

Railway Industry Health and Safety Advisory Committee (RIHSAC)

Minutes of the 127TH RIHSAC Meeting

Monday 19 February 2024

25 Cabot Square, London, E14 4QZ

Present:

Justin McCracken	ORR
Richard Hines	ORR
Jen Ablitt	ORR
Sarah Shore	ORR
Sukhninder Mahi	ORR
Eryl Marsh	ORR
Tracy Phillips	ORR
Ian Skinner	ORR
Vincent Borg	ASLEF
Bertie Bricusse	DfT
David Porter	IOSH
Carl Williams	LRSSB/UKTram
Iain Scott Ferguson	Network Rail
Mark Gaynor	Rail Partners
Andy Hall	RAIB
Robin Hay	RIAGB
Chris Knowles	RSSB
Jason Connelly	Scottish Government
Marian Kelly	TFL
Nadine Rae	TSSA
John Cartledge	Passenger representative (co-opted)

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. It was noted that Richard Hines was the Acting Chief Inspector due to Ian Prosser being unwell and off work currently. Apologies were received from Ian Prosser, Mark Ashmore, David Clarke, Jonathan Havard, and Pam Warren. Chris Knowles will represent RSSB at RIHSAC as Ali Chegini has left RSSB.
2. No issues with the minutes from the last meeting were raised so they were agreed. Actions from the last meeting were addressed by updating the RIHSAC forward programme and agreed as closed.

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

3. HSRC met in December 2023 and the discussion led by Steve Oats (Chief Executive, Heritage Railway Association (HRA)), who was a guest, was a major part of the meeting. Steve presented on the HRA's work and generally on the state of health and safety within the heritage sector, followed by a discussion.

Justin reported that Steve had emphasised the efforts being made to strengthen the HRA's leadership role and his view of the importance of good governance in heritage rail bodies in terms of improving the health and safety standards. Justin said that despite the small size of the sector, there are still a number of incidents in it and it features disproportionately in the ORR enforcement statistics. There are some quite different challenges in this sector compared to the main line railway. The sector has a lot of small organisations, each with their own different health and safety management system and capabilities, and the involvement of a large number of volunteers who do not necessarily all have the same commitment to health and safety as full-time employees do. Hence, there are some interesting challenges, as well as the use of lots of old equipment. There have been numerous recent initiatives, both by the HRA and ORR with the two organisations working together. Justin highlighted a few of these including safety seminars which had strong emphasis on safety management systems, with good feedback from these.

HSRC also discussed the ongoing work led by the HRA to create a sector safety and standards body (HRSSB) and the potential benefits of this, particularly in terms of improving consistency of standards between the many organisations. There is an interim steering group board in place for the HRSSB, but progress is likely to be quite heavily determined by the availability of funding, which remains uncertain. Overall, this was an encouraging discussion indicating that there is now some significant progress in improving health and safety in a challenging sector for ORR to regulate.

4. HSRC also discussed the quarterly Health and Safety Board report which was mixed news for the committee. The Precursor Indicator Model (PIM) which RSSB oversees has been stable for about five years now, so the level of risk as indicated by the PIM is similar

to what it was five years ago. This came after a long period of reduction and it was hoped that it will continue to reduce.

5. Justin reported that there were some specific concerns discussed about earthworks risk and some track condition incidents on the mainline which Network Rail is working on and ORR will continue to monitor.
6. The other significant discussion at HSRC was on the outcomes of the ORR risk profiling which is on today's RIHSAC agenda.
7. Justin invited comments from the committee on his HSRC feedback.
8. David Porter asked if any consideration had been given to whether we had the right assessment tools or whether we were getting to the end of the utility of the PIM as a useful model for directing effort and assessing progress. It was reported that the HSRC had discussed this and was given some assurance on the work RSSB has been doing to review the PIM's continuing relevance.
9. Chris Knowles confirmed the PIM's ongoing relevance and said it continues to remain central to a lot of the risk focused and risk-based activity. He reported that the recalibration work is ongoing to ensure it stays relevant and up to date. The encouragement across the sector on reporting through the Safety Management Intelligence System (SMIS) is to ensure good data makes its way into the PIM. Other initiatives such as the Freight PIM, which is going to extend the reach of the type of issues that the PIM is looking into, to include, for example, depot areas, which currently would not necessarily be picked up. There is continuing scrutiny through the threshold reports prepared by RSSB for its own Board which are driving the health and safety strategy due to be launched. The PIM remains relevant; however, it requires interpretation and it is only one piece of the jigsaw in terms of understanding how effectively health and safety is being managed on the railway. It is not the scorecard.

