

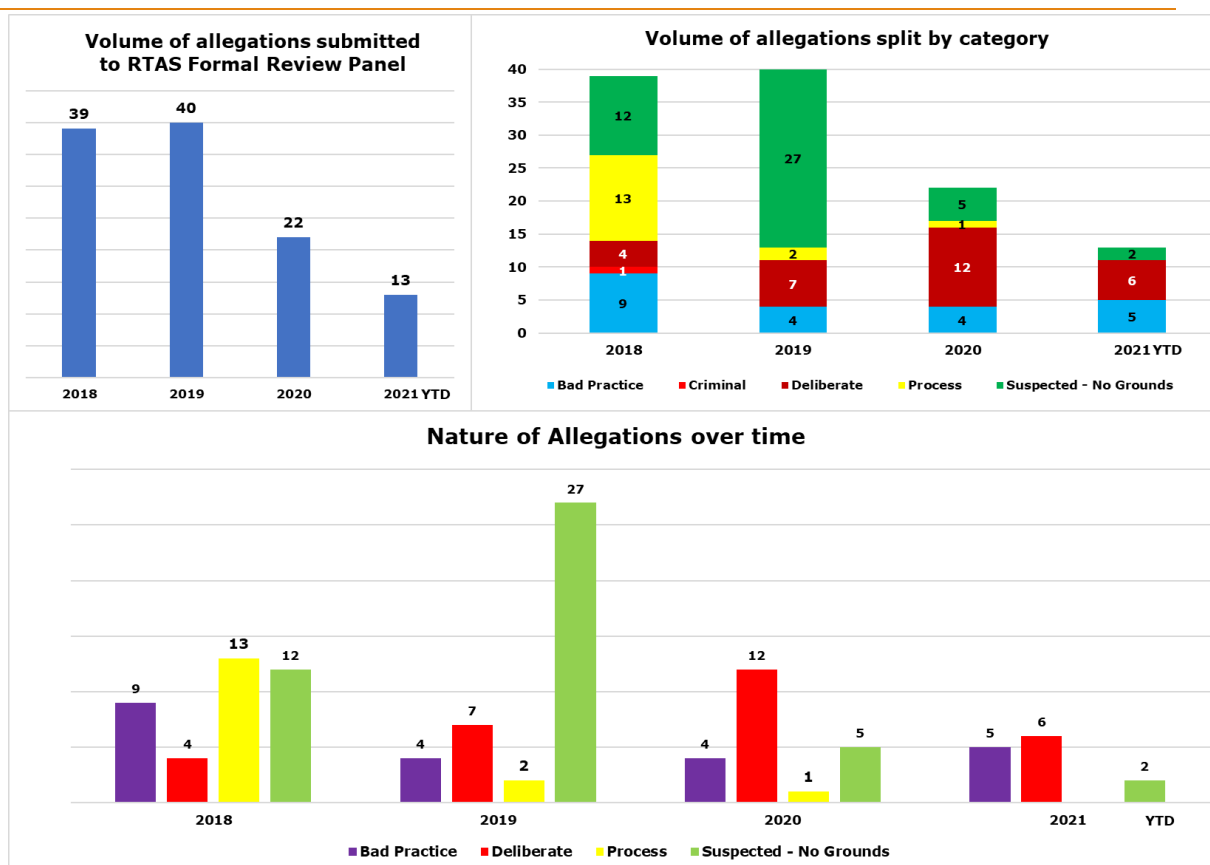
Safety on the railway is the number one priority of **Network Rail and NSAR**. Both organisations work tirelessly to ensure that the training and competence of individuals working on the railway meets the standards set out in the Rail Training Assurance Scheme (RTAS) Rules. Assured Providers, including Guiding Minds and Administrators, and Trainers/Assessors who fail to follow the prescribed routes to competence for individuals that they train are investigated.

Outcomes of Investigations [Formal Reviews] are determined in line with Network Rail’s Fair Culture Processes and the Outcome Guidelines in the RTAS Rules. Where appropriate and considered necessary due to the nature of the breach, suspensions are applied for a duration of between a few months and permanent exclusion from the Rail Training Assurance Scheme.

The duration of each suspension is dependent on a number of factors including the severity of the breach, the Fair Culture Outcome, the impact of mitigating circumstances identified and evidenced, determination from previous/ongoing investigations, the level of deliberate acts involved in the breaches, any attempts to mislead NSAR or Network Rail and the level of co-operation during the investigation.

Increased collaboration between RTAS Assurance [NSAR], Sponsor Investigations [Sentinel Sponsors], Sentinel Investigations [Sentinel card holders], Supplier Assurance, ESFA [government funding] and British Transport Police is increasing intelligence, widening and co-ordinating actions in respect of those companies and individuals deliberately exposing the rail industry workforce to avoidable risk.

