

[REDACTED]

14th January 2016

Re: FOI request IE_FOI_017

Dear [REDACTED]

I refer to your request dated 1st November 2015 which was received by this office on 2nd November 2015, which you have made under the Freedom of Information Act 2014 for records held by this FOI body. Your request sought:

Request - All correspondence between Irish Rail CEO David Franks and Railway Safety Commission Chairman Gerald Beesley. This includes all emails, letters and any other written correspondence sent between the two said individuals and their offices. The timeframe for this request is 01/10/14-today's date.

I, Heidi Reardon have now made a final decision to part grant your request on 14th January 2016.

The purpose of this letter is to explain that decision. This explanation has the following parts:

1. A schedule of all of the records covered by your request;
2. An explanation of the relevant findings concerning the records to which access is denied, and
3. A statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these three parts in turn.

1. Schedule of records

A schedule is enclosed with this letter, it shows the documents that this body considers relevant to your request. It describes each document and refers to the sections of the FOI Act which apply to prevent release. The schedule also refers you to sections of the detailed explanation given under heading 2 below, which are relevant to the document in question. It also gives you a summary and overview of the decision as a whole.

2. Findings, particulars and reasons for decisions to deny access

The sections of the Act which can apply to deny access to documents are known as its exemption provisions. These exemptions are detailed in the schedule of records

3. Rights of appeal

In the event that you are unhappy with this decision, you may appeal it. In the event that you need to request such a review, you can do so by writing to FOI Unit, Corporate Communications, Iarnród Éireann Irish Rail, Connolly Station, Amiens St, Dublin 1 or alternatively by sending an e-mail to foi@irishrail.ie. You should state that you are seeking this review because an initial decision was not sent to you within the time allowed for a response. In that event, you would normally have 4 weeks (after the initial decision should have been sent to you) in which to make the appeal. Consideration will be given to late applications in appropriate circumstances.

Should you wish to discuss the above, please contact me by telephone at 01-7034293.

Yours sincerely,



Heidi Reardon

PA to Chief Executive, Iarnrod Eireann

Freedom of Information Request:
Schedule of Records for IE_FOI_017 : Summary for Decision Making

