

Sentinel Scheme Rule Breaches

The current Sentinel Scheme Rules have been in place since July 2018. There is a letter of instruction NR/BS/LI/36 - Standard affected NR/L2/OHS/050 (Issue 4) Sentinel Scheme Rules stating that the rules on the Rail Sentinel website are to be followed for both Network Rail and its contractors.

The following explains the process to ensure individual breaches of the Sentinel Scheme Rules are correctly dealt with. The investigation is conducted by their Primary Sponsor who must not allow individuals to work for another sponsor while the investigation process takes place. This ensures other sponsors are not taking on individuals who are being investigated for allegedly breaching the Sentinel Scheme Rules and subsequently end up being suspended or having a key competence Taken Down for a set period.

The Process

Section 5.1 of the rules state where there is an allegation that an individual has broken the Sentinel Scheme Rules (sometimes via a Speak Out report or a Level 1 investigation) the Primary Sponsor must take down the individual's competences. This removes their Authority to Work whilst a Sentinel rule breach investigation occurs, regardless of whether a safety investigation is also taking place.

This investigation must follow the 'Fair Culture' Consequences Model and include a statement from the individual in response to the allegation. Once completed the Local Investigation report needs to be submitted to sentinellinvestigations@networkrail.co.uk The report and recommendations are then considered for a Sentinel Scheme outcome by the Formal Review panel.

The Formal Review panel is made up of representatives from:

- Network Rail Workforce Safety
- Network Rail Corporate Investigations
- Network Rail Training
- Other Infrastructure Maintainers (TfL)

Past precedents and Fair Culture are used by the Formal Review panel to ensure consistency if any Suspensions/Take Downs are imposed.

The Primary Sponsor is then advised in writing of the outcome of the Formal Review within 30 days of the investigation conclusion. It is then their responsibility to pass on the written communication to the Individual along with their right to appeal against the outcome.

Once the panel has reached its decision and the Primary Sponsor has been informed the individual can then be de-sponsored by the sponsor.

2018 Report

In 2018 there were 106 individuals investigated by their Primary Sponsor and referred to Network Rail's Formal Review panel.

Of those that have been referred to the Formal review, 50 were deemed serious enough to have a sanction placed on them from a 3-month suspension of their Personal Track Safety (PTS) competence to a 5-year total suspension on either Network Rail's Managed Infrastructure (NRMI) or Transport for London (TfL) Infrastructure.

There are also individuals suspended in Sentinel for breaching the Drug & Alcohol (D&A) policy (NR/L1/OHS/051) resulting in a 5-year suspension. These do not go to the Formal Review panel as these incidents are reviewed by a different process outlined in the D&A standard.

The Formal Review panel also either accepted the Primary Sponsors recommendations or there was insufficient evidence for 56 individuals referred to the panel.

The majority of sanctions imposed this year have been on those individuals breaching:

Section 4.3 Any breach in working hours by reporting or endeavouring to report for a shift of work, having previously undertaken a shift on MI within the last 12 hours (known as double shifting); unless a risk assessment has been conducted by the Primary Sponsor and suitable controls implemented.

or

Section 4.6 The infringement of any health and safety legislation or MI policies, standards or rules including the Lifesaving Rules deemed as reckless contravention and a requirement of Section 1.16 of the Sentinel Scheme Rules

All Individuals have the right to appeal.

Individual appeals will only be held when a Scheme Outcome has been applied and only where new information or mitigating circumstances that was not available at the Formal Review stage, are submitted as stated in section 5.7 of the Sentinel Scheme Rules

There have been 9 appeals heard so far in 2018 of which 3 have been successful in having sanctions either removed or reduced.

Network Rail

The rules are in place for all although the process for Network Rail staff is slightly different. Rather than taking down the individuals 'Authority To Work' in Sentinel (as the contractors do) during the investigation, the individual's line manager must temporarily remove the individuals PTS in Oracle as this feeds directly in to Sentinel.

Once the investigation is complete the DCP sends the report to the Fair Culture Panel on reaching a decision, will if it breaches the Sentinel Scheme Rules, send it to the Formal Review panel for a sanction consideration.