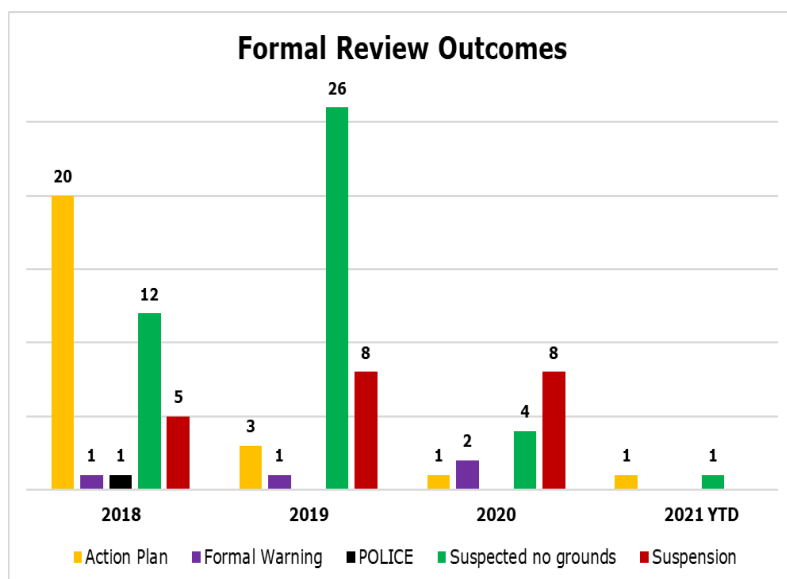
Investigation Trends



Standard Investigation methods – Sanction Trends

Evidence shows that a large proportion of investigations completed are found to have no grounds for sanctions and that outcomes of 'action plans' have become less appropriate to the breaches that the evidence has proven to have taken place.

This is explained by the shift in types of investigations moving away from mistakes or incidents arising from breakdowns in process to more deliberate in nature which, when proven, have resulted in more severe sanctions being applied.



Reporting

NSAR has a dedicated email address that can be used to report breaches of RTAS assured training and assessment. Anyone can report suspected breaches at any time. However, it does assist the team where reports provide evidence or contain detailed information whereby NSAR can review sources of information for corroboration and any risks to competence can be acted upon quickly.

In 2021, there is a sharp increase of allegations being received that are completely anonymous, usually from masked email addresses and containing an insufficient level of detail that restricts the ability to substantiate claims or contact the reporter for more information.

The reporter does not need to remain anonymous to NSAR. Where any individual wishes to report a breach and remain anonymous, all steps necessary are taken to protect the identity of any reporter.

Formal Reviews can only operate and act effectively where allegations are supported by corroborating evidence. The team reviews all reports received and views all sources of information available to them but where there is insufficient information to enable any reasonable form of fact finding, the formal review team will be unable to act.

Please help us monitor risk to the railway and communicate with us openly. Completely anonymous reports can be made through Network Rail Speak Out and CIRAS. Reports about NVQ delivery, prior to Sentinel competence delivery, should be made to the Education & Skills Funding Agency [ESFA].

Standard Investigation methods – Suspensions

Reported in 2018	PARTY	DURATION	
		Individual	Provider
<ul style="list-style-type: none"> Upload of COSS/IWA competence for another trainer without assessment taking place. 	x2 Trainers	1 year each	
<ul style="list-style-type: none"> Routine delivery of PTS Track Walkout in significantly less than 90 minutes and with more than the maximum permitted delegates than the mandated Network Rail lesson plan requirements. Routine falsification of practical training records and safety critical document information, specifically the Safe Work Pack [SWP], including times and signatures. Conducting PTS Initial Track Walks on the Station Platform only 	x2 Trainers	4 years each APPEAL REJECTED BY NETWORK RAIL	
<ul style="list-style-type: none"> Repeat testing of verification once delegates failed and continuing with training after passing. Shortening of DCCR Event. Shortening PTS Track Walk out and exceeding maximum delegate numbers. 	x1 Trainer	3 months	
<ul style="list-style-type: none"> Delivery of PTS Initial including Track Visit without medical recorded on Sentinel. 	x1 Trainer	1 year	
<ul style="list-style-type: none"> Failing to control activities of, and take responsibility for courses being delivered by, an associate trainer using the Provider assurance. Repeated shortening of Track Induction Training. Delivery of multiple Track Induction practical assessments on unapproved practical sites Bringing the RTAS into disrepute by delivering training and using practical locations under the name of an Unassured Provider 	x1 Assoc. Trainer	3 years APPEAL REJECTED BY NETWORK RAIL	3 years TIC capability APPEAL REJECTED BY NETWORK RAIL
Reported in 2019			
<ul style="list-style-type: none"> Delivering 2x SSOWP assessments when Assessor's SSOWP competence expired 	x1 Assessor	1 year	1 year
<ul style="list-style-type: none"> Delivery of AOD PO courses with no evidence of practical event having taken place at any site 	x1 Assessor	1.5 years	
<ul style="list-style-type: none"> Deliberate delivery of PTS Track Walkout in significantly less than the mandated Network Rail lesson plan duration of 90 minutes, within the confines of a station platform only and with more than the maximum permitted delegates Deliberate falsification of Safe Work Pack information. The manufacturing of COSS Workplace Assessment for the purposes of renewing personal competence. 	x1 Assessor [Ex-Training Manager]	5 years as Assessor 7 years as Training Management APPEAL REJECTED BY NETWORK RAIL	
<ul style="list-style-type: none"> Suspected falsification of COSS Assessment documentation. Failure to provide documentation within 24 hours of the request 	x1 Assessor [Director]	3 months	3 months
<ul style="list-style-type: none"> 2x COSS Assessments being delivered at the same time, on 2x separate occasions. 3x COSS Assessments have taken place without sufficient evidence of logbooks [eligibility] as required by NR/L2/CTM/021. Repeated failure to retain RTAS documentation 	x1 Assessor and Provider	3 years	3 years

