



OFFICE OF RAIL AND ROAD

## Railway Industry Health and Safety Advisory Committee (RIHSAC)

Minutes of the 108th RIHSAC Meeting  
Tuesday 20 February 2018

Room 2, One Kemble Street, London WC2

### Present:

Justin McCracken	ORR
Ian Prosser	ORR
Tracy Phillips	ORR
Dan Mann	RDG
Ann Mills	RSSB
John Cartledge	London Travelwatch/Transport Focus
Lisbeth Fromling	Network Rail
Mick Holder	ASLEF
Finn Brennan	ASLEF
John Collins	Angel Trains
Jill Collis	Transport for London
Bill Hillier	Heritage Railway Association
David Porter	IOSH
Alistair Young	Transport Scotland
Jason Connelly	Transport Scotland
David Davies	PACTS
Steve Coe	TSSA
Garry McKenna	DRDNI
Paul Clyndes	RMT
Simon French	RAIB

### Item one: Welcome, introductions and apologies for absence

1. Justin McCracken welcomed everyone to the meeting.
2. Apologies for absence were recorded from Jen Ablitt (ORR), Emma Head (HS2) Susan Murray (Unite) and Mick Cash (RMT). RIHSAC was advised that this would have been Susan Murray's last meeting as she retires in April and the Committee's thanks and appreciation for all her contributions over the years were noted.
3. RIHSAC reviewed and accepted the minutes and actions arising from the October 2017 meeting. Tracy Phillips provided verbal updates on the actions – it was not clear whether the letter to the Law Commissions from the Minister setting out that

DfT would not be pursuing the law reform recommendations had been sent. Mick Holder re-iterated his concerns on this as discussed at the last RIHSAC meeting. Tracy Phillips confirmed that the action as worded was not accurate as the draft level crossings act was included in the Law Commissions' report. Tracy would seek an update from Mark Norton (who was not in attendance) as to whether the Minister's letter had been sent and if so if it could be shared with everyone. This action would be left open. Tracy Phillips advised that Dawn Russell would be attending the next RIHSAC meeting, to provide an update on where the work to review the approach to level crossings orders had reached, including proposed consultation via the ORR website. RIHSAC would have the opportunity to comment. The final action from the October meeting related to re-energising RIHSAC and was on the agenda for today.

#### **Item two: Chief Inspector's update**

4. ORR had called a tram industry summit in January following the RAIB report into the fatal tram overturn at Sandilands Junction, to set out what ORR wanted to achieve over the following months in order to have the recommendations implemented in a timely manner. ORR invited a cross-sector, coordinated approach. Owners, operators, RSSB, DfT and UK Tram attended. The focus was on making progress with the key recommendations on system risk analysis, sharing of risk models and understanding risk better.
5. It was agreed at the meeting that in the first few months of 2018 a shadow board and steering group would be set up as a move towards the establishment of a tram standards body. The steering group had been set up and the first meeting was scheduled to take place later in February. ORR would chair it initially before handing over to the industry. DfT would be sitting in and had already confirmed that it would be contributing to funding. Progress had also been made in relation to the specific recommendations on Croydon Trams and, where appropriate, safety learning. Other operators were implementing improvements.
6. Ian Prosser stated that recommendation 9 (regulatory oversight by ORR) would be followed up fully once recommendation 2 (risk analysis) was completed, ensuring that RM3 was embedded into the sector. The proposal was to develop a specific strategic chapter on trams, and RIHSAC would be consulted.
7. Ian also provided updates on the ongoing scrutiny of Network Rail's route plans for PR18 and advised that the ORR's draft determination was due to be published on 12 June.
8. He also brought attention to the slides he had presented to the 2018/19 Business Plan stakeholder events (circulated before the meeting and attached to these minutes) which he had revised to reflect discussions at the previous RIHSAC where he had outlined emerging health and safety business plan priorities.
9. In discussion -

- Ian Prosser highlighted that the intention was to get the industry to identify strengths/weakness and work collaboratively, in response to David Porter's query on potentially setting targets for RM3 from end of CP5 into CP6.
- Lisbeth Fromling confirmed that Network Rail would be concentrating initially on using RM3 as a tool for conversation and not immediately setting targets.
- Justin McCracken suggested the Sandilands question on tram design raised by Finn Brennan should be left until members had seen the presentation from Simon French. Ian Prosser reiterated that the priority was on introducing and strengthening controls but work was underway on the crashworthiness of windows. Changing the design of tram windows was likely to be a longer term issue.
- Following on from the 18/19 business plan discussion, Paul Clyndes updated members that whilst the formal Occupational Health Programme was ending, there was still work to be done on addressing key issues. Ian confirmed that Network Rail's plans made this clear, and RSSB was seeking funding to play a bigger part in health and wellbeing and would like more focus on mental health in the next 5 years. Justin suggested that RIHSAC review the position in a years' time to make sure focus on occupational health is not lost.