Record No.	Date of Record	From / To	Brief Description	No. of Pages	Decision: Grant/Part Grant/Refuse	Section of Act if applicable	Record Edited/Identify Deletions
		INCOMING	SMS STRATEGIC AUDIT				
	07.01.15 - 15.10.15	Various To DF	Correspondence - SMS STRATEGIC AUDIT		Refuse	S29 - Deliberation of Public Bodies : the record concerned contains matters relating to the deliberative process of IE in relation to ongoing matters relating to the RSC	Complete record
		OUTGOING	SMS STRATEGIC AUDIT				
	22.12.14 - 18.09.15	DF to Various	Correspondence - SMS STRATEGIC AUDIT		Refuse	S29 - Deliberation of Public Bodies : the record concerned contains matters relating to the deliberative process of IE in relation to ongoing matters relating to the RSC	Complete record
		INCOMING	PROCUREMENT REVIEW				
	07.05.15 - 18.11.15	Various To DF	Correspondence - Procurement Review		Refuse	S29 - Deliberation of Public Bodies : the record concerned contains matters relating to the deliberative process of IE in relation to ongoing matters relating to the RSC	Complete record
		OUTGOING	PROCUREMENT REVIEW				
	28.08.15 - 19.11.15	DF to Various	Correspondence - Procurement Review		Refuse	S29 - Deliberation of Public Bodies : the record concerned contains matters relating to the deliberative process of IE in relation to ongoing matters relating to the RSC	Complete record
		INCOMING	POST INCIDENT INSPECTION FOLLOWING A PLANNED OUT OF NORMAL OPERATION ON THE MIDDLETON LINE				
	19.08.15 - 10.12.15	Various to DF	Correspondence - Draft Report Middleton		Refuse	S29 - Deliberation of Public Bodies : the record concerned contains matters relating to the deliberative process of IE in relation to ongoing matters relating to the RSC	Complete record
		OUTGOING	POST INCIDENT INSPECTION FOLLOWING A PLANNED OUT OF NORMAL OPERATION ON THE MIDDLETON LINE				
	11.09.15	DF to Various	Correspondence - Draft Report Middleton		Refuse	S29 - Deliberation of Public Bodies : the record concerned contains matters relating to the deliberative process of IE in relation to ongoing matters relating to the RSC	Complete record
		INCOMING	ORGANISATIONAL DESIGN				
	29.04.15 - 09.10.15	Various To DF	Correspondence - Organisational Design		Refuse	S29 - Deliberation of Public Bodies : the record concerned contains matters relating to the deliberative process of IE in relation to ongoing matters relating to the RSC	Complete record
		OUTGOING	ORGANISATIONAL DESIGN				
	28.04.15 - 07.05.15	DF To Various	Email - Organisational Design		Refuse	S29 - Deliberation of Public Bodies : the record concerned contains matters relating to the deliberative process of IE in relation to ongoing matters relating to the RSC	Complete record
		INCOMING	MANAGEMENT OF SPAD EVENTS				
	22.06.15 - 03.11.15	GB To DF	Correspondence - Management of SPAD Events		Refuse	S29 - Deliberation of Public Bodies : the record concerned contains matters relating to the deliberative process of IE in relation to ongoing matters relating to the RSC	Complete record
		OUTGOING	MANAGEMENT OF SPAD EVENTS				
	31.07.15 - 04.11.15	DF to GB	Correspondence - Management of SPAD Events		Refuse	S29 - Deliberation of Public Bodies : the record concerned contains matters relating to the deliberative process of IE in relation to ongoing matters relating to the RSC	Complete record
		INCOMING	OPERATIONAL INCIDENTS				
	19.08.15	GB to DF	Correspondence - Operational Incidents		Fully Grant	N/A	N/A
		OUTGOING	OPERATIONAL INCIDENTS				
	11.09.15	DF to GB	Correspondence - Operational Incidents		Fully Grant	N/A	N/A
		INCOMING	EVIDENCE TO SUPPORT CLOSURE OF SAFETY RECOMMENDATIONS				
	24.07.15	GB To DF	Correspondence - Safety Recommendations		Fully Grant	N/A	N/A
		OUTGOING	EVIDENCE TO SUPPORT CLOSURE OF SAFETY RECOMMENDATIONS				
	16.10.15	DF to GB	Correspondence - Safety Recommendations		Fully Grant	N/A	N/A

Signed

IE Decision Maker





24th July 2015

Mr David Franks
Chief Executive
Iarnród Éireann
Connolly Station
DUBLIN, 1.

Ref: 150724/GB15-038/IÉ

Evidence to support closure of Safety Recommendations

Dear Mr Franks,

Since 1998 Safety Recommendations directed at Iarnród Éireann have been issued as a result of three key activities, namely: Government initiated Safety Reviews, RAIU Investigation Reports, and RSC Audit Reports.

Historical Safety Recommendations:

In regard to the first of these activities, I enclose for your information, and action as necessary, a copy of the RSC Interim Report on the status of historical safety recommendations arising from Government initiated Safety Reviews. From this report you will note that the status assigned to the 306 recommendations as at 31st March 2015 was as follows:

Report	Total	Closed	Require Verification	Open
IRMS, 1998 & IRMS, 2000	172	92	62	18
IRMS, 2001	67	11	3	53
A.D. Little Ltd., 2006	67	12	0	55
	306	115	65	126

When account is taken of recommendations directed at other parties, the net number of recommendations directed at Iarnród Éireann that remain to be closed is 181, i.e. 64 for which supporting evidence has been submitted and are subject to verification by the RSC, and 117 for which supporting evidence has yet to be submitted to the RSC and therefore remain 'Open'.

