

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

### Minutes of the 126<sup>TH</sup> RIHSAC Meeting

Monday 16<sup>th</sup> October 2023

25 Cabot Square

#### Present:

Justin McCracken	ORR
Ian Prosser	ORR
Jen Ablitt	ORR
Tim Gill	ORR
Max Buffey	ORR
Sarah Shore	ORR
Laura Campbell	ORR
Tom Hague	ORR
Andrea Wheale	ORR
Bertie Bricusse	DfT
Ali Chegini	RSSB
Gemma Lavery	RSSB
Iain Scott Ferguson	Network Rail
David Porter	IOSH
Margaret Winchcomb	PACTS
Mark Gaynor	Rail Partners
Rob Miguel	Unite the Union
Nadine Rae	TSSA
Robin Jenks	TSSA
Jonathan Havard	RMT
Pam Warren	Independent Interest
Marian Kelly	TFL
Graeme Banks	DRDNI
David Clarke	RIAGB
Matt Green	HRA
Geoff Spencer	
John Cartledge	
Jason Connelly	

## **Welcome, introductions, apologies for absence, and actions of previous meeting.**

1. Recording of the meeting commenced (and would be deleted once minutes are agreed). Justin McCracken (JM) welcomed everyone to the meeting explaining the rules for asking questions in the hybrid setting. Apologies were received from Mark Ashmore, Andy Lewis, Vincent Borg.
2. No issues with the minutes from the last meeting were raised so they were agreed. Actions from the last meeting have been addressed. Actions 125.1, 125.2, 125.3 had all previously been reported as closed. On action 125.4 Justin McCracken reported that he and Ian Prosser agreed that a further independent review of the rail industry's safety culture was a good idea in principle but that the timing of it needs to be considered carefully. It would not be appropriate to undertake it until rail reform had been completed and enough time has elapsed for the new arrangements to become properly established.

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

3. The guest at the September meeting was Getlink who operate the Channel Tunnel. The discussion was on Eurotunnel's management of health and safety and how that is being regulated post Brexit. Good discussions were had on the strategic and operational challenges and current issues. Both ORR and Getlink are content with how the arrangements, which involve other regulators, are working at present.
4. Ongoing health and safety matters were also discussed by Ian Prosser. This included a discussion on the increase in trespass that seems to be linked to a broader increase in aggression from the public than previously. Also reported that ORR are happy so far with Network Rail's project on modernising maintenance.
5. Also discussed were the main contributors to risk on the railway and noted that level crossings were still the biggest single contributor to train accident risk. HSRC has asked for a paper next year to have a deep dive on what is being done to manage this risk. This topic may be something that RIHSAC would want to revisit in the next year.
6. The committee discussed a paper from RSD on the work done on monitoring and regulating high integrity software-based safety systems and the links between IT and cyber security. It is a hugely increasing area of challenge in the industry, driven by the increase of software in safety systems and the increasing number of bad actors with the potential to access systems. ORR is increasing its in-house skills in this area by recruiting experts and increasing the number of inspectors trained in this area.

## **Chief Inspector (CI) update (Ian Prosser)**

7. Ian gave an overview of areas that ORR is currently focused on.
  - **Final determination CP7 for Network Rail, PR23** – This will be published on the 31<sup>st</sup> of October 2023

- **Train Driving Licences and Certificates Regulations 2010 (TDLCR)** – Recommendations are being taken forward from the report on the post implementation review of the regulations, to address the findings of that report and change or remove some key areas such as prescriptiveness of medical requirements and minimum age for a licence. This work will include consultation with stakeholders, timeframe is yet to be confirmed with DfT.
- **Registration and evaluation of authorization on the restriction of chemicals ('REACH')** – This makes ORR an enforcing authority on the restriction on articles containing asbestos in a railway context and gives the authority for ORR to issue exemption certificates. Current general exemption certificate expires at the end of this year. A consultation has recently been completed to examine the awareness of compliance with conditions specified in the exemption. ORR is currently reviewing the consultation responses and will evaluate if any changes are needed before a new exemption certificate is issued.
- **Guidance on Train Protection Systems** – ORR is restarting work that had been delayed due to other priorities. The aim is to clarify ORR's expectations and how mitigation to modern safety systems should be managed under the current legal framework. Draft guidance is to be expected at the end of 2023.

## **Health (Gemma Lavery, Andrea Wheale, Tom Hague)**

8. The first substantive item contained three separate presentations from the above members to present the review of the Rail Wellbeing Alliance (RWA) and ORR's priorities on health.

### **Gemma Lavery – RSSB**

- John Cartledge asked a question following Gemma's presentation on how the information applies to wider areas of the rail network, not just mainline and how involved are these stakeholders in the RWA? Gemma responded that TfL are involved with the RWA. Ali Chegini added that someone who worked on the dashboard has moved to TfL, so there is a lot of collaboration. Jen Ablitt clarified that Trams and Heritage are not included; Gemma added that there is a heritage risk group that is kept up to date.
- Iain Scott Ferguson asked regarding the coordination group if Network Rail is connected with this. Gemma answered that the group is without a chair and sponsor currently, but discussions are ongoing with Network Rail.
- Iain also asked that in regard to rationalisation, are there any areas that will not be covered in as much detail. Gemma responded that they hope so and if this doesn't work, it will be reviewed, and a new strategy developed.
- Margaret Winchcomb asked about the thinking about links between causes and symptoms and connecting those through to why people are suffering from those issues. She would like to understand how that was being worked through? Ali Chegini explained

that the idea of the RWA grouping of data is to be able to look beneath the information and use RSSB's research capability to shed further light on root causes.