2019 continued	PARTY	DURATION	
		Individual	Provider
<ul style="list-style-type: none"> Failing to control activities of, and take responsibility for courses being delivered by, an associate trainer using the Provider assurance. Enabling the delivery of TIC training in contravention of the mandated lesson plan 	x1 Trainer and Provider	ADDITIONAL 3 years	3 years TIC capability
<ul style="list-style-type: none"> Deliberate falsification of Safe Work Packs [SWP] for purposes of PTS Track Walks on 2 occasions resulting in delivery of delivering PTS Track Walks with no valid protection arrangements in place. Incorrect award of PTS competence to incompetent delegates Repeated non-compliant preparation & management of Safe Work Packs [SWP] Repeated inadequate training record completion, retention, and compliance. Delivery of Track Safety Training by trainer where COSS competence had expired. Failure to manage Sentinel operational competence and annual on-line exams 	x2 trainers and Provider	4 years each	ADDITIONAL 5 years
<ul style="list-style-type: none"> Delivering TIC Assessment Day when suspended from RTAS 	Provider		6 months
Reported in 2020			
<ul style="list-style-type: none"> Manufacturing COSS Assessment for purposes of renewing competence – resulting from 2019 investigation 	x1 Trainer/ Assessor	ADDITIONAL 4 years	
<ul style="list-style-type: none"> Repeated Incorrect marking of assessments including PTS, this includes evidence of trainer interference with the assessment performance of the learner. Repeated inadequate documentation within Safe Works Packs, resulting in the duration of PTS Track Walks being undetermined. Repeated inadequate completion, compliance & retention of training and assessment records including command of English language, Training record version numbers, Registers of attendance and correct learner identification. Sponsoring for the purposes of training Inadequate verification practices and management system controls of delivery 	x1 Trainer and Provider	4 years APPEAL REJECTED BY NETWORK RAIL	4 years APPEAL REJECTED BY NETWORK RAIL
<ul style="list-style-type: none"> Failure to deliver, and enabling the non-compliant delivery, of Workplace Assessments as per the mandated plan. Conducting, and enabling the conduct of, an Assured Assessment whilst the candidate delivered an Assured Training event. Failing to provide adequate evidence of and enabling inadequate gathering of evidence of Assured Assessments to demonstrate competence of the candidate. Enabling the delivery of two Assured Assessments by an Assessor whose competence had expired. Enabling the mentorship of a new Trainer prior to seeking RTAS Assurance. 	Andy McKenna and Amtrain	1 year	1 year

Enhanced Investigations

Over the past 3 years the trend in the cause of investigations has changed. Recent investigations are generally into more deliberate breaches of the Rules rather than mistakes or breakdowns in process and/or systems. In response, the evidence gathering techniques used by **NSAR on behalf of Network Rail** have advanced to the use of non-overt techniques where traditional methods of evidence gathering are determined to be insufficient.

To date there have been three investigations where non-overt techniques have been used, the quality of the evidence gathered has been undisputable. This has enabled the swift removal of risk to competence of malpractice and substantial sanctions delivered on parties undertaking delivery of training using highly inappropriate methods.

Due to each of their successes in swift and effective action being taken, where required **NSAR** will now use these techniques routinely.

1. PROJECT LOUISANNA

Over an extended period, East London Safe Train Limited and one trainer, were believed to have been committing serious breaches of the Rail Training Assurance Scheme (RTAS) Rules affecting 955 competences. In **2019**, after a lengthy investigation, including covert attendance of training for the first time, a **5-year period of suspension was imposed on both the Provider and Trainer**.



