

# Press release: Report 05/2017: Near miss between a train and a track worker at Shawford

RAIB has today released its report into a near miss between a train and a track worker at Shawford on 24 June 2016.

## **Summary**

At 12:22 hrs on 24 June 2016, a train travelling at about 85 mph (137 km/h) narrowly missed striking a track worker near Shawford station, Hampshire. The track worker and a controller of site safety (COSS) had gone onto the railway to locate a reported rail defect. The track worker was not injured but was badly shaken by the incident. After making an emergency stop, the train driver reported the incident and was fit to continue his journey.

The immediate cause was that the track worker had become distracted while he was standing on a line on which trains were running. This happened because there was a breakdown in safety discipline and vigilance when the COSS and track worker went onto the railway. Firstly, they did not implement the required safe system of work for going onto the railway at Shawford. Secondly, the track worker crossed the railway without the permission of the COSS. Thirdly, the track worker was distracted and stopped on an open line when crossing back. The RAIB found a similar breakdown in safety discipline and vigilance when it investigated a fatal accident at Newark North Gate (report 01/2015). It is probable that the track worker's alertness and decision making were affected by fatigue, because he had slept in his car all week to avoid making long journeys to and from home each day. A possible underlying factor was that the rail testing and lubrication section within the Network Rail delivery unit involved was not resilient to any loss of resources or sudden increase in workload. Although not causal to the incident, the RAIB also observed that the way in which the section carried out safe system of work planning for its staff was not compliant with Network Rail's processes, and neither the COSS nor the track worker reported their involvement in the incident at the time.

## **Recommendations**

In addition to a previous recommendation and learning point from the Newark North Gate accident, which also address the key issue of the breakdown in safety discipline and vigilance in this incident, the RAIB has made three new recommendations, addressed to Network Rail. The first relates to the management of fatigue for staff needing to make long journeys before and after a shift. The second relates to making the rail testing and lubrication section of the delivery unit more able to accommodate a short-term loss of resource and peaks in workload. The third recommendation calls for Network Rail to consider the reasons why its management arrangements on Wessex Route

did not detect and rectify the non-compliances with the processes for managing the safety of people working on or near the line. The investigation also identified six learning points about: reminding staff of the importance of following existing rules and procedures; how the early use of the train's horn by drivers to give an urgent warning can avert an accident if track workers on their line do not acknowledge the first horn warning; and the timely reporting of operational incidents.

### **Notes to editors**

1. The sole purpose of RAIB investigations is to prevent future accidents and incidents and improve railway safety. RAIB does not establish blame, liability or carry out prosecutions.
2. RAIB operates, as far as possible, in an open and transparent manner. While our investigations are completely independent of the railway industry, we do maintain close liaison with railway companies and if we discover matters that may affect the safety of the railway, we make sure that information about them is circulated to the right people as soon as possible, and certainly long before publication of our final report.
3. For media enquiries, please call 01932 440015.

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## **[Speech: Inspection of apprenticeships from May 2017](#)**

Thank you Kirsty, and good afternoon ladies and gentleman. It is a great pleasure to be here and my thanks to Nick and Shane at FE Week for inviting me to talk about the future of inspection.

I was delighted yesterday when Nick started to talk about quality during his opening speech. And indeed quality has been a key theme running through the conference agenda. So, given that Ofsted inspects the quality of education and training I hope you will be supportive of what I am about to say and don't feel the need to ask difficult questions like those that were rightly asked of other speakers earlier today – or if you do, my standard answer is going to be – 'it's to ensure quality!'

Okay, seriously now...

As we have heard throughout the conference, as well as the tremendous opportunities that the apprenticeship reform programme brings, you as providers are facing numerous challenges and a significant amount of change. Inevitably, this creates uncertainty and I certainly do not want to add to that. So I hope that my main messages today will be both welcome and reassuring.

