as low as reasonably practicable, but it should be sufficient if the safety case points to the methods which have been used and to where the details can be found (para 7.20).

HSC, Duty holders Action up to 20 September 2002

Progress Report March 2002

HSC/E intend to evaluate the operating experience of the current RSC and will consult on any proposed changes, taking account of emerging Railway Safety Directive. RS issued two RGS in 2001 that set out criteria for assessment of RSC. Additional information on risk assessment is in RGS scheduled for issue in June 2002. Duty holders report that their individual RSC already has direct commitment to reduce operational risks as low as reasonably practicable and details the risk management processes used.

Status

HSE reports that preparatory work for the full evaluation of the RSC is underway for a planned start in summer 2002 and will continue through 2003.

Safety cases – recommendations 18 to 23 and 27 to 34

*21. Duty holders should be under a statutory duty to comply with Railway Group Standards in so far as they relate to matters of health and safety (para 7.22).
HSC No timescales given*

Progress Report March 2002

HSE will consider this as part of the RSC evaluation process.

Status

HSE reports that preparatory work for the full evaluation of the RSC is underway for a planned start in summer 2002 and will continue through 2003.

22. The process of safety case acceptance should include the check that a system as described in the safety case is actually in place; whereas the audit would concentrate on how that system was working in practice and how it was ensuring and improving safety (para 7.30).

HSE, Railtrack No timescales given

Progress Report March 2002

HSE's RSC manual details the process of checking that the systems described in the RSC are in place.

Status

Work continues.

23. It is essential that companies operate a robust internal audit system, which should be both "top down" and "bottom up" (para 7.37).

Rail industry No timescales given

Progress Report March 2002

RS is reviewing its audit protocols and will consult industry later in 2002 on any proposed changes.

The rail industry report a variety of audit processes already in place, for example annual internal audit programmes that are risk based, including both 'top down' and 'bottom up' type audits; systematic 'bottom-up' verification; some TOCs have a bespoke TOC audit system in place; and other TOCs are reviewing their internal audit system as part of the revisions to their individual RSC. Some TOCs use the annual RS annual audit to check their internal audit systems.

Status

Work continues.

Safety cases – recommendations 18 to 23 and 27 to 34

Railtrack and Railway Safety

27. The transfer from Railtrack to the safety regulator of the function of acceptance of the safety cases of train operators and station operators (and their material revisions), and the removal from the S&SD of their function in regard to safety cases and Group Standards, are endorsed (para 8.28).

Progress Report March 2002

Noted.

28. The safety regulator should cease to be dependent on Railtrack for a recommendation as to whether or not the safety case of a train operator or a station operator (or its material revisions) should be accepted. Instead the safety regulator should give Railtrack the opportunity to make any representation as to whether or not the safety case or revision should be accepted, and the grounds on which such a representation is based. The safety regulator should likewise give the opportunity to any other train operator or station operator who may be affected by matters referred to in the safety case to make a similar representation, and for this purpose select whichever operators it considers to be appropriate in the circumstances (para 8.33).

HSC Action up to 20 September 2002

Progress Report March 2002

HSE will consider this as part of the RSC evaluation process.

Status

HSE reports that preparatory work for the full evaluation of the RSC is underway for a planned start in summer 2002 and will continue through 2003.

29. If the safety regulator refuses to accept a safety case or its revision it should give the reasons for that decision (para 8.33).

HSC Action up to 20 September 2002

Progress Report March 2002

This is a requirement of the RSC 2000.

Status

Action completed.

Safety cases – recommendations 18 to 23 and 27 to 34

30. In regard to the safety case for Railtrack or any material revision, the safety regulator should give any train operator, selecting whichever it considers to be appropriate in the circumstances, the opportunity to make representations as to whether or not the safety case or revision should be accepted, and the ground on which the representation is based (para 8.34).

HSC Action up to 20 September 2002

Progress Report March 2002

HSE will consider this as part of the RSC evaluation process.

