



120th Railway Industry Health and Safety Advisory Committee (RIHSAC)

11 10 2021

Microsoft Teams Meeting

Attendees

Name	Organisation
Justin McCracken	ORR
Ian Prosser	ORR
Tim Gill	ORR
Max Buffey	ORR
Paul Appleton	ORR
Jerry Mawhood	ORR (Item on fatigue in the rail industry)
Dan Brown	ORR (Item on rail reform)
Dan Moore	DfT (Item on rail reform)
Ali Chegini	RSSB
Allan Spence	Network Rail
David Porter	IOSH
Rob Miguel	Unite the Union
Phil Barrett	Rail Delivery Group
Nadine Rae	TSSA
David Davies	FACTS

Jason Connelly	Transport Scotland
Marian Kelly	Transport for London
Andy Lewis	RAIB
Mark Ashmore	UKTram/LRSSB
Mark Norton	DfT
David Clarke	Railway Industry Association
Una Byrne	ASLEF
Jonathan Havard	RMT
Geoff Spencer	Chair of National Freight Safety Group Steering Group
Neil Ovenden	RDG
Alastair Young	Transport Scotland
Andrew Hall	RAIB
Garry McKenna	DfI
Karl King	RIAGB
Soni Rhaynukka	TFL

Agenda

Time	Presenter	Topic
14:00 to 14:10	Justin McCracken	Welcome, introductions and apologies for absence
14:10 to 14:15	Tim Gill	Review of actions and agreeing the minutes from the 119thRIHSAC meeting
14:15 to 14:25	Justin McCracken	Health and Safety Regulation Committee (HSRC) update
14:25 to 14:40	Ian Prosser	Chief Inspector (CI)update

14:40 to 15:25	Dan Brown and Dan Moore	Item on rail reform and the “Great British Railways: The Williams-Shapps Plan for Rail” white paper.
15:25 to 14:40	n/a	Break
15:35 to 16:15	Jerry Mawhood	Item on fatigue in the rail industry
16:15 to 16:20	Justin McCracken	Future meeting arrangements
16:20 to 16:25	Tim Gill	Forward planning
16:25 to 16:30	Justin McCracken	Meeting review and next meeting

Welcome, introductions, apologies for absence, and actions from 9 June 2021 meeting.

1. Recording of the meeting commenced (and would be deleted once minutes were written). Justin McCracken (JM) welcomed everyone to the meeting laying out rules for asking questions in the virtual settings.
2. JM also gave thanks to Bill Hillier who has stepped down from his position in the industry as chair of the Heritage Railway Association and stepped down from RIHSAC. JM also welcomed Geoff Spencer to the committee, and to Pam Warren who would be observing at the meeting.
3. Tim Gill noted that apologies had been received from Dave Clarke (Rail Industry Association), Lilli Matson (TfL) and Emma Head (HS2). The previous actions were reviewed and all actions from previous meeting were completed, subject to the addition of the note (in an annex) from David Porter sent to all RIHSAC members and included as an annex to these minutes.

Health and Safety Regulation Committee (HSRC) update (Justin McCracken)

4. HSRC had a presentation from RSSB in which the many areas of joint working/collaborations between ORR and RSSB were discussed as well as RSSB's involvement in the sector design principals for a reformed railway. HSRC reflected that the independence of RSSB should be maintained, and the future funding of the organization needs to be considered.
5. Johnny Schute also briefed HSRC about the work that RSSB is doing in terms of making sure that progress is being made with the rail industry health and safety strategy. Particularly, he talked about improvements that have been made around governance and leadership and explained that RSSB is now investing £2 million in that area.
6. HRSC also discussed specific areas of risk management. RSSB have recently produced a new risk assessment process for trespass, which will help ensure that there are more standard approaches across the industry. A new document on managing assault risk for staff was also discussed.

7. HSRC also had a presentation on work that's being done around reviewing and improving ORR's own investigations processes. The committee was pleased to see the evidence about the effectiveness of those processes, which was very clear in terms of the outcome of the formal enforcement action that the organisation takes. The committee was also pleased to learn about the improvements to make sure teams are getting better administrative support.

8. There was also a discussion on the progress with Channel Tunnel safety and working closely with the French regulator. It is important to ORR that good, close relations with the French regulator are maintained.

Chief Inspector (CI) update (Ian Prosser)

9. Ian Prosser provided a number of updates to the Committee. The ROGS Post implementation review was published by DfT on the 1st of October. Separate to that ORR has published its ROGS findings and conclusions on the 6th October.

10. ORR will also be publishing an updated version of its guide to ROGS shortly, along with a new consolidated version of ROGS to explain the impact of leaving the EU on the legal framework. This will assist businesses who want to check the changes to the regulations, now that we are not a Member State.