We will soon be slightly revising the further education and skills inspection handbook in readiness for the new world of apprenticeships. However, I am pleased to confirm that the only major change being made is to confirm that we will be inspecting levy-funded apprenticeships just as we inspect SFA-funded apprenticeships in line with the common inspection framework. Other than that, nothing will change substantially for the remainder of the 2016/17 inspection year, or indeed the 2017/18 inspection year, in relation to the inspection of apprenticeship provision. We are providing another year of stability and familiarity in relation to inspection. Our main message is no change: business as usual.

So how can this be?

Well, of course we are aware that new providers will enter the sector, and yes we are expecting to see more employer providers offer apprenticeship provision. But I would like to remind you that we already have a policy for the inspection of new providers: we will inspect them within 3 years of their receiving or drawing down funding. And in relation to employer providers, well of course we already inspect around 70 employer providers, so these considerations are not new to us.

We also know that there will be a continued move from apprenticeship frameworks to standard-based apprenticeships and that we are likely to see new models of delivery evolve. We anticipate new partnerships and contracting arrangements and new end-point assessment methods. But again, I would point out that we already inspect standard-based apprenticeships alongside apprenticeship frameworks now and we already see many different delivery models including for off-the-job training in the providers we inspect. These issues are not new to us.

Despite all the changes that the reforms and the levy bring, an apprenticeship will still be an apprenticeship and the characteristics of a good or outstanding apprenticeship provider will not change.

So what will inspectors be doing?

Well, they will continue to evaluate the effectiveness of apprenticeship provision by focusing on what really matters – apprentices and employers. Fundamentally, inspection looks at how well apprentices are developing the knowledge, skills and behaviours they need to progress and how these contribute to enhancing the employer's business and productivity.

In short, inspectors will still expect to see leaders and managers in

providers working with employers to ensure that apprentices are successful. They will expect apprentices to develop substantial new skills and behaviours that prepare them well for their chosen career. And they will expect employers and providers to have a clear development plan for apprentices that they monitor and evaluate frequently.

Inspectors will continue to expect apprenticeship providers to comply with defined requirements and regulations. They will continue to want to see apprentices improving their skills in English and maths. Inspectors will want to know that, because of their training, apprentices know something new, can do something better or are ready to progress. They will want to know that apprentices are well prepared to achieve end-point assessments successfully and on time.

Of course, we will keep our frameworks and handbooks under review and, should the need arise, we will make any necessary changes. I am sure that as new models of delivery emerge and different providers enter the market, that we will need to adapt our inspection practice and seek new ways of securing evidence. I am grateful to Mark Dawe and AELP and to David Hughes and AoC for enabling constructive dialogue with providers like you to shape our thinking about the ways we will need to work in the future. We will continue this important dialogue and will work with you, seeking your views, piloting new approaches and consulting you when necessary to ensure that our inspections remain fit for purpose.

You will be aware, as we are, that the move from frameworks to standards will be a gradual process. Learners on frameworks still account for the majority of apprentices on programme. Similarly, while we anticipate an increase in the number of apprentices on higher and degree apprenticeships, we know that the majority of apprentices are still on intermediate and advanced level apprenticeships.

We continue to work closely with colleagues at the DfE and with HEFCE to ensure the accountability regime for apprenticeships is clearly defined. We are expecting the DfE to issue an accountability statement to the sector that will detail the respective roles of Ofsted, HEFCE and the IfA in relation to the quality regime. I can confirm that any Ofsted inspection of apprenticeship provision, regardless of whether apprentices are on frameworks or standards, and irrespective of where provision is delivered and by what type of provider, will follow our normal inspection processes that many of you are familiar with.

We are aware that, for some time to come, you as providers are likely to have apprentices on both frameworks and standards, and that many of you are likely to have different contracting arrangements. We will ensure, with your help, that inspectors take due account of these factors and consider their weighting proportionally when arriving at inspection judgements.

In order to gain a better understanding of the providers that we will be inspecting and the delivery models that are being used, I can announce today that we do intend to write to independent learning providers to seek some information that will enable us to better understand your provision. While we

will reserve the right to inspect providers at any reasonable time, we do intend to ask you to identify limited (I say again, limited) periods of time when inspection would be problematic and to seek other information that will be useful to aid our inspection planning and scheduling processes and make inspection as positive an experience for you as possible.