Considerable progress has been made since 2012 through co-operation by the respective Iarnród Éireann Safety Departments and the relevant functional Departments responsible for implementing the measures required to satisfy the recommendations. However, experience to date has demonstrated that verification is rarely a 'single pass' process; it has often been necessary to seek further supporting evidence and/or clarifications in order to reach a position where the RSC is satisfied that a recommendation can be assigned 'Closed' status.

RAIU Safety Recommendations:

Safety Recommendations arising from investigations into accidents and serious incidents have been issued since 2006 in the formal reports published in accordance with the requirements of the Railway Safety Act. Safety Recommendations issued by the RAIU are addressed to the RSC, as it is the safety authority's role to ensure that they are duly taken into consideration and, where appropriate, acted upon. The RAIU indicates the organisation to whom a Safety Recommendation is directed, and implementation by Iarnród Éireann of corrective actions to satisfy the requirements of recommendations is monitored by the RSC. Final closure is verified by the RSC on the basis of evidence submitted. The current status of such Safety Recommendations is shown in the table below.

Year	Reports	No. of IÉ-IM Recommendations				No. of IÉ-RU Recommendations				Overall Total
		Open	Complete	Closed	Total IM	Open	Complete	Closed	Total RU	
2006	1	0	1	13	14	0	0	0	0	14
2007	0	0	0	0	0	0	0	0	0	0
2008	1	0	2	2	4	0	0	2	2	6
2009	5	0	1	7	8	0	0	1	1	9
2010	5	3	3	16	22	0	0	1	1	23
2011	6	2	6	5	13	1	2	0	3	16
2012	3	2	1	1	4	1	3	4	8	12
2013	2	3	4	0	7	1	2	0	3	10
2014	5	9	4	4	17	1	2	1	4	21
2015	2	3	1	0	4	0	0	0	0	4
Totals	30	22	23	48	93	4	9	0	22	115

Prior to 2013, Safety Recommendations were directed at Iarnród Éireann as an integrated business, but since the establishment of separate Infrastructure Manager (IM) and Railway Undertaking (RU) business divisions, the RAIU has directed recommendations at the relevant business division. In order to facilitate implementation within the business divisions and tracking by the RSC, the relevant 'ownership' for Safety Recommendations issued prior to 2013 has been identified, as shown in the table above.

RSC Audit Outcomes:

The RSC has been conducting audits on a planned basis since 2009, and to date has completed 36 audits on Iarnród Éireann. Details of the status of all Action Required (AR) Items and Non-compliances (NC) are presented in the attached document. In summary, the position on 30th June 2015 was follows:

YEAR	Total ARs	Actions Required			Total NCs	Non-Compliances		
		ARs Open	ARs Complete	ARs Closed		NCs Open	NCs Complete	NCs Closed
2009	44	4	0	40	4	0	0	4
2010	52	10	1	41	14	2	0	12
2011	62	28	0	34	17	9	0	8
2012	66	34	0	32	19	12	0	7
2013	55	34	0	21	22	16	0	6
2014	52	47	0	5	15	14	0	1
2015	6	6	0	0	0	0	0	0
TOTAL to DATE	337	163	1	173	91	53	0	38

It should be noted that the above table represents the status of Audit Outcomes at a stated point in time. The RSC acknowledges that the audit outcome management process is a live one, and requires regular (monthly) meetings between the RSC and both the IM and the RU.

Specifically, within the IM area of responsibility, annual targets are set at year start in respect of audit outcome management. In 2014 the IM were set a target of addressing 100 Audit Outcomes through to closeout by the RSC, which I am pleased to report was largely achieved. On the 27th of January of 2015, the RSC set the 2015 annual target of an additional 100 Audit Outcomes to be addressed through to closure, this to include all those Audit Outcomes identified prior to 2013.