11. Since the last RIHSAC meeting, ORR has published new guidance on Cross Border train driver licenses and the renewal of train driver licenses (both in July 2021). ORR welcomes plans by the DfT to publish a consultation on new regulations for safety signs at private level crossings and anticipate this will start in November.

12. On 28th May 2021, ORR was asked by the directors of the Light Rail Safety and Standards Board to conduct an independent review of the LRSSB in order to give them feedback on a number of areas. We've developed a set of terms of reference for this review and will be publishing them shortly on our website. Once published, we can share a link to them with RIHSAC.

13. On the 9th of September, we issued our interim report on the lessons learnt from the cracking on Hitachi trains. We are now working on our final report which we hope to publish in December.

- John Cartledge had a comment regarding the forthcoming consultation on improving to improvements to private level crossing signage. He stated that it is something that we've been waiting for for a long time. He also stated it was very encouraging to know that there is to be substantive progress in relation to LRSSB's review.

- JC also mentioned that one of the proposed outcomes is a further relaxation of the safety reporting and publishing requirements that ROGS currently placed on train operators. One of the difficulties is that although there is an obligation to publish, it's very difficult for members of the public at large to have access. JC hopes there will be further conversations before any final decisions are taken between ORR and the wider industry and stakeholders as to how and where that information is to be found in future. Action 120.1 Ian Prosser to respond to John Cartledge in writing.

Future meeting arrangements (Justin McCracken)

14. Justin explained that it has been over 18 months since the last in person meeting of RIHSAC and suggested that RIHSAC plans to hold the next meeting (February 2022) in person at ORR's London offices, with provisions made for people that can't make it in person. Justin put the question of whether we should go back to fully face to face or have a more hybrid approach. It may be sensible to have two face to face/hybrid meetings each year and one fully 'virtual' one to reduce the burden of travel. Points made in discussion were:

- Rob Miguel agrees to attempt to hold one meeting per year fully face to face, but also leaving the option to join virtually

- Nadine Rae made the point that hybrid meetings have become essential for inclusivity, but we should at least aim to have one face to face meeting a year.

Geoff Spencer and David Porter also share the view that having a mixture of hybrid and virtual meetings would be appropriate.

It was agreed to proceed on the basis outlined by Justin and to keep the situation under review as we gain more experience with the approach.

Item on rail reform and the “Great British Railways: The Williams-Shapps Plan for Rail” white paper. (Dan Brown, Dan Moore)

15. Dan Brown (ORR) and Dan Moore (DfT) gave a joint presentation on rail reform from both regulator and departmental perspectives, followed by discussion. The following points were made following the presentation:

- Justin McCracken opened the questions up commenting that in many ways one of the important foundations of the progress that has been made in the last 20 years in rail safety was the Cullen report into the Ladbroke Grove accident and he asked if the issues highlighted in that report are ones that are being considered during work on designing the new system? Dan Moore responded that a massive emphasis has been put on the Cullen report and that many senior operational colleagues have that at the front of their minds.
- Allen Spence asked how it was intended to keep everyone focused on still maintaining a safe railway whilst the changes are being implemented? Dan Moore responded, they are already starting in a very strong position as the industry is already very safety conscious and this is very much built into conversations across the industry. There will continue to be a strong focus on providing the basis of a safe and improving railway, both through the spending review but also through the upcoming periodic review process.
- David Porter asked about the structure of GBR and what analysis or research is informing the decisions to avoid any unintended consequences for safety as the ‘building blocks’ of the organisation are put together? Dan Moore responded that in the shorter term they’re using the experience that we’ve seen across the industry over the last 10 years. They’ve identified several areas where they think they can benefit from more integrated approaches and are trying to bring in a range of expertise from both sides.
- Rob Miguel asked if a regulator dedicated to health and safety within the railway is being considered, or if they will continue to have the same functions they do now? Dan Moore responded that the combined work that ORR does on both the economic and safety is extremely valuable. The idea had been thought about, but was ultimately decided against given the success and value of the combined approach.

- John Cartledge stated that half of all the passengers who travel on the railways every year do not travel on the mainline. They're traveling on the metro sector or the light rail sector or the heritage sector. His concern is that it is fine if nothing radical happens in the short term, but in the medium to long term, safety arrangements have to work on both sides (i.e mainline, and non-mainline) and that a model therefore isn't just devised that is specific to the needs of the mainline sector. Dan Moore responded that he agreed with John's point and that and that he would be very surprised if the upcoming consultation would fragment railways in that way. He also mentioned that he has been in no discussion, or heard no discussions, that would disaggregate those responsibilities.

- Geoff Spencer asked how is the industry making sure that we have the right structure and capability in the new design of railways? Dan Moore answered and agreed that there is some lost industry knowledge and there are programmes within the GBR transition team and within DfT which recognise the importance of capability.

