

THE OFFICE OF RAIL AND ROAD - 193rd BOARD MEETING

Tuesday 28 June 2022, 09:00 – 13:45

At ORR 25 Cabot Square, London, E14 4QZ

and by MS Teams

Non-executive members: Declan Collier (Chair), Xavier Brice, Anne Heal, Madeleine Hallward, Justin McCracken, Daniel Ruiz and

Catherine Waller (on line)

Executive members: John Larkinson (Chief Executive) Ian Prosser (Director, Railway Safety)

In attendance: Stephanie Tobyn (interim Director, Economics, Markets and Strategy), Russell Grossman (Director of Communications), Vinita Hill (Director, Corporate Operations) Tess Sanford (Board Secretary) Elizabeth Thornhill (General Counsel), Feras Alshaker (interim Director of Planning and Performance); Will Godfrey (Director of Economics, Finance and Markets)

Other ORR staff who attended (remotely or in person) are shown in the minutes.

Item 1 WELCOME AND APOLOGIES FOR ABSENCE

1. The Chair welcomed everyone to the meeting. Bob Holland had sent apologies as he was ill.

Item 2 DECLARATIONS OF INTEREST

2. No new interests were declared as relevant.

Item 3 APPROVAL OF PREVIOUS MINUTES AND MATTERS ARISING

3. The board approved the minutes of its meeting in May 2022.
4. The board received an update on actions outstanding, all of which had been closed and noted the background note on Scotland's Railways which had been attached.

Item 4 CHIEF INSPECTOR'S MONTHLY REPORT

5. This was a new format quarterly report which had been discussed in detail at HSRC the day before. Ian explained how ORR would support the DfT in its work to develop a sector target operating model and ensure that joined-up safety management was maintained throughout the change process, without compromising ORR's ability to act as a safety regulator in future. ORR inspectors and other staff had been active observers across the network during industrial action and had seen that NR and operators had effectively addressed issues that arose on day 1 so that they did not recur. He noted the drain on management time and resources caused by industrial action and how risks increased with ongoing disruption.
6. The board discussed how ORR was supporting NR to address the Carmont recommendations in the regions and their planning for maintenance modernisation (as discussed at HSRC the previous day).

7. Ian described NR's initiative to improve health (mental and physical) within its workforce. An exercise to benchmark workforce health was underway, this would not just cover industry-related conditions. Ill health cost the industry around £350m each year, so a healthier workforce would bring efficiency improvements as well as individual benefits for staff. It was noted that better health data might in time reveal leading indicators for human factor causes of safety incidents.
8. Ian told the board that the increase in minor incidents apparent on tramways seemed to be the result of better reporting – this would become clearer if the numbers stabilised over the next six months.
9. The board discussed management of risks around older structures on heritage railways, the importance of engaging passengers when thinking about how to handle disruption through bad weather, press reports about the safety of rolling stock, and ongoing safety investigations.
10. Ian reported that there was some evidence that public behaviour had changed during the pandemic, particularly around level crossings but it was too soon to formulate a response. NR was continuing to implement its level crossing strategy.
11. Ian and John Larkinson had met the chief constable of the British Transport Police and discussed current challenges and how security should be addressed during the transfer to GBR.

Item 5 CHIEF EXECUTIVE'S REPORT

This report (paras 12-16) has been redacted from the published version as time-sensitive and covering confidential issues.

Item 6 HIGHWAYS MONITOR

17. Feras Alshaker updated the board on the 10 minute target response time, where response times had improved following the end of Project Brock (but only to 10 mins 45 secs nationally). National Highways was discussing with DfT whether the target should be changed or resources increased to meet it, in case Brock was stood up again.
18. A further DCO had been granted (for the A47). [comment redacted].
19. The scope of work around the Transport Select Committee recommendation on safety (Rec2) was not yet agreed. The board agreed that it was important that the scope allowed ORR to follow the evidence and look at the whole process around stopped vehicle detection (SVD). TSC were being appropriately kept up to date with ORR's activity.
20. The board discussed progress on carbon and biodiversity targets and asked how much of the carbon saving currently being reported was offsetting [Action 06/03 Feras].

Item 7 HS1

Carl Hetherington and Katherine Brownstein joined the meeting with Debbie Daniels and Howard Taylor on line.

This item (paragraphs 21-26) has been redacted as policy under development

Item 8 PR23 PROJECT OVERSIGHT

Anna Rossington and Jennifer Genevieve joined the meeting for the next three items. Renee Ofei joined the meeting online for this item.

27. Will Godfrey introduced the programme for board engagement over PR23. The board welcomed the proposal for tailored ‘teach-ins’ at key points. The board noted the importance of maintaining its other responsibilities alongside the PR23 process.