In regard to the 2015 target, and further to the position presented in the table above, a review meeting held with the IM on the 22nd of July resulted in 26 of the 'Open' ARs and 12 of the 'Open' NCs being assigned 'Complete' status on the basis that evidence had been submitted to the RSC. The RSC will undertake its review of the submissions in the coming weeks to verify if the evidence supplied by the IM is sufficient to permit the respective Audit Outcomes to be 'Closed'.

Moving Forward:

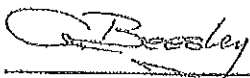
The purpose of this letter is to seek an on-going commitment from Iarnród Éireann to advance this process so that the backlog of all 'Open' recommendations may be reduced to and maintained at manageable levels.

As stated above, co-operation by the respective Safety Departments, together with the necessary input from their colleagues in the functional departments, has seen a significant advance since 2012 in reducing the number of 'Open' items. Although steady progress has been made, the RSC is of the opinion that further effort is now required in order to overcome the backlog that exists in the three key areas detailed above.

The RSC recognises that some of the earlier (pre-2011) recommendations may have been quite broad and therefore present challenges in addressing the same. The RSC has been working with the relevant Iarnród Éireann departments to bring additional clarity to such items, and will continue to do so where necessary.

It is vitally important that our respective organisations continue to assign the necessary resources with the aim of closing all historical recommendations by the end of 2016, and endeavouring to ensure that Safety Recommendations and Audit Outcomes are addressed within three years of their date of issue. Please be assured that the RSC is committed to apply the resources required to undertake in a timely manner the review of evidence submitted by Iarnród Éireann.

Yours sincerely,



Gerald Beesley,
Commissioner,
RAILWAY SAFETY COMMISSION

CC Mr Don Cunningham,
Director, Infrastructure Manager,
Iarnród Éireann,
Inchicore Works,
DUBLIN 8,

Mr Jim Meade
Director, Railway Undertaking
Iarnród Éireann
Connolly Station
DUBLIN, 1

Cassidy John (IR Connolly)

From: Franks David
Sent: 24 July 2015 17:48
To: Cassidy John (IR Connolly)
Subject: Fwd: Close-out of Safety Recommendations
Attachments: 150724 GB Letter to IE Chief Executive.pdf; ATT00001.htm; Status of Historical Recommendations - June 2015 Interim Report.pdf; ATT00002.htm; ATT00003.htm

From: "Gerald Beesley" <GeraldBeesley@rsc.ie<<mailto:GeraldBeesley@rsc.ie>>>
To: "Franks David" <David.Franks@irishrail.ie<<mailto:David.Franks@irishrail.ie>>>
Cc: "Cunningham Don" <Don.Cunningham@irishrail.ie<<mailto:Don.Cunningham@irishrail.ie>>>, "Meade Jim" <Jim.Meade@irishrail.ie<<mailto:Jim.Meade@irishrail.ie>>>
Subject: Close-out of Safety Recommendations

David,

Please find attached herewith letter in regard to evidence to support closure of Safety Recommendations. This letter addresses the current status of recommendations under three headings – (1) Historical Safety Recommendations; (2) Safety Recommendations arising from RAJU investigations; and (3) RSC Audit Outcomes. The original signed copy of the letter shall issue to you by post on Monday next.

In regard to the Historical Safety Recommendations, I am also attaching for your information an Interim Report which has been prepared by the RSC; a copy of which shall shortly be forwarded to the DTTAS.

A table summarising the status of RSC Audit Outcomes as at 30th June 2015 (as referred to in the attached letter) is also attached.

I would emphasise that, working with your Safety Departments, considerable progress has been made from the position that pertained in mid-2012, but I am of the opinion that the time has now come to advance the process so as reduce the backlog to acceptably maintainable levels.

The RSC remains available to meet with you and/or your business division colleagues to discuss methods for advancing the close-out process.