We will continue to ensure that our inspectors are appropriately trained and reflect the diverse provider base that exists. I remain committed to ensuring that, whenever possible, and where required, inspectors with appropriate subject experience and expertise will be deployed on inspection. As you know, we usually achieve this by using our Ofsted Inspector workforce, which consists mainly of serving practitioners like many of you. Should the need arise, we will recruit and train further specialist inspectors to ensure that we have the necessary experience and expertise to carry out our inspections.

In summary, Ofsted is fully supportive of the apprenticeship reform programme and of the government's target to create 3 million apprenticeships. We do however, want these apprenticeships to be of high quality, in the sectors where there are skills shortages and in the age groups where they are needed. We need to ensure that the apprenticeship brand is protected and valued. We must not allow the increase in apprenticeship numbers to come from inappropriate roles and a further rise in the validation of pre-existing skills and competences, rather than the development and accreditation of new skills for apprentices aged 16 to 25.

Ofsted certainly welcomes the increase in funding for apprenticeships and indeed for technical education generally. It is pleasing to see the priority the government has placed on the further education and skills sector. I believe the apprenticeship reforms provide a good opportunity for employers to play an even greater role in training, and for providers, I hope to see the development of even stronger partnerships to ensure that training programmes better equip apprentices with the knowledge, skills and behaviours employers want and need.

That is what we will be looking for during our inspections and I will do all I can to work with you and support you in further raising the quality of apprenticeship provision for the good of employers, the economy and most importantly of all, for the apprentices.

Thank you very much for listening.

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## **Press release: Illegal angler hooks hefty fine**

A fishing trip to Lincolnshire has landed a man from Manchester with £597-worth of penalties after he was found breaking angling laws.

Mr John Handley of Herristone Road, Manchester, left his rod in the water unattended and was fishing without a licence at Lakeside Fishery, Wragby, on 21 June 2016.

He was discovered by Environment Agency enforcement officers, who carry out patrols designed to catch illegal anglers in the act – and protect the sport for those who do follow the rules.

Mr Handley was proved guilty in absence at Lincoln Magistrates' Court on 13 March 2017. He was fined £440 – £220 for each offence – and ordered to pay costs of £127, as well as a victim surcharge of £30, bringing the total penalty to £597.

Adam Basham, Environment Agency enforcement team leader, said:

By leaving his rod unattended, Mr Handley could have injured wildlife, and his refusal to buy a fishing licence harms the future and protection of the sport, effectively cheating the tens of thousands of anglers who do follow the rules.

We never hesitate to take action against offenders.

Leaving a fishing rod unattended is an offence under Environment Agency byelaws because of the danger it poses to fish and other wildlife, which can become entangled in the line or swallow the hook.

Anyone who wants to go fishing needs to buy a fishing licence. A full yearly fishing licence costs from just £30 and are available online at [www.gov.uk/get-a-fishing-licence](http://www.gov.uk/get-a-fishing-licence), by calling the Environment Agency on 0344 800 5286, or from your local Post Office branch. Short-term and concessionary licences are also available.

The money from licence sales supports fish, fisheries and fishing, and protects the future of the sport. It funds a wide range of projects to improve facilities for anglers, including protecting stocks from disease and illegal fishing; restoring fish stocks through re-stocking; eradicating invasive species; and fish habitat improvements. The income is also used to fund the Angling Trust to provide information about fishing and to encourage participation in the sport.

A small number of anglers refuse to buy a licence, cheating the sport and their fellow anglers. For the minority who flout the rules, the most common offence is fishing without a valid licence, which could land them with a fine of up to £2,500 and a criminal conviction.

In 2015/16, Lincolnshire and Northamptonshire enforcement officers checked 3,710 licences and reported 73 for fishing illegally, bringing in fines and costs totalling £16,810.