East London Safe Train Limited and the trainer were found to have issued competencies to individuals for whom the trainer had translated training into Romanian, assisted learners to pass their assessments and not delivered PTS Initial Training sufficiently to warrant the award.

The breaches related to the following:

- There were deliberate, actions to deliver PTS Initial Training to delegates with insufficient command of the English Language.
- PTS Initial track walks were not delivered as required by Network Rail mandated lesson plan.
- Supporting learners through the PTS initial assessment to ensure that they pass the course.
- Cheating practices openly taking place during the examinations and tests.

The outcome of the investigation was **not appealed** by either East London Safe Train or the trainer.

2. PROJECT OTTER

Throughout 2018 & 2019, Training Company ACE Training Ltd [previously UKRS Training Ltd], were believed to have breached a 4-year suspension initiated in March 2017 for undertaking several serious breaches of RTAS including the use of unapproved locations to deliver practical training and unapproved trainers to deliver assessments.



In **2019**, after investigation, including covert attendance of training, ACE Training Limited were found to have directly contravened the 4-year suspension imposed by Network Rail. The investigation found that 338 competencies were affected and a 5-year period of suspension was imposed.

As this was the third suspension aligned to the same legal entity, Network Rail initiated an RTAS Rule clause that **permanently bans** the company from returning to the delivery of RTAS Assured Training and Assessment.

Within the same investigation, a Trainer of Professional Training & Assessment Services [PTAS Ltd] was also found to be undertaking several serious breaches of RTAS in the delivery of training and a **5-year period of suspension was imposed on both the Trainer and the company.**

The breaches related to the following:

- Arranging, recruiting and ultimately the delivery of Personal Track Safety and DC Conductor Rail as an unassured RTAS provider.
- Delivery of rail related track safety training at a suspended location.
- Delivering PTS Training to delegates at a suspended location.
- Not undertaking PTS Initial track walks and DCCR practical sessions as required by Network Rail mandated lesson plans.
- Supporting the delegates through verification and knowledge assessments to ensure that they pass the course.

Within **two additional investigations**, the Trainer of PTAS Ltd was found to be breaching RTAS on a regular basis while delivering PTS and Track Induction training. These investigations resulted in additional suspensions being determined for periods of 3 and 4 years. **A total of 12 years suspension to run consecutively was imposed.**

Finally, as the same Trainer and Provider has been suspended three times for incidents taking place within a 6-month period, Network Rail has **permanently banned** the trainer and company from returning to the delivery of RTAS Assured Training and Assessment.

The outcomes of the investigations were **not appealed** by ACE Training Ltd, PTAS Ltd nor the Trainer of PTAS Ltd.

3. PROJECT WASHINGTON

During the second period of **2020**, NSAR received several reports that RailTrain UK and several trainers were undertaking multiple breaches of the RTAS Rules on a regular basis.

After investigation, including covert attendance of training, **RailTrain UK**, Trainer and joint Director **Ricky-Lee Turner**, Trainer and Training Manager **Gary Hughes** and two additional trainers **Frankie Scott** and **Kevin Dixon** were **suspended for a combined total of 23 years**.



The breaches related to the following:

- Supporting delegates with insufficient command of the English language through PTS & DCCR initial assessments to ensure that they pass the course, including not completing the Track Walk, and widespread falsification of training and assessment records and Safe Work Pack by Gary Hughes.
- Gross and intentional shortening of PTS and PTS DCCR Training including falsification of training and assessment records, RailTrain UK Ltd administration records and Sentinel Swipe In/Out database records by Gary Hughes.
- Not undertaking PTS Initial track walks as required by Network Rail mandated lesson plan in, duration, and safety [delivered in the hours of fading light and darkness] by Gary Hughes, Frankie Scott, and Ricky-Lee Turner, including acceptance by Rail Train UK that undertaking track walks in fading light and darkness was not unsafe.
- Delivering Training with little regard to Covid-19 safety regulations on social distancing and sanitisation by Gary Hughes.
- Enabling the delivery of training in the name of an unassured provider including the delegation of Assured Provider RTAS requirements to the unassured provider, namely Universal Track Solutions [UTS] including enabling breaches of the Sentinel Scheme Rules for Sponsors by training individuals who are paying for training themselves by RailTrain UK.
- Delivering PTS Training to delegates with insufficient command of English language by Frankie Scott.
- Not undertaking TIC training as mandated by Network Rail and failing to cooperate with an investigation by Kevin Dixon.

In addition, Kevin Dixon had all Sentinel competences suspended for a period of 2 years and is not permitted to hold any competence higher than PTS until Christmas 2025 due to failure to cooperate with the RTAS formal review.

An appeal of the outcome of the investigation was **rejected** by Network Rail as the appeal did not satisfy the criteria within the RTAS Rules V2.0.