Status

HSE reports that preparatory work for the full evaluation of the RSC is underway for a planned start in summer 2002 and will continue through 2003.

31. Railway Safety should cease to discharge the function of assessment for the purposes of the Safety Case Regulations. It should be for the safety regulator to decide to what extent, if at all, it should commission assessment from an independent body (para 8.36).

HSC Action up to 20 September 2004

Progress Report March 2002

HSC consultation proposing limited amendments to the current RSC ended April 2002. Subject to agreement, revised regulations will be in place Autumn 2002, which will implement this recommendation.

Status

Work continues.

32. A provision should be made in the Safety Case Regulations imposing a duty on Railtrack to carry out, or procure the carrying out by a suitably qualified body of, audits for the purposes presently set out in Regulation 9 of the 2000 Regulations (para 8.37).

HSC Action up to 20 September 2004

Progress Report March 2002

HSC consultation proposing limited amendments to the current SCR ended April 2002. Subject to agreement, revised regulations will be in place Autumn 2002, which will partly implement this recommendation.

Status

Work continues.

Safety cases – recommendations 18 to 23 and 27 to 34

33. The safety regulator should review the adequacy of Railtrack's auditing, carrying out its own audits to the extent that it considers appropriate, and dealing with instances of non-compliance whenever they arise (para 8.37).

HSE Action up to 20 September 2004

Progress Report March 2002

HSE is preparing an informal consultation paper on the best way to take the issue of audits forward.

Status

Informal consultation is scheduled to start late Spring 2002.

34. Regulations 12 and 13 of the 2000 Regulations should remain in effect (para 8.37).

Progress Report March 2002

Noted.

Safety leadership – recommendations 11 to 16

The role of the trade unions

11. Management should ensure that the elected representatives of the employees, whether they be union members or not, have a significant role in the management of safety (para 4.99).

Rail industry No timescale given

Progress Report March 2002

RT report that the three main trade unions are represented at a senior level at both quarterly safety council meetings and bi-monthly National Safety Task Force meetings. TU representatives are also invited to attend formal inquiries and investigations. TUs are involved in RS's Safety Advisory Board. RS will review arrangements to ensure front line workers, or elected representatives are appropriately involved in standards development.

Other parts of the industry report a variety of initiatives and management systems to ensure employee involvement, for example, extended liaison and training to enhance established processes, inspections, participation in accident investigation, risk assessments, an annual safety representatives conference and quarterly meetings with senior management teams; regular written safety briefs, in-house newsletters and regular meetings. Health and safety representatives are also involved in discussions on the safety case, safety management and risk management.

Status

All parts of industry consider this recommendation closed and ongoing work forms part of the development of their Safety Case or other relevant management systems.

Safety leadership within individual companies

12. The Chairmen and Chief Executives of companies should make continually clear to all their employees and passengers a lasting commitment to improve safety performance (para 5.21).

Rail industry No timescale given

Progress Report March 2002

RT report that their CEO chairs the RT PLC Board, the Safety Executive and the National Safety Task Force meetings where safety is always the first/main agenda item. The CEO carries out safety tours to a planned programme. RT has appointed a Head of Safety Leadership to take forward the DuPont principles. RS launched supporting software for the competence in strategic safety management model in February 2002. Other parts of the industry report a variety of initiatives and management systems to demonstrate commitment, for example, individual company safety policies include a safety commitment statement by the CEO/managing director; monthly senior staff meetings; annual safety plans are made available to all employees; safety policy statements are widely distributed and regularly reviewed; the CEO/managing director safety tour programme has been extended to other senior managers; safety performance and safety plans are regularly reviewed.

Safety leadership – recommendations 11 to 16

Status

All parts of the industry consider the first part of the recommendation closed, with ongoing work in the Safety Case or other management systems. Passenger TOCs are exploring ways of getting the message to their travelling public.

13. Companies in the rail industry should be expected to demonstrate that they have, and implement, a system to ensure that senior management spend an adequate amount of time, devoted to safety issues, with front line staff (para 5.23).