Kind regards,
Gerald Beesley
Commissioner

Railway Safety Commission
Trident House
Blackrock
Co. Dublin

Tel: +353 1 2068153
Fax: +353 1 2068115
Mob:+353 87 952 9215
Email: geraldbeesley@rsc.ie<<mailto:anthonybyrne@rsc.ie>>

Note:

This message is for the named person's use only. It may contain confidential, proprietary or legally privileged information. No confidentiality or privilege is waived or lost by any mis-transmission. If you

Chief Executive, Stáisiún UI Chonghallo, Baile Átha Cliath 1
Príomh Fheidhmeannach, Connolly Station, Dublin 1
T 01 703 2454 F 01 703 2608 E Info@irishrail.ie W www.irishrail.ie

Mr Gerald Beesley
Railway Safety Commissioner
Railway Safety Commission
Trident House
Blackrock
Co. Dublin

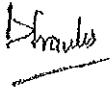
16th October 2015

Dear Gerald,

Closure of Safety Recommendations

Thank you for your letter dated the 24 July and the recognition that considerable progress has been made during my time as Chief Executive to close out long standing audit recommendations. This has been a particular personal objective since joining the company. You can rest assured that efforts to eliminate this backlog will continue to be made and I welcome your commitment to review evidence supplied to you to support closure in a timely manner.

Yours sincerely,



David Franks
Chief Executive





Mr David Franks
Chief Executive
Iarnród Éireann
Connolly Station
DUBLIN, 1.

19th August 2015

Ref: 150819/GB15-042/IÉ

Operational Incidents

Dear Mr Franks,

I write to convey the concern that the Railway Safety Commission (RSC) has in regard to the operational incidents that have occurred to date in 2015, which have been notified to us as 'immediately reportable incidents'. The nature of some of these incidents is worrying, and I am sure that you and your Board share our concerns.

The RSC is pleased to note that in accordance with best practice the respective IÉ-RU and IÉ-IM Safety Departments are carrying out the necessary investigations independent of the line functions involved in the incidents, and in compliance with the requirements of the relevant approved Safety Management System.

Apart from SPADs, which are the subject of separate correspondence, the incidents that have been notified to the RSC, are listed below. In the case of incidents 4, 5, 7, 8, 9, 10, 11 and 12, the RSC has deemed it necessary to conduct preliminary Post Incident Inspections (PIIs). Depending on outcomes of a preliminary PII, and the progress of the independent IÉ Internal investigation, the RSC will decide if a full PII is required.

- | | | | |
|-----|------------|--|-----------------|
| 1. | 22/01/2015 | Derailment of locomotive No.207 at Saw Mill siding | Inchicore Works |
| 2. | 03/02/2015 | Derailment of locomotive No.084 | Tara Mines |
| 3. | 09/04/2015 | Derailment of locomotive No.226 | North Wall |
| 4. | 27/04/2015 | Staff road vehicle incursion onto Cork mainline | Sallins |
| 5. | 11/05/2015 | Flank collision between ICR Unit 56 and 201 class loco | Waterford |
| 6. | 12/05/2015 | Locomotive No.074 collided with Buffer Stop | IWT, North Wall |
| 7. | 01/06/2015 | Locomotive No.087 collided with Buffer Stop | Westport |
| 8. | 06/06/2015 | Wrong Side Failure of doors, ICR Unit 4 | Dublin, Heuston |
| 9. | 09/07/2015 | IWT Liner train divide | Kildare |
| 10. | 12/07/2015 | Flank collision and derailment, EMU Nos. 8327 and 8316 | Fairview Depot |
| 11. | 13/07/2015 | Derailment of 2800 class units while coupling | Limerick Yard |
| 12. | 05/08/2015 | Wrong Side Failure of doors EMU 8100 class Units 11 & 37 | Killiney |

Page 1 of 2

In regard to issues related to couplers and wrong-side failure of doors, the RSC PII into the Incident at Heuston station on 6th June 2015 has raised an audit trail on 'the management of couplers'. The RSC will shortly commence this process audit and will be notifying the IÉ departments concerned of arrangements for the commencement of the same.