Last year in England, the Environment Agency checked more than 62,000 fishing licences and prosecuted more than 1,900 anglers for rod and line offences, resulting in fines and costs in excess of £500,000.

To help crack down on illegal fishing, the Environment Agency urges people to report suspect activity by calling its incident hotline on 0800 80 70 60 or Crimestoppers on 0800 555 111.

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## [Press release: New report with practical advice for teachers on pupil behaviour](#)

An independent review providing practical guidance to teachers about how to tackle bad behaviour in the classroom has been published today (24 March 2017).

Teacher and behaviour expert Tom Bennett spent several months meeting classroom teachers and leaders from a variety of schools to identify successful strategies used to tackle disruptive behaviour.

His report [‘Creating a culture: how school leaders can optimise behaviour’](#) concludes that while there is no ‘silver bullet’, there are a variety of strategies that can be used to tackle poor behaviour.

It also highlights that although standards of behaviour can be a challenge for schools, leadership is key to creating the right culture to tackle this issue.

Tom Bennett said:

How well students behave in school is crucial to how far they succeed, socially and academically. There are many tremendous schools doing a superb job, and some schools that could improve a great deal.

I spoke to leaders of coastal schools, inner-city schools, rural, primary, secondary, alternative provision and asked them what they did. Every school has different circumstances and challenges, but we found that some themes were almost universal: clear routines, robustly administered, high expectations and a focus on building a strong sense of identity and good relationships where children feel they belong, are safe, and are expected to do their best. That’s why I called it ‘creating a culture’. Because these things don’t happen by accident.

We also need to acknowledge that in some schools, challenges faced are greater than in others, and in these circumstances we need to look at better ways of guaranteeing that provision, skill sets and support are available. The skills required to improve school behaviour cultures already exist within the ecosystem of schools. The challenge now is for us to collaborate as a community to do so.

The Department for Education has welcomed the report and will now use its findings to inform ongoing work to help and support schools to deal with this issue.

Edward Timpson MP, Minister for Vulnerable Children and Families, said:

Part of our plan for Britain is building a fairer society – with a good school place for every child. That means children being able to learn in classrooms that are free from disruption. Tom Bennett’s report is relevant, insightful and draws on tried and tested methods that will provide real help to teachers across the country.

I would encourage all school leaders to use its practical examples to help create a positive environment that addresses the needs of their pupils.

National Association of Head Teachers General Secretary Russell Hobby said:

The design of a culture to support good behaviour is a central duty of every school leader. It requires clarity, consistency and courage. It is a conscious choice, constantly maintained. Tom’s report distils practical advice from excellent schools, alongside the evidence from research, to help leaders reflect on and develop their own impact.

John d’Abbro, executive headteacher of New Rush Hall School, said:

This is a refreshingly powerful, down to earth, and practical report, which distils and recognises effective good practice. Tom makes the key point that continuous professional development in behaviour management is vital for both teachers and senior leaders and more needs to be made available. The case studies exemplify these points and further demonstrate that behaviour is a whole-school issue.

Alison Colwell, principal of Ebbsfleet Academy, which was visited as part of the review, said:

This fascinating report should be read by every school leader. It



rightly emphasises the critical importance of culture, attention to detail and consistent practice, all of which are at the heart of strong and successful school leadership.

In its response to the report, the government has set out a number of measures that are being taken forward to address the points raised. These include:

- reforming National Professional Qualifications to equip school leaders with the knowledge and skills they need to deal with bad behaviour. The new qualifications will be delivered from September 2017
- encouraging providers to bid for funding from a pot of £75 million from the [Teaching and Leadership Innovation Fund](#) to develop and run professional development programmes tackling bad behaviour for leaders in challenging areas
- revising our existing advice for schools including the mental health and behaviour guidance to ensure they support teachers and school leaders as best as they possibly can
- conducting further research into what works to help young people with behavioural issues, and as such, continue to develop our long-term ambition to give control of alternative provision budgets to mainstream schools, allowing these to commission their own such provision and take responsibility for educational outcomes of their pupils

Several schools are identified in the report as exemplars of good practice. These include:

### **Robert Clack, Dagenham**

In one of the poorest boroughs of London, children from traditionally underachieving demographics exceed national expectations, and have done so for many years. The school uses practical measures such as wall displays to emphasise achievements, school awards and other opportunities. In this way, a culture of high expectation is in place for all students, regardless of their circumstances.