Rail industry Action up to 20 March 2002

Progress Report March 2002

RT introduced a programme of safety walkabouts for Directors in May 2000. These are planned visits to allow Directors to talk to staff about safety considerations and to promote an effective safety culture. RS reprinted its good practice guide to safety tours in February 2002. RS has a programme of training for non-executive directors and Controllers.

Other parts of the industry report a variety of initiatives and management systems to demonstrate senior management front line involvement. This includes: regular planned safety tours and planned inspection programme; CEO/managing director monitoring key performance indicators at regular safety meetings; revised and reissued guidance on safety tours; programme of safety tours in the Company Safety Plan; safety tour training for senior managers, and CEO/ managing director monitoring of key performance indicators at regular safety meetings.

Status

All parts of the industry consider the recommendation closed, with the ongoing work in the development of their Safety Cases or other management systems.

14. Where it is not already in place, a safety management strategic leadership team should be established in each company in the rail industry. Such a team should be led by the Chief Executive and include his or her direct reports, with support from the safety professionals. It should consider the strategic management process for safety by holding regular meetings devoted to health and safety issues. It should be the key group in the organisation for setting goals, monitoring performance and assessing and resourcing the needs of the organisation to ensure that the long-term objectives are met (para 5.24).

Rail industry Action up to 20 March 2002

Progress Report March 2002

RT report that their Safety Executive is a well-established meeting, chaired by the CEO, with clear terms of reference to address health and safety issues. The remit of group will be reviewed to ensure continuing effectiveness of the remit. RS issued the good practice guide to developing senior management competency in strategic safety management in February 2002.

Other parts of the industry report a variety of initiatives and management systems to establish a strategic leadership team, for example, monthly management meetings,

Safety leadership – recommendations 11 to 16

chaired by CEO/managing director, which discusses safety performance and strategic safety issues; designated teams responsible for the development of the annual safety plan, ensuring appropriate training is given to members of the team; safety is the first agenda item; regular safety management meetings which sets goals and monitors performance. Some TOCs are amending their RSC to include this in their safety management system.

Status

All parts of industry consider the recommendation closed, but ongoing work is in their Safety Case or other management systems.

Communications

15. Safety meetings should be used as a means of two-way communication between management and the workplace, and should be linked directly to safety management leadership teams referred to in the previous recommendation (para 5.34).

Rail industry Action up to 20 March 2002

Progress Report March 2002

RT report that there is already a Zone Assurance Manual procedure on safety meetings in the Zones. RT will develop a company standard to describe the meeting structure from top to bottom, including the role of Area Safety Groups. Starting in April 2002, the Head of Corporate Safety Reputation will attend the monthly top-level SAFEX meetings to produce core messages for immediate cascade briefing to the Zones. RS will develop guidance, possibly in the form of RGS.

Other parts of the industry report a variety of initiatives and management systems, for example: regular joint health and safety committee meetings with TU and safety representatives; regular attendance by CEO/managing directors at front line staff safety briefings and carry out safety tours; programmed safety meetings have a feedback section on the agenda; safety meeting structure is used to develop safety communications within the company; and production of regular briefings for all staff.

Status

All parts of industry consider the recommendation closed, but ongoing work is in their Safety Case or other management systems.

Risk assessment

16. The greater use of risk assessment in the rail industry is commended (para 5.42).

Rail industry No timescale given

Progress Report March 2002

Whole industry makes use of risk assessment. RS will publish RGS in June 2002 on the preparation of risk assessments in RSC.

Status

Action completed, but work continues in individual RSC. HSE will include this issue in the scheduled evaluation of the RSC planned to start in summer 2002.

Skills, accreditation and licensing – recommendations 1 and 24 to 26 Interfaces and the number of franchises

1. Railtrack and ATOC should work jointly with the RITC to set up a task force for ensuring that the need for a skilled and properly trained workforce at all levels of the industry is met (para 4.35).