The RSC would be pleased to learn of Iarnród Éireann's strategic approach to dealing with the type of incident that is now occurring, and whether it is considered that such incidents are indicators of more fundamental problems.

I look forward to hearing from you in due course.

Yours sincerely,



Gerald Beesley
Commissioner
RAILWAY SAFETY COMMISSION

CC Mr Don Cunningham,
Director, Infrastructure Manager,
Iarnród Éireann,
Inchicore Works,
DUBLIN 8.

Mr Jim Meade
Director, Railway Undertaking
Iarnród Éireann
Connolly Station
DUBLIN, 1

Chief Executive, Stáisiún Uí Chonghaile, Balla Átha Clíath 1
 Príomh Fheidhmeannach, Connolly Station, Dublin 1
 T 01 703 2484 F 01 703 2608 E info@irishrail.ie W www.irishrail.ie

Mr Gerald Beesley
 Railway Safety Commissioner
 Railway Safety Commission
 Trident House
 Blackrock
 Co. Dublin

11th September 2015

Operational Incidents

Dear Gerald,

I refer to your letter of the 19th August 2015.

Iarnród Éireann's safety performance is recognised as one of the best in Europe as reflected by the European Rail Agency in its annual report of 2014 (see Table 1,).

Table 1 - Assessment of Safety Levels in the EU Member States

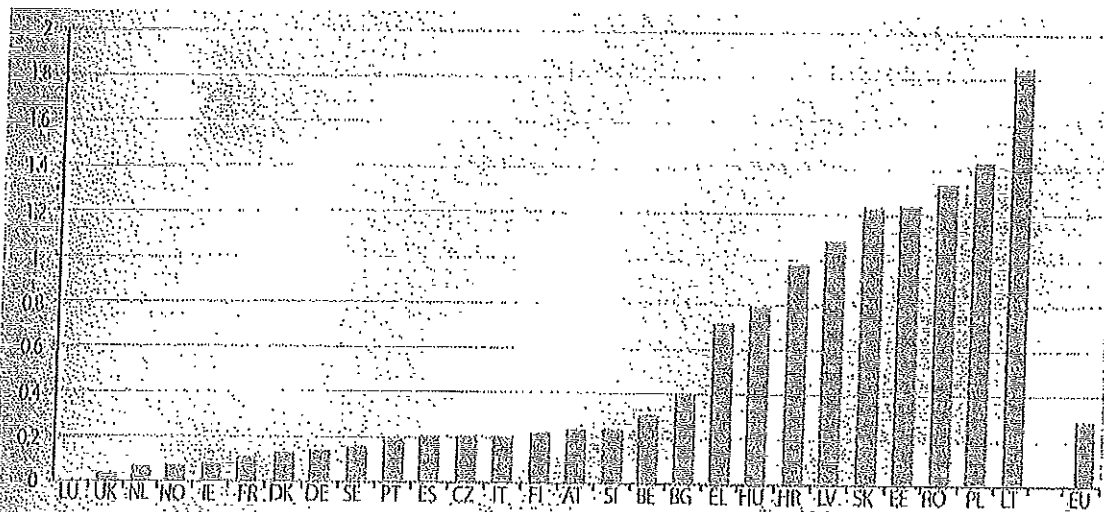
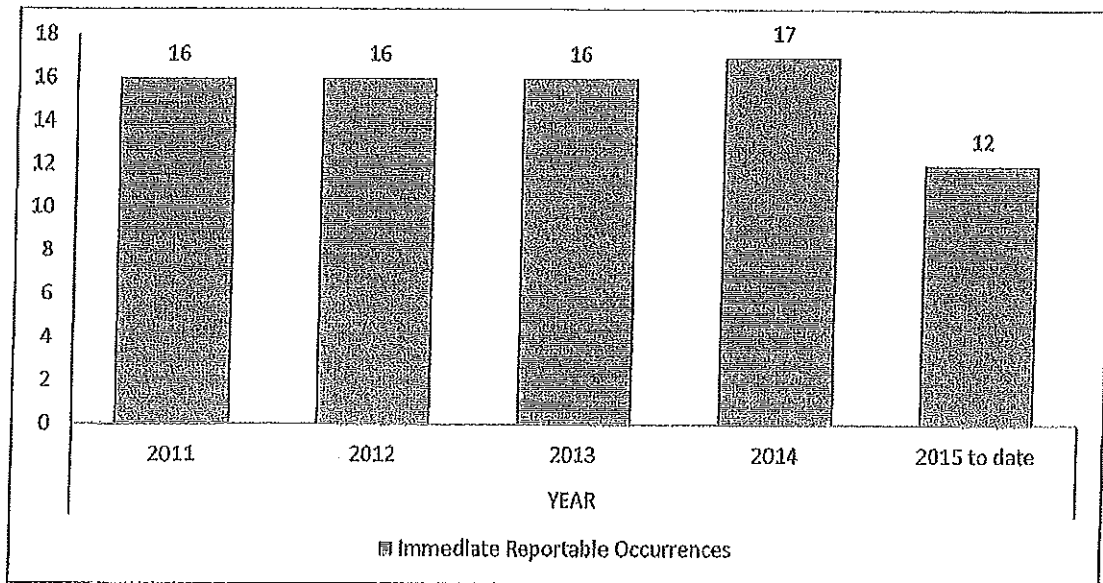