Chief Inspector's (CI) update (Richard Hines)

10. In Ian Prosser's absence, Richard emphasised the valuable input from RIHSAC to shaping and influencing policy and other matters. He updated the committee on the transitional arrangements between now and when Ian leaves ORR as Chief Inspector and provided an overview on some of the areas ORR is currently focusing on:
 - **Transitional arrangements** – Richard reported that he is currently temporarily doing Ian's role while he is off work. The date for the formal handover of the Chief Inspector's role will be confirmed in due course and RIHSAC will be updated.
 - **Train Driving Licences and Certificates Regulations 2010 (TDLCR)** – ORR has been working with DfT and industry stakeholders to take forward the recommendations of a post implementation review of TDLCR which concluded that there was scope to improve the way the regime works. ORR expects the first phase of this work to include a consultation on lowering the minimum age for a train driving licence to 18 from 20 years which would enable operators to attract

school leavers into the driving profession. ORR supports this proposal subject to consideration of how the existing processes for selecting, training and monitoring might be improved to support the change, and enhanced supervision and monitoring of younger drivers for an initial period of time. On a longer timescale ORR is also working with DfT and stakeholders to consider further reforms to improve the way the regime works.

- **Train Protection Systems Guidance** – ORR is currently [consulting](#) on a new guidance document on train protection systems. It is live on ORR's website and RIHSAC members had been made aware of the consultation. It aims to provide clarity on the legal requirements relating to train protection and support the mainline industry and metro systems in the process of migrating to digital signalling systems such as the European Train Control System (ETCS). ORR is inviting comments by 01 March and would welcome feedback on the draft guidance. The intention was to publish a final document in April 2024. Richard thanked the committee members who had already responded to the consultation.
- **New factors for consideration when designing unattended train operation systems** – ORR had previously consulted on some draft factors for consideration when designing systems intended for unattended train operation and planned to publish these as an Appendix to ORR's existing guidance document – Goal-setting Principles for Railway Health and Safety (GPRHS). Although unattended train operation is currently limited in GB to a small number of airport people movers, ORR recognises that there is increasing automation of systems and that additional factors need to be considered in their design. The new Appendix is designed to be read in conjunction with the rest of GPRHS and promotes the central principle that unattended train operation should achieve the same level of safety as a system operating with a driver or other person on board the train. ORR aims to publish the new Appendix by April 2024.
- [Consultation on draft guidance for managing rail staff fatigue](#) – RIHSAC members should have seen this consultation which was launched on 09 February and closes on 08 March 2024. Views are sought on the updated [draft guidance on managing rail staff fatigue](#). The guidance aims to help with interpretation of the Railway and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS 2006) and other legal requirements relevant to fatigue. The guidance updates ORR's previous guidance, Managing Rail Staff Fatigue, issued in 2012. The document integrates the ROGS 9-stage approach to provide an overarching approach to managing rail staff fatigue. The guidance follows the HSE's 'Plan, Do, Check, Act' approach rather than its previous POPMAR model of managing health and safety. ORR's Fatigue Factors, or good practice guidelines, are included. This revised guidance does not introduce any new policy positions. ORR would welcome feedback on the format and content of the guidance as well as how helpful it will be in supporting dutyholders in their management of rail staff fatigue.
- **Strategic Risk Chapters (SRCs) review** – ORR is reviewing the SRCs, and to inform its approach a survey to gather stakeholder feedback was launched on 06

February, which would be open until 06 March 2024. This is a link to the survey – [Strategic Risk Chapter review survey \(office.com\)](#). RIHSAC has discussed this matter previously and it is on today's agenda. Eryl Marsh will explain what is planned for the SRCs and the work completed so far.