## **Andrea Wheale, Tom Hague – ORR**

- John asked a question on the presentation title being not just health, but occupational health. Issues such as muscular skeletal related issues affect railway workers more, but others such as noise and dust affect passengers as well as workers, but for a shorter period. Why are passengers not included in ORR statements on health? Jen responded that a lot of the risks are related to the duration of exposure, but ORR does consider risks such as diesel fume exposure in stations. It can come down to the fact that passengers are in the station for far less time than rail staff, the same can be said for noise. But this could be explained more.
- Nadine Rae asked in relation to sickness absence, there is a lot of focus on stress mental health, is there anything to expand on that? Also, a challenge that safety reps are still very focused on traditional safety challenges and would maybe require help on mental health and stress issues. Andrea responded that ORR wants to look at the fundamentals on how we regulate, looking at the risk profile of operators. ORR only has limited capacity for that currently. Jen agreed that Safety Reps could be an important resource.
- Rob Miguel mentioned that the word occupational is added as a legal requirement in a lot of cases. For examples such as dust and noise they are regulated under different areas, one being workplace exposure and the other environmental, and difficulties of companies measuring exposure of members of the public.
- David Porter commented on the emphasis on ill health in the HSE annual report. Was this something that ORR or RSSB has an interest in or could learn from? Andrea responded that during her time at HSE, this was something that she worked on and that a new evaluation process was established to see if the work being done had made a difference. She is contact with colleagues from HSE to pick up learning from that.

## **Mental health risk management / including prevention (for both industry and passengers) (Nadine Rae, Jonathan Havard)**

9. Nadine Rae from TSSA and Jonathan Havard from RMT gave two presentations about mental health risk management and the initiatives in place, together with an overview of progress/obstacles.
  - Justin McCracken commented on part of the presentation that mentioned the availability of documentation on this subject to all visitors to the RSSB website. Gemma Lavery responded that she would like to have a conversation with Nadine regarding that point, Ali Chegini added that a decision was made to put some things behind a membership-only 'paywall', and this would need to be discussed.

- Rob Miguel added his views on how other areas are performing in mental health as he covers 22 other sectors. For example, he mentioned performance around education for union reps around managing stress, some sectors having posters with QR codes with links to guides, some sectors lack adequate risk assessments on psycho-social hazards as well as a lack of understanding of traditional hazards such as noise and vibrations;
- David Porter asked whether we are trying to 'prop-up' organisations that are inherently poorly designed for the people who work in them, with conflicting objectives, inadequate resources etc. Does the approach stand to backfire regarding mental health and is the industry doing enough to tackle those issues, also thinking in relation to GBR. Ian Prosser responded that one of the issues we face is that we still don't know what GBR will look like, but this issue is in the minds of the people at GBRTT and ORR has someone on secondment there currently. David added that it can sometimes feel that the approach to mental health is not to identify and help with the underlying causes and rather treating the symptom after they have presented themselves.

### **Action 125.5**

**Justin proposed the idea for the June 2024 meeting to have an item on Mental Health risk assessment to reflect on the comments from this meeting, this would be a joint item from ORR (Andrea Wheale, Jen Ablitt) and RSSB (Ali Chegini, Gemma Lavery)**

### **RSSB's tools on health and mental health risk management (Gemma Lavery, Ali Chegini)**

10. Gemma and Ali gave a presentation on the sets of tools available.

- John Cartledge asked what the scope of the survey was for the data. Gemma responded that it was a 3% response rate, 4000 total. John followed up in asking how people were approached to participate in the survey as it may not be that representative as those that are suffering would be less likely to respond. Gemma Lavery responded that RSSB surveys are generally sent via email, but there are plans to re-run this later in the year to reestablish a baseline.
- Graeme Banks asked whether the work was looking at particular types of organisations, and whether it is more prevalent in infrastructure management or more across operating companies? Gemma Lavery responded that there was no real distinction, but she can look for some more background information on that.
- Graeme also asked when the research on different organisational types will be published. Gemma answered that the case studies are aiming to be reported by the end of the year.

## **Outcomes of the ORR risk profiling – mainline**

11. Agreed to move to February RIHSAC meeting due to shortage of time at the meeting.

## **Forward planning (Tim Gill)**

12. Tim went through the forward program as a whole, and specifically to look at February next year as that is the immediate next meeting. Presently, there were six potential items for February which would probably be too many. Sukhninder Mahi and Justin will consider and draft a final agenda in the coming month or two. Tim asked whether members had any other items they wished to add to the forward plan:

- John suggested an item on level crossings and particularly on the flow footbridge initiative from Network Rail and the thinking behind that. Iain Scott Ferguson added that this could be expanded into a discussion on the development of technology around level crossings in general.
- John also suggested an item on flood risk related to climate change, particularly on below ground stations and infrastructure. How prepared are subway operators in this country for this risk?

## **Meeting review (Justin McCracken)**

13. Justin reflected on the meeting running smoothly as a hybrid meeting and confirmed the next meeting in February 2024 and encouraged members to attend in person if possible.

14. Justin also noted that if people could let Max Buffey know in advance whether they were attending in person or by video link, that would be very helpful for planning purposes.

**Next meeting: 19<sup>th</sup> February 2024.**

## 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
GBR	Great British Rail
GBRTT	Great British Rail Transition Team