#### **Action 108.1 – RIHSAC secretary to add to forward programme**

- John Cartledge raised concerns following his conversations with rail consumer groups that ORR's business plan priorities did not explicitly embrace PTI safety and slips/trips and falls, which were now the primary sources of risk to users. Ian confirmed that these were a focus; the plans referred to "train dispatch" and LUL's 5-year programme included slips trips and falls. Lisbeth Fromling said that Network Rail had implemented RSSB's risk tool on this and seen an 11% risk reduction at its stations.
- Mick Holder advised that ASLEF had written to the Minister about level crossings, expressing the view that DfT's decision not to pursue the recommendations around closure in the Law Commissions' report should be revisited, and highlighting the double fatality level crossing incident which had occurred that weekend.
- Ian Prosser responded that feedback to ORR from the sector was that it was increasingly difficult to close level crossings, as those which remained were the more heavily used and therefore likely to arouse opposition to closure proposals.
- Tracy Phillips confirmed - in response to Simon French's comment - that ORR's review of its approach to the level crossing order-making process was intended partially to compensate for the lack of progress with the Law Commissions' recommendations.

#### **Item three: View from the Chief Inspector of RAIB**

10. Simon French delivered the RAIB presentation that had previously been circulated to members (attached to these minutes). A number of points were made during discussions –
  - Simon stated and Lisbeth Fromling agreed that not enough was being shared and learnt from accidents and incidents abroad, in particular considering

whether or not such incidents could occur here. Simon was now chairing a working group in this area and would feed through to RSSB what was being shared with the National Investigation Bodies.

- Finn Brennan commented on the Sandilands report and enquired whether RAIB was content with how its recommendations were being actioned. In Finn's view recommendation 9 promoted a self-regulatory approach. He also queried whether DfT had been spoken to regarding the design of trams. Simon French responded that the regulatory review recommendation (rec 9) was naturally driven by virtue of the sector being seen as low risk. He confirmed that the advice in RAIB's report on containment for bus passengers was outside RAIB's remit, but thought it was the right/professional action to take so it had been included. With nobody present today from DfT this could not be put to them.
- Ian Prosser confirmed there was no intention to move to self-regulation in the tram sector; operators needed to comply with the law by assessing the risks and determining what else they need to do. There was no need for additional legislation. Operators had to consider - what would achieve a better outcome? ORR had already put in extra resources and was working closely with the sector on revising and updating ORR's initial guidance.
- Justin McCracken stated that whilst it was early days in terms of risk analysis work, a distinction should be made between the management of risk by the duty holder and the regulation of that by ORR. ORR had asked RAIB to put rec 1 on ORR to help drive the industry to work as a collective.
- Mick Holder stated that in his view, the report should require the fitment of automatic protection. ASLEF's attitude towards driver vigilance devices was not positive. They were too far down the hierarchy of controls, similar to PPE. In his view, the heart of the problem was the management of fatigue and lack of protection systems.
- Paul Clyndes agreed with Mick Holder and further added his concerns about high speed trains and new builds, particularly the need to manage the interface when moving between old and new infrastructure. Safety by design needed to be addressed at the earliest stages.
- David Porter queried whether the (then) HMRI's role in the original approval of the Croydon tram system had been considered as part of ORR's "prior role" review. Simon confirmed that RAIB had looked at this, but no operator or infrastructure manager should rely solely on initial approval; there was a responsibility on the operator to keep system safety under review in the light of experience and technical innovation.
- Jill Collis added that TfL and industry groups were working to manage and understand tram safety risk, with quarterly meetings and updates against progress with the RAIB recommendations included in their safety panel reports, which were available on the website.