Figure 2: Railway fatalities and weighted serious injuries per million train-km (2007-2012)

This performance coincides with a period when funding of the Railways in Ireland was significantly reduced. These positive results, which have been achieved in difficult circumstances, are the result of the combined effort of all staff in the organisation. The 2015 operational incidents you express concern about are similar in nature to those that have occurred over the past four years and Table 2 below shows that the trend has not shown any increase over the same period.

Table 2 - Operational Incidents 2011-2015

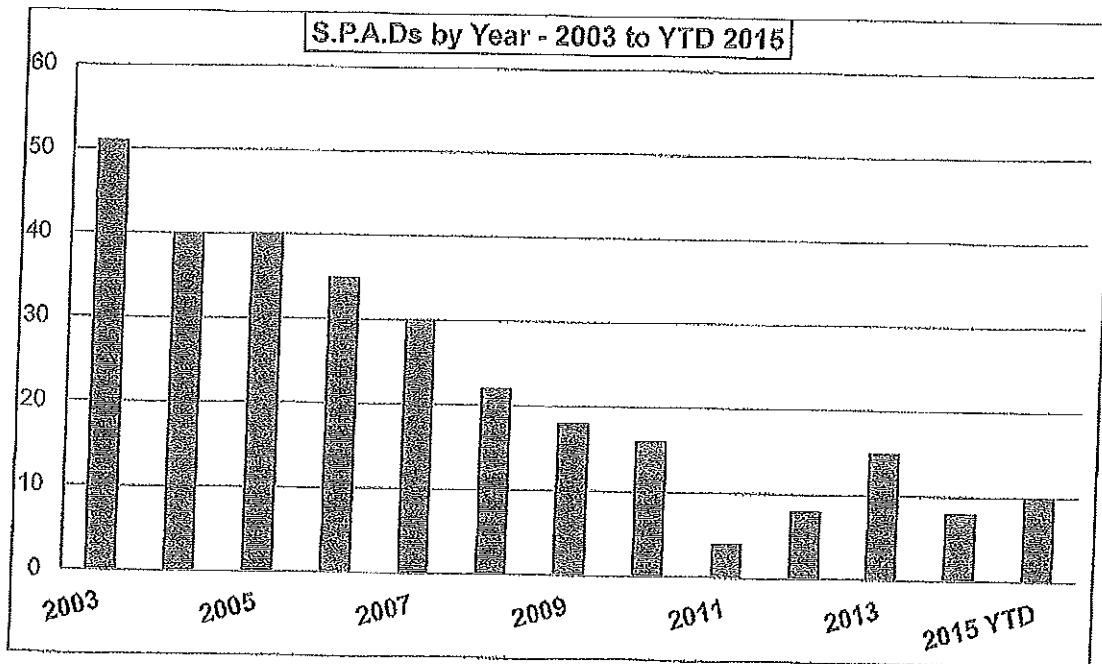


With a focus on continuous improvement Iarnród Éireann took a strategic approach of how to improve safety. Our own analysis identified issues such as human factors and safety culture as areas for further investigation and actions including a safety culture survey and the AD Little safety review were initiated internally to assess our current position. The results of these surveys provided a basis for a number of initiatives which are being implemented throughout the company. One of these is the introduction of the Iarnród Éireann safety campaign aimed at increasing safety awareness throughout the organisation. The safety campaign was launched in February 2015 with over 70 senior managers in attendance. There has been widespread communication with all staff to implement the campaign under the banner of "Accident Free Depends on Me". The key elements of the programme are geared towards showing how individual actions can help prevent accidents, improving close call (near miss) reporting, developing safety leadership skills of managers and safety representatives across the organisation and expanding the engagement of staff through initiatives such as Safety Management System standards review and Operational Risk workshops.

Iarnród Éireann has also commenced further strategic initiatives aimed at mitigating risk in a number of key areas. These initiatives include installation of acoustic bearing monitoring, driver reminder appliances, technological solutions for user worked level crossings and the development of an automatic train protection system for the network.

Iarnród Éireann seeks to continuously improve its safety performance. The following chart, for example, shows the significant reduction in the number of SPADS which has been achieved from 2003 to 2015.

Table 3 - SPADs by Year - 2003 to YTD 2015



