

The ORR and my Experience of the Carmont Derailment

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Who am I?

- Why am I here?
 - Ex NR employee
 - 20+ years industry experience within Track and Lineside Engineering
 - Network Rail apprenticeship
 - Largely within Maintenance Organisation
 - Track Renewals
 - Asset Management
 - TME Perth for circa 5 years
 - Joined ORR August 2021 as Trainee Inspector
 - Moved into Specialist Inspector – Track and Lineside Engineering role summer 2023



TME Perth

- 56 direct and indirect employees
- Circa £4.5m annual budget
- ECML
- Aged assets
- 2 x TSM
- Hosted the Off-Track department for Perth MDU
 - Later split into 2 x OTSM areas
 - Later inclusion of OTME
- 3 major stations
 - Perth, Dundee and Aberdeen



Who are the ORR?

- Health and Safety Regulator
 - RSD
 - Mainline
 - Network Rail
 - TOC's
 - Non-Mainline
 - FOC's
 - TfL/LU
 - Heritage
 - Trams/Metro
- Economic Regulator
- Planning and Policy
- Roads
- Access



How we regulate

- **Reactive:**
 - RIDDOR investigation – Mandatory
 - Incidents / accidents
 - RAIB recommendations
 - Whistle blower
 - Complaints
 - BTP
- **Proactive:**
 - Yearly plan for inspection
 - Liaison
 - Audits – SIN assurance



Legislation

- Ensure compliance with Health and Safety legislation
 - Health and Safety at Work etc. Act 1974
 - The Railways and Other Guided Transport Systems (Safety) Safety Regulations 2006
 - The Railway Safety Regulations 1999
 - The Railway Safety (Miscellaneous Provisions) Regulations 1997
 - Level Crossing Act 1983
 - Construction Design & Management Regulations 2015
 - And much more...



Powers of Inspectors

- Health and Safety at Work etc. Act, Section 20
 - Enter any railway premises
 - Take a constable if he has reasonable cause to apprehend any serious obstruction in the execution of his duty;
 - Upon entering any premises, take with him –
 - Any other person duly authorised by his enforcing authority; and
 - Any equipment or materials required for any purpose
 - Examine and investigations to include measurements, photographs, equipment and take into possession
 - Require persons to assist in the investigation
 - Take action to render anything safe
 - Any other power which is necessary



Enforcement

- Enforcement methods:
 - Formal letter and advice
 - Improvement Notice
 - Prohibition Notice
 - Prosecution
- Consistency in our enforcement decision:
 - Enforcement Policy Statement (EPS)
 - Proportionality
 - Accountability
 - Consistency
 - Transparency
 - Targeted



Carmont derailment

- 12 August 2020
 - 3 people lost their lives
 - Train struck washout material from a drainage asset and derailed
 - Investigated by RAIB, and a parallel investigation by Police Scotland, British Transport Police and the ORR
 - 51.5mm of rain fell between 05:50 – 09:00. Return period for this event between 100 – 144 years
 - Network Rail prosecuted and pled guilty to health and safety failings – £6.7million fine
 - 20 recommendations made by RAIB
 - Independent reviews by Lord Robert Mair and Dame Julia Slingo – Over 50 recommendations



Carmont derailment – immediate aftermath

- 12 August 2020 – annual leave
- Several operational incidents had occurred through the night – flooding in Perth Station, landslips and flooding on ECML, HML and SCM
- Became aware of the derailment and train on fire and decided to come into work to assist
- Word filtered through of potential fatalities
- Immediate thought was to head to site
- Then onto assisting relevant organisations with what they needed – lighting, welfare, recovery vehicles.
- Checks on staff welfare immediately involved



Carmont derailment – immediate aftermath

- Provision of staff 24/7 at derailment site for PICOP/ES/COSS etc.
- Subsequent days required attention to be made towards getting all other lines cleared and operational
- Whiteboard – list remained until I left NR
- All remaining lines cleared and open at approx. 21:00 on 14th August
- Phone call from Dad
- Relief and Pride
- Fatigue
- Overriding feeling of fear of what was to come in the pending investigations



Carmont derailment – following months

- SPOC set up for Carmont Derailment Investigation
- Collation and supply of requested evidence and frustration
- Witness statement given to BTP/ORR within 3 weeks of the incident
- Second witness statement given to BTP/ORR about a month or so later
- Internal Network Rail investigation
- Engagement with NR legal department and appointed counsel
- Management of staff requests for witness statements – provision of support and making them aware of level advice



Carmont derailment – Since I joined ORR

- Kept separate from the investigation
 - No access to folders containing evidence or evidence store
- Since moving into specialist role
 - Lead inspector for some Carmont RAIB recommendations
- Applying learning from experiences to day-to-day role
 - Approach witness statements with empathy but understanding that I have a role to do
- Far greater awareness of how the railway operates as a system



What I wish I knew now, then

- Risk assessment
- Statements – S9 Voluntary, S20 Compelled, PACE
- Some of the powers of inspectors (ORR and RAIB)
- General knowledge and understanding of H&S Legislation
- Learnings from previous incidents
- Cannot do it all yourself
- Know your staff's strengths and limitations

Risk assessment

3.—(1) Every employer shall make a suitable and sufficient assessment of—

- (a) the risks to the health and safety of his employees to which they are exposed whilst they are at work; and
- (b) the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,



Thank you

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