#### **Item four – Health and Safety in the heritage sector**

11. Bill Hillier delivered his presentation "Health and Safety in the Heritage Sector" which had previously been circulated to members and is attached to these minutes. Justin thanked Bill for providing it and thought it provided an excellent illustration of the diversity and scale of heritage operations and some of the problems the sector faces.

12. Justin suggested questions were taken offline so that the meeting could adhere to time schedule.

#### **Item five – Rail Safety in Northern Ireland**

13. Garry McKenna delivered his presentation “Railway Safety in Northern Ireland” which had previously been circulated to members and is attached to these minutes. In discussion –

- John Cartledge enquired what the risk profile of NI railways was and whether they faced any exceptional safety challenges. Garry advised that one of the biggest issues to manage was the emerging technical divergence between NI and the ROI on signalling, train protection systems and radios. Justin commented that the difficulties Garry had outlined in relation to the implications of Brexit for cross-border rail operations had prompted him to consider whether RIHSAC should have a further, general discussion on its potential implications.

#### **Action 108.2 – RIHSAC secretary to add “Brexit” to future agenda**

#### **Item six – RIHSAC effectiveness – follow up to 3 October discussions**

14. Tracy Philips ran through her presentation (previously circulated and attached to these minutes) which summarised the feedback received at the October meeting and outlined the changes that have been implemented as a result.

She invited questions and suggestions re next steps including asking for (a) volunteer(s) to help with the next stages of the effectiveness “project”.

15. Mick Holder commented that the number of presentations in the meeting left little time for debate or questions to presenters, and requested a balance in future that allowed time for questions and debate.
16. Bill Hillier was in agreement, asking that the next meeting agenda be less packed, and suggesting coffee breaks needed to be sufficiently timed to enable networking. Tracy Phillips advised that the packed agenda had not been intentional but was due to the number of members wishing to make a presentation, which was a very positive development.
17. John Cartledge commended Bill Hillier and Garry McKenna on the valuable knowledge shared through their presentations. He felt that these demonstrated the value of relationships built up over time to help create a sense of a “RIHSAC community”.
18. Justin McCracken requested that future RIHSAC agendas should include a standing item for him to feedback key points from ORR’s Health and Safety Regulation Committee (HSRC).
19. It was agreed that all presentations should be circulated with the meeting minutes to provide a “package” and that sub committees should only be set up to deliver a specific task. Members would like to be reminded of RIHSAC’s terms of reference.

20. Members also thought that there could be more cross fertilisation between the RIHSAC and HSRC committees.

**Action 108.3 Tracy Phillips to take forward further outlined actions to improve the effectiveness of the Committee with the help of any RIHSAC members who would like to volunteer (contact Tracy).**

**Action 108.4: Justin McCracken to prepare relevant feedback from HSRC for future meetings.**

#### **Item seven – Review of forward programme**

21. Tracy Phillips confirmed dates of all 2018 RIHSAC meetings. Members welcomed the inclusion of a forward programme and asked that each item be given a clear purpose.

#### **Item eight - Meeting review**

22. Justin McCracken welcomed any feedback concerning the meeting room layout. All members approved of the revised layout.
23. Lisbeth Fromling suggested a safety moment ahead of each meeting to which Justin McCracken agreed

**Action 108.5: RIHSAC secretary to add “Safety moment” to the start of each meeting agenda.**

#### **Glossary of abbreviations**

ASLEF	Associated Society of Locomotive Engineers and Firemen
CP	Control period
DfT	Department for Transport
DRDNI	Department of Regional Development (NI)
HMRI	Her Majesty’s Railway Inspectorate
HS2	High speed 2
HSRC	Health & Safety Regulation Committee
IOSH	Institute of Occupational Safety & Health
LUL	London Underground Ltd
NI	Northern Ireland
ORR	Office of Rail and Road
PACTS	Parliamentary Advisory Committee on Transport Safety
PPE	Personal protective equipment
PTI	Platform train interface
RAIB	Rail Accident Investigation Branch
RDG	Railway Development Group
RIHSAC	Rail Industry Health & Safety Advisory Committee
RM3	Risk management maturity model
RMT	Rail Maritime & Transport Union
ROI	Republic of Ireland
RSSB	(formerly) Rail Safety & Standards Board

TSSA      Transport Salaried Staffs Association