Railtrack, ATOC, RITC Action up to 20 March 2002

Progress Report March 2002

RT report they have formed a centralised training and development team and developed a corporate training and development strategy. They have worked with RITC on a number of key training initiatives. RT formally joins the working group of the 'Framework for Skills for the rail Industry' on rail skills with ATOC at the next meeting in May 2002. ATOC report that the 'Framework for skills' progress report was issued in December 2001. The report identified several key strategic themes and identified the steps to be taken. RS is doing a study of the current state of safety competence to identify specific requirements and research needs, if any. RITC report that they are looking at the broad spectrum of roles with shortages, although the main focus is on drivers and signallers.

Status

RT consider this recommendation closed and the ongoing work is now part of the development of their Safety Case. ATOC and RITC consider this recommendation closed. HSE will keep this issue under review, through its membership of the Framework for Skills working group and project board.

The accreditation of suppliers and producers of services

24. Suppliers of products or services of a safety-critical kind for use on, or in regard to, the railways in Great Britain should be required to hold an accreditation as a condition of being able to engage in that activity. But the features of such a system require further study (para 7.73).

HSC Action up to 20 September 2004

Progress Report March 2002

HSE is exploring the current and proposed systems for the assessment of suppliers of goods and services used by the railway industry, both in the UK and abroad, as well systems used in other industries. HSE will formulate options for implementing this recommendation and discussing them with the railway industry and beyond; the view will need to be necessarily very wide. HSE will have to take into account the needs of the network railway, heritage, metro and tramway sections of the industry. HSE will also need to consider the links between accreditation and other aspects of the rail safety agenda, including the review of the Railways (Safety Critical Work) Regulations and Railways (Safety Case) Regulations, driver and signaller licensing and the impending regime under the EC Interoperability Directives. RS has outlined the strategic requirements for research to be carried out.

Status

Work continues.

Skills, accreditation and licensing – recommendations 1 and 24 to 26

Licensing

*25. There should be a system for the licensing and central recording of those who are qualified for the driving of trains in respect of their knowledge of the rules and regulations and the traction for which they have been assessed as competent. Training providers or train operators should be accredited and common standards laid down for the purpose. Drivers' licences should require to be revalidated every three years (para 7.74).
RISB Action up to 20 September 2004*

Progress Report March 2002

ATOC report that work is already underway on recommendations 15 and 16 in Lord Cullen's Part 1 report. The ATOC study on central driver licensing has been discussed and proposals for change will be discussed with RS for RS to develop a system. ATOC note that this issue will need further consideration in the light of European developments and that all mainline operators will need to be involved. RS is investigating the various options from the ATOC study and revised RGS is being developed. RITC report that they have reviewed their National Occupational Standards for Operational roles, which should be published shortly. As with accreditation, HSE has explored the existing and proposed regimes for licensing these personnel in the UK and abroad, and will soon be formulating and discussing options. Again, HSE will need to consider all parts of the industry and the links with other aspects of the rail safety agenda, particularly the review of the Railways (Safety Critical Works) Regulations.

Status

Work continues.

*26. There should be a similar system for licensing the central recording of qualified signalmen, based on an assessment of their knowledge of the rules and regulations. Revalidation every three years should be required (para 7.75).
RISB Action up to 20 September 2004*

Progress Report March 2002

RT report that they have had a major programme of safety critical competence development since 1999. Formal safety critical competencies have been progressively added into the Sentinel system. RT have a formal national competence regime already in place; this includes national recruitment and selection process, licensed trainers, licensed training schools and a single continuous assessment system. Signallers attend a safety briefing and training day every 13 weeks. RT will be seeking external accreditation of their system. RITC report they are working with other parts of industry on this. HSE has explored the existing and proposed regimes for licensing these personnel in the UK and abroad, and will soon be formulating and discussing options. Again, HSE will need to consider all parts of the industry and the links with other aspects of the rail safety agenda, particularly the review of the Railways (Safety Critical Works) Regulations.

Status

RT report that work is continuing and forms part of their safety case. HSE report that work is continuing.