This reduction was realised through a range of management actions including the development of professional driving standards, driver recruitment and training, enhanced driver support and monitoring, increased driver engagement and learning from UK and European rail operators. Iarnród Éireann are pursuing continuous improvement in SPAD performance and has sought other initiatives to achieve a further step change in performance including the fitment of driver reminder appliances to all fleets by the end of 2016 and further management initiatives focussing on human factor elements for drivers and signallers. A 35% improvement in the SPAD rate is anticipated with the adoption of the DRA and a further 5% improvement from new management initiatives. The Board has approved the company strategy for the introduction of a Train Protection System (TPS) and as you are aware work is underway on this project, once the TPS has been implemented the SPAD risk will almost be eliminated.

Iarnród Éireann's approved Safety Management Systems provides a systematic way to identify hazards and control risks while maintaining assurance that these risk controls are effective. As with all management systems, the Safety Management System provides for target setting, planning, and measuring performance. The Iarnród Éireann Safety Plan is prepared annually and takes account of the key safety risks which are established using the safety trend performance data, outcomes from audit programmes, the European and National Common Safety Targets and the output from the Network Risk Model. A range of actions are identified in the plan each year to mitigate the safety risk together with safety KPI targets which are used to measure performance. The safety targets are set to measure the improvement in safety performance year on year. The Safety Plan is approved by the Iarnród Éireann Board each January and an update on progress is provided by the CEO Safety Advisor to the Board on a quarterly basis.

Safety performance reporting also forms part of our strategic approach to managing safety and was expanded in 2014 and 2015 to include a broader range of both leading and lagging indicators. We do not see the monitoring of these indicators showing any worrying trends.

I welcome the opportunity to explain our strategic approach in this letter which clearly demonstrates our commitment to the continuous improvement of safety.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Franks', with a horizontal line underneath.

David Franks
Chief Executive