

Recommendation(s) Status: Fatal accident involving a track worker at Saxilby

This report is based on information provided to the RAIB by the relevant safety authority or public body.

The status of implementation of the recommendations, as reported to us, has been divided into six categories:

Key to Recommendation Status

Implemented:	All actions to deliver the recommendation have been completed.
Implemented by alternative means:	The intent of the recommendation has been satisfied in a way that was not identified by the RAIB during the investigation.
Implementation ongoing:	Work to deliver the intent of the recommendation has been agreed and is in the process of being delivered.
In-progress:	The relevant safety authority has yet to be satisfied that an appropriate plan, with timescales, is in place to implement the recommendation; and work is in progress to provide this.
Non-implementation:	Regulation 12(2)(b)(iii) = recommendation considered and no implementation action to be taken.
Awaiting response:	Awaiting initial report from the relevant safety authority or public body on the status of the recommendation.

RAIB concerns on actions taken by organisations in response to recommendations are reflected in this report and are indicated by one of the following:

-  The red triangle shows recommendations where the RAIB has concerns that no actions have been taken in response to a recommendation.
-  The blue triangle shows recommendations where the RAIB has concerns that the actions taken, or proposed, are inappropriate or insufficient to address the risk identified during the investigation.
-  The white triangle shows recommendations where the RAIB notes substantive actions have been reported, but the RAIB still has concerns.

Note: The tables which follow, report the status of recommendations on 31 December 2015. In some other cases the end implementer has already sent information to the relevant safety authority about the actions it has taken, or proposes to take and the safety authority is considering whether it is satisfied that those actions and the associated timescales are accepted.

**Number/ Date/ Report No/
Inv Title / Current Status**

Safety Recommendation

**Summary of current status (based on ORR's report to
RAIB)**

<p>1 04/12/2012 21/2013</p> <p>Fatal accident involving a track worker at Saxilby</p> <p>Status: Implemented</p>	<p>▲</p>	<p>The intent of this recommendation is for Network Rail to control the risk arising from the use of agency staff in safety leadership roles.</p> <p>Taking account of the findings of this investigation (particularly in respect of the actions of the COSS on site and the absence of any effective performance review applied to the COSS), Network Rail should identify and then implement, suitable controls to assure the adequate performance of agency staff in safety leadership roles and/or take steps to reduce its dependence on such staff (paragraph 111a).</p>	<p>ORR has reported that Network Rail has reported that it has completed actions taken in response to this recommendation. ORR proposes to take no further action unless they become aware that the information provided becomes inaccurate. \$b</p>
<p>2 04/12/2012 21/2013</p> <p>Fatal accident involving a track worker at Saxilby</p> <p>Status: Implementation ongoing</p>		<p>The intent of this recommendation is to address the safety risk arising from the management of agency staff in all roles involving work on and around the track.</p> <p>Network Rail, in consultation with all Sentinel sponsor organisations, should develop and implement arrangements to more effectively manage the risk arising from the use of agency staff undertaking work on and around the track. In developing the arrangements, Network Rail should, as a minimum, define improvements in respect of the following issues:</p> <p>a. the requirement for the performance, attitudes and behaviour of agency staff to be regularly monitored;</p> <p>b. the actions to be taken when deficiencies are identified, in particular the possible mechanisms to remedy the deficiency, reasonable timescales within which the deficiencies should be addressed, and the interim measures that can be applied pending resolution;</p> <p>c. the process for temporary suspension of the relevant certification within the Sentinel system and for the prompt reinstatement (to include guidance to contractors and agencies on their responsibilities for updating the status of affected agency staff) on Sentinel; and</p> <p>d. the arrangements for employers to share information in respect of the individuals involved in multiple investigations (paragraphs 111b, 111d and 112a and 112d).</p>	<p>ORR reports that NR is introducing new contingent labour contracts and has agreed a code of contract with all agency suppliers to demonstrate they have effective competence and behavioural management processes in place. ORR are seeking further information. Target date April 2015</p>

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<p>3 04/12/2012 21/2013</p> <p>Fatal accident involving a track worker at Saxilby</p> <p>Status: Implemented</p>	<p>The intent of this recommendation is for Carillion, in conjunction with SkyBlue, to validate, and where necessary improve, the way it manages the performance of agency staff.</p> <p>Carillion in conjunction with Sky Blue should commission an independent review of the changes they have made to their safety management arrangements following this accident (referred to in paragraphs 143 and 145), with the aim of confirming that they have delivered the necessary improvements. The review should include specific consideration of whether the measures taken in respect of managing the performance of agency staff, and following-up accidents and incidents involving them, have been effective in controlling the risk identified in this report. The review should be completed by March 2014 (paragraphs 112a, 112d and 112e).</p>	<p>ORR has reported that Carillion engaged Deloitte LLP to undertake this review, this concluded that: The Carillion project team has driven progress against each of the RAIB actions included within the RAIB report. In some cases, Deloitte LLP work indicated that Carillion has completed the design and implementation of a RAIB action and that the new process has been operating effectively for a period of at least three months. In other cases, Deloitte LLP work indicated that while progress had been made against a RAIB action, further progress or evidence was required in order to demonstrate the changes had been fully embedded into the organisation and to demonstrate their operating effectiveness. Carillion is reviewing the outcome of this review and is addressing the outcomes raised. ORR proposes to take no further action unless they become aware that the information provided becomes inaccurate.</p>
<p>4 04/12/2012 21/2013</p> <p>Fatal accident involving a track worker at Saxilby</p> <p>Status: Implemented</p>	<p>The intent of this recommendation is to enhance the welfare of witnesses attending industry investigations into serious incidents and accidents.</p> <p>Network Rail, in consultation with other industry partners as appropriate, should review its processes and examine ways of improving their practices for interviewing witnesses who have been involved in serious incidents and accidents. Taking account of best practice from specialists in this area, it should develop guidance on planning for interviews and techniques for dealing with such witnesses. Training should be provided for individuals who are involved in industry investigation panels or conduct interviews as part of an investigation (paragraph 113).</p>	<p>ORR has reported that Network Rail has reported that it has taken actions in response to this recommendation. ORR proposes to take no further action unless they become aware that the information provided becomes inaccurate.</p>