- **Wales and Western investigation** – This was a train performance investigation into Network Rail's Wales and Western region, launched on 29 November. There are some publications and information available on the ORR website relating to this and to issues with train performance particularly in the Thames Valley area. Richard said that this is not a safety investigation. However, the deralement incidents and incidents around Paddington will be known to the committee and the Railway Safety Directorate (RSD) at ORR has had a part to play in terms of reviewing the investigation reports, looking at recommendations and making sure there are tangible-time bound recommendations to address future areas of concern.
- **Recent enforcement activity** (notices and prosecutions) – Richard provided a summary of the recent enforcement activity including one prosecution and several enforcement actions:
 - o Eurotunnel Prosecution – Richard highlighted one prosecution which was of the **Channel Tunnel Group Limited** trading as Eurotunnel. This follows an incident where a subcontractor received very serious life-changing injuries because of a high mast lighting collapse. Eurotunnel has pleaded guilty and sentencing will be later this year. This is now in the public domain in terms of the enforcement action.
 - o Improvement and Prohibition Notices – ORR has served an Improvement Notice on **Strathspey Railway Company Limited** in Scotland relating to an incident involving the Flying Scotsman which had been complied with. An Improvement Notice was served on **Tanfield Railway Company** relating to work at heights and control of that risk within the heritage sector. An Improvement Notice was served on **Transport for Wales** following three fires that had occurred within one month period on Class 175 trains whilst they were in passenger service. This Notice was in relation to the organisation, control and monitoring and maintenance for that fleet. One Notice that is still open relating to **Network Rail** concerning Euston station. This Notice is for failure to implement, so far as is reasonably practicable, effective measures to prevent risks to health and safety of passengers (and other persons at the station) during passenger surges and overcrowding events. One Prohibition Notice to note was the of **West Coast Railways Company Limited** for controls and risk assessment for rolling stock secondary door locking systems.
- Annual assessment of safety performance on the strategic road network – ORR published this on 18 December 2023. This is the second annual assessment of safety

performance on the strategic road network (SRN) in 2023. As well as ORR's assessment of safety performance on the SRN, this also includes an update on the findings in relation to recommendations from the Transport Select Committee's inquiry into the rollout and safety of smart motorways. Further details are available on the ORR website.

- Iain Scott Ferguson queried the time scales for the publication of information on the recent derailling incident on relation to Wales and Western. He said this would be useful for any short-term lessons the industry should be learning that were different from what was recorded in previous investigation findings. To clarify Iain's point, Justin asked if there were any safety specific lessons to be identified for the industry from the derailling incidents. Iain said that it was worth observing that there have been a number of investigations into control of customers on board trains over the last five years and it was the status of the implementation of the recommendations that he was interested in from the wider industry perspective. Iain said that this matter will be discussed through the other established liaison meetings.
- On the same issue, Sarah Shore said that ORR was working closely with Network Rail on a number of incidents to understand the underlying issues and develop conclusive conclusions which we will be sharing and working with others to ensure they are communicated.
- Richard highlighted a High Speed 1 (HS1) incident involving a Eurostar before Christmas, that was not a derailling, but there were a range of other issues relating to passengers' welfare that are being progressed. Lessons from the incident have been highlighted previously and it would be helpful to align/pull together the cross-sector lessons learned from all these incidents on separate infrastructures as the lessons may be common.
- It was agreed that Richard would provide an update once the situation becomes clearer and the investigation is concluded.

Action: 127.1 – Richard Hines to provide an update to RIHSAC on the derailling incidents once the investigation is concluded.

- John Cartledge asked for further details about the incident that led to the Improvement Notice related to the Flying Scotsman which Richard provided.