### **New Rush Hall, Redbridge**

The school's philosophy is that the most vulnerable, the most challenging pupils, need greater support, not less. The school ensures staff receive training throughout their careers to meet the needs of the student body.

### **Seymour Road Primary, Manchester**

A school that went from requires improvement to good in just 2 years by developing good relationships with both parents and pupils. They have done this by having an open door policy for parents, a support worker who visits homes, and they have held behaviour training sessions for the parents.

Since 2010 the government has introduced a range of measures to give teachers more powers to tackle poor behaviour. These include:

- stronger powers to search pupils
  - removal of the requirement to give parents 24 hours' written notice of 'after-school' detentions
  - clarified teachers' power to use of reasonable force
  - updated advice on tough but proportionate sanctions for misbehaviour as well as ensuring schools' decisions on exclusions can no longer be overruled
  - ensuring that all teachers are equipped with the skills to tackle both the serious behaviour issues that compromise the safety and wellbeing of pupils, as well as how to deal with low-level disruption that stops children from learning properly
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## **Press release: Trustee disqualified after charity used for visa fraud**

The Charity Commission has [concluded](#) that the trustee in charge of Khalsa Missionary Society has damaged the good name of charities by using a charity as a conduit for immigration fraud. The Commission has permanently removed him as a trustee barring him from becoming involved with charities again (see 'Notes to editors').

The Commission was notified in August 2013 by the Home Office Immigration and Enforcement Criminal Investigations Team ('HOIE') that it had commenced a criminal investigation into the charity as it suspected it was being abused to allow illegal entry of Indian nationals into the UK for a fee.

The Commission assisted the HOIE investigation through the sharing of information and opened a statutory inquiry in September 2014 to examine whether there had been misconduct and mismanagement in the administration of the charity. The Commission's inquiry found that there was only one active trustee in the charity. As a result of its concerns the Commission removed this individual as a trustee in January 2016.

The individual pleaded guilty at Manchester Crown Court to 3 counts of assisting unlawful immigration to between 2011 and 2013, and was sentenced to 27 months imprisonment on 16 May 2016.

The Commission's inquiry concluded that the trustee used the charity to facilitate immigration fraud. The charity had been used as a conduit for the immigration fraud, which worked by the charity sponsoring individuals as ministers for religion, while funds were circulated through the charity's bank accounts to give the appearance that the charity was receiving legitimate donations.

The inquiry concluded that there had been misconduct and mismanagement in the administration of the charity in that he had breached his legal duties to

protect the charity's assets by using the charity as a conduit to commit immigration fraud. The regulator also concluded that he had potentially providing false and misleading information to the Commission.

The Commission removed the charity from the register in February 2016 as it no longer operated.

**Carl Mehta, Head of Investigations and Enforcement, said:**

We work closely with law enforcement agencies to prevent and disrupt abuse of charities. In this case we were able to share information with the Home Office Immigration and Enforcement Criminal Investigations Team and support the successful prosecution of an individual who was benefiting from this disgraceful abuse of charitable status.

Charity trustees must act with integrity and avoid any personal benefit or conflicts of interest. They must not misuse charity funds or assets and make decisions which are reasonable and in the best interests of the charity. Trustee duties are detailed in our guidance [‘The essential trustee’](#).

The [full report](#) is available on GOV.UK.

Ends

PR 22/17

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### Notes to editors

1. Removed under Section 79 (2)(a)(i) of the Charities Act 2011, therefore disqualified from holding a trustee position or other management role in a charity subject to a waiver from the Commission.
2. [The Charity Commission](#) is the independent regulator of charities in England and Wales. To find out more about our work, see our [annual report](#).
3. Search for charities on our [online register](#).