- Action 120.2 Justin McCracken suggested that for a future item Ali Chegini could present on what the whole industry arrangements are for managing both health and safety to ensure we don't lose focus on that during the transition to GBR, Ali agreed that the February timeline would be suitable.

Item on fatigue in the rail industry (Jerry Mawhood)

16. Jerry Mawhood talked through a presentation to update RIHSAC on fatigue in the rail industry, emphasising the importance of focusing on the management of alertness. Points made in discussion were:

- John Cartledge asked to what extent is the work that has been done on fatigue transferrable to the light rail and metro sectors and is ORR doing that? Jerry responded that much of the work is transferrable between mainline and light rail, but with some key differences such as having more elements of repetition but not monotony for example. Work is being done with LRSSB to address these differences, but he is always open to suggestions for improvement. Mark Ashmore wanted to comment on the point, noting that LRSSB have published guidance on both fatigue and driver inattention systems, as is now also looking into wearables. He commented that a lot of work has been done in the sector following the Sandilands incident.

- Geoff Spencer commented that fatigue has been an issue in the industry for a long time, but he hasn't yet seen a step change in the industry. How do we change that and do something different? Jerry responded that as a regulator it can be a difficult field to work in because it's multifactorial by nature and it's intimately linked with sensitive things like pay staffing levels, working patterns. Geoff responded that unless various groups talk about it, it won't get fixed, so how to do we push it forward? Jerry responded that ORR have a 'carrot and stick', the 'carrot' being the reduced costs of incidents and reduced risk to the individual, these are being worked on through steering groups, the 'stick' then being the enforcement activities of ORR. Ali Chegini came in to agree with the points that Jeremy had made.

- Justin McCracken asked if ORR had identified any 'good practices' in other industries that could apply to the rail industry? Jerry responded that in particular the aviation industry has many good practices that could be applied, and that RSSB guidance has a lot in common with that and the rail industry will continue to learn from aviation.

- Steve Hedley asked what issues ORR are having from Trade Unions in terms of fatigue? Jerry responded some union members opposed improvements which would make working patterns 'fatigue-friendly' on the grounds that imposing those working patterns could lead to staff not having as many consecutive days off in a row.

Forward planning (Tim Gill)

17. Tim presented the future agenda items list (also shown at Annex 1) and asked for any further suggestions.

- David Porter noted that he had made suggestions at the last meeting, and in advance via e-mail. Tim noted that these had been captured in the forward plan and the specific focus and grouping of related topics would be refined as we move nearer to the relevant meetings.

- John Cartledge mentioned that he hopes to see a discussion relating to the effect of global warming on the industry. John also wanted to note for the record that the current legislative regime relating to tram safety straddles the interface between road safety law and rail safety law unsatisfactorily. John also referenced item 10 in the future planning on mental health risk management and that University College London has done work on transport and mental health, and hope RIHSAC can discuss that when we reach that item.

18. Tim noted that the list would be circulated with the minutes and members are welcome to suggest future items in the coming weeks.

Meeting review (Justin McCracken)

19. Justin noted that he thought the meeting went fairly smoothly, even though held online again, and thanked everyone for their discipline and forbearance in the online environment. He also hoped that the next meeting will be held in person, but we will have to see nearer the time. The date for the February 2022 meeting has been sent and the June 2022 dates will come shortly.

Next Meeting: February 2022

END

Glossary of abbreviations

ASLEF	Associated Society of Locomotive Engineers and Firemen
COSHH	Control of Substances Hazardous to Health Regulations
CP	Control Period
DfT	Department for Transport
DI, NI	Department for Infrastructure, Northern Ireland
FOC	Freight Operating Company
GDPR	General Data Protection Regulation
HMRI	Her Majesty's Railway Inspectorate
HS2	High speed 2
HSRC	Health and Safety Regulation Committee
IGC	Intergovernmental Commission (on the Channel Tunnel)
IOSH	Institution of Occupational Safety & Health
ISO	International Standards Organisation
LHSBR	Leading Health & Safety on Britain's Railways
LUL	London Underground Ltd
NR	Network Rail
ORR	Office of Rail and Road
OH	Occupational health
PACTS	Parliamentary Advisory Committee on Transport Safety
PPE	Personal protective equipment
PTI	Platform train interface
RAIB	Rail Accident Investigation Branch
RDG	Rail Delivery Group
RIHSAC	Rail Industry Health and Safety Advisory Committee
RM3	Risk management maturity model
RMT	Rail Maritime & Transport Union
ROI	Republic of Ireland
RSD	Rail Safety Directorate (of ORR)
RSSB	Rail Safety and Standards Board
SRC	Strategic Risk Chapter
TOC	Train Operating Company
TSSA	Transport Salaried Staffs Association
TUC	Trades Union Congress