Item 9 PR23 - OUTPUTS

Matt Wikeley and Daniel Roberts joined the meeting with Jay Symonds and Lynn Armstrong on line.

28. Matt Wikeley explained how lessons learned from the current settlement had informed thinking around measures for CP7 - including a more nuanced set of triggers for investigation and better awareness of the risk of unintended consequences.
29. The board wanted to be able to track improvements in timely delivery and urgency in NR/GBR – to see how they were addressing cultural inertia - and the team described how additional assurance around various maturity models might support that. Current plans included assessing NR’s plans for delivery in advance of the control period and being on the front foot as far as possible for all the measures. The team described how the outcomes framework would distinguish between central responsibility for standards and quality control, and regional accountability for delivery. The board asked for more information on measures for carbon reporting, and particularly the One Planet Measure [Action 06/05: Stephanie Tobyn].
30. The board welcomed whole industry measures on train performance and asked about measures before GBR starts. The board also discussed accessibility (not just physical access), the importance of engaging line side neighbours and ensuring they feel listened to.

Item 10 PR23 CHANGE PROCESS

Arik Mordoh joined the meeting with Lynn Armstrong on line.

31. Arik introduced the paper. The revised process reflected a careful lessons-learned exercise on the existing process. The Board noted that the mechanism needed to be functional and simple to understand from the outside as transparency will be essential. There would a strong focus on understanding plans and proposals early and blocking changes which would result in loss of transparency over a time series which would compromise our ability to hold GBR to account.
32. The board suggested that GBR should be engaged in the process design to ensure they could commit to it.

Item 11 RAIL REFORM UPDATE

Anna Rossington joined the meeting for this item with Rob Cook on line.

33. Stephanie Tobyn updated the board on the current situation. It had just been announced that the transfer of part of RDG into GBRTT would not go ahead as planned and the implications of this for the rest of the programme were not yet clear.
34. ORR would continue to deliver its own work (eg on the Ombudsman) and to prepare for anticipated work. It was noted that the time available for government to deliver legislation was increasingly short. The team was considering how some policy outcomes might be delivered without all the planned legislation and continued to offer support to DfT and GBRTT to develop this thinking further if they wished.

Item 12 COMMUNICATIONS – PARLIAMENTARY SURVEY

Jennifer Webber joined the meeting online.

35. Jennifer Webber reported on the results of the annual survey, and the appetite among Parliamentarians to understand more about ORR and its work. She also reported on a successful recent drop-in event held in Parliament. There would be opportunities around rail reform and the TSC report on highways to increase exposure and plans were in hand to maximise these.
36. The board welcomed the report.

Item 13 REPORTS FROM COMMITTEES

37. Justin McCracken reported on HSRC¹ and RIHSAC. He particularly noted that this year's RAIB report had stressed that recent major incidents and close calls (Carmont, Salisbury, Llangennach) could have resulted in much greater loss of life. HSRC remained concerned about the lack of culture change in NR around safety and the failure to adopt an effective model of change management (such as delivered on TWS²) for H&S improvement and post-Carmont work. It was noted that NR could be operating without risk funding in CP7 so programmes like TWS would have to be funded through savings elsewhere.
38. Anne Heal reported on a good meeting of the Consumer panel including discussions on the Ombudsman target operating model consultation, and consumer outcomes for PR23.

Item 14 ANY OTHER BUSINESS

39. The chair reported on recent meetings with the National Highways Board, Safety Regulators' Chairs and the new Chair of Transport Focus.
40. The board noted the Items below the line. Diary invitations would be issued for 2023 meetings [Action 06/06 Board secretariat]
41. Next meeting in London, 25/26 July.

All members of the SCS left the meeting. Victoria Rosolia joined the meeting.

Item 15 RENCO REPORT AND SCS PERFORMANCE RANKINGS

42. Anne Heal reported on Renco discussions on progress on the Diversity & Inclusion strategy and the CS2025 exercise and staff's reaction to it.
43. Non executive board members had seen the papers discussed at Renco in relation to SCS performance assessments. Anne reported on the discussion with John Larkinson, and separately with Declan Collier, which had led to the recommended rankings before the board. The committee had looked in detail at the entire SCS team offering feedback and encouragement as appropriate.
44. The board noted the gender balance of the proposed top performing colleagues, accepting that the individual gradings were well argued and that it was unusual in the context of recent years.

¹ Health and Safety Regulatory Committee and Rail Industry Health and Safety Advisory Committee

² Track Worker Safety

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45. Board members debated the recommendation, noting the arguments set out by the CEO. The board accepted the recommendation made by Renco in relation to SCS performance rankings. Cabinet Office guidance on financial reward had not yet been issued so the board would need to consider financial awards when that had been received.

Meeting closed at 1.45 pm.