ORR Annual Health and Safety Report (Richard Hines)

11. Richard presented some early thoughts on the forthcoming publication, followed by a discussion.
 - Mark Gaynor supported the themes and said it would be helpful to weave in uncertainty due to a number of factors such as the forthcoming general election and possible changes in ownership models leading to distraction.
 - John Cartledge made the following points:

- If a choice had to be made, there should be depth rather than breadth and he suggested that ORR consider the needs of the potential readership (very busy people so do not have time to read long reports). Stylistic and presentational issues should also be considered to ensure the report reaches the target audience and that there is enough on the first page to encourage them to keep reading.
 - The style should be sufficiently succinct and punchy (be concise and focused with the language) – John also suggested that ORR should make sure the report reaches the target audience. (He provided an example of a publication where there was a quiz attached to the back of a report to assess how much of the content the reader had read).
 - John highlighted ORR’s successful use of statistics/infographics over the years, moving away from producing very long reports to making them more consolidated with case studies.
- Richard thanked Mark and John for their feedback and said that these points had been considered in our internal cross-office discussions about the report production. He confirmed that the report will be more concise and consolidated with focused language, containing case studies, and the route to publication may be online.
 - Regarding the management of change in uncertain times and how the industry is changing, Nadine Rae said TSSA is finding that when they are in consultations on change, the employers are not providing enough information and in fact do not always know what the safety implications are of any change. She said that this is not a new theme or discussion as it has been raised with ORR directly and is a growing problem for trade unions.
 - Richard stated that listening to the frontline with regular conversations and feedback from people was important and this will be a key theme in the Chief Inspector’s Review in the report.
 - Iain Scott Ferguson welcomed the focus on maturity of the management system both from performance and safety and health perspectives, as maturity in these areas brings consistency, efficiency and effectiveness. He said that keeping on the journey of maturing in those areas in CP7 was important.
 - David Porter emphasised the importance of measuring and articulating progress and said that the report should highlight how far we have come, the progress made by the industry as a whole to ensure some greater clarity on this. He stated that we had ambition that all the industry was at RM3 level 4 scores and thought it would be helpful if the report set out where are we with this; he asked if we are making progress and where we might still be vulnerable to ensure proportionate efforts are made in the relevant areas. Richard welcomed this feedback and assured David that it will be considered when the report is being developed.
 - Marian Kelly said that it was important for Richard or Ian to present key messages to key organisations and their leadership teams; it was solid and real to hear key

messages from the AHSR directly from the Chief Inspector and it would be helpful to have continuous two-way conversations.

- Richard thanked the committee for their feedback and said that the report will focus on both health and safety. He invited committee members to provide any further feedback.

Outcomes of the ORR risk profiling (Eryl Marsh)

12. Justin notified the committee that Eryl Marsh would be presenting this item as Kristina Barbet was unable to attend due to being unwell and sent her apologies. Eryl presented the outcomes of the risk profiling exercise, having implemented lessons learned from the previous year. As the process improves, so does the reliability of the results, which can then be used to inform the ORR annual planning process.

- Justin thanked Eryl for the presentation and said that the main purpose was to help sense check and guide ORR's interventions going forward.
- John Cartledge made a general observation about the ORR's successful use of infographics to make industry statistics more readily intelligible. He stated that the charts in the presentation had four variables, two of them represented by the axes of the graph, and the third one represented by the size of the circles. These worked well. He said the fourth variable represented by the colours did not work well, as there were too many colours and some were difficult to distinguish from each other. He also said that the key was too small. John suggested that there may be a better way of achieving a clearer distinction between the categories in the keys.
- John also had three specific questions:
 - o For Transport for London (TfL), train accident hazards, John said that it used to be the case that National Rail or main line and London Transport railways (or "metro" services) were two separate categories that did not overlap. This has changed in recent years as TfL is now franchising services on the main line, both Overground and the Elizabeth Line. Hence, there are some services that could appear in either or both of those categories. John said it was not obvious from the presentation where they were because if TfL still simply meant the Underground and DLR as it used to mean and not Overground or trams, then he queried the train accident hazards and the increase in road vehicle incursions as it was very noticeable. It was the only big circle in quadrant 2 on any of the graphs where there was a significant mismatch between what was described as an internal or external pressure and what was described as industry capability. John said he was not aware of vehicle incursions onto the Underground occurring in large numbers or in greater numbers than they did before. John wanted to understand what had happened to cause more road vehicle incursions than previously.
 - o On the Mainline, the third graph, passenger and public hazards (slide 6), John was curious that train passengers were reported to be finding

openable windows they could lean out of as there were not many trains left with such windows.

- John highlighted the misprint for the word “tram” which had been described as “train” in a few places in the tram section (trains accident hazards and critical train components failures should be referring to tram and not train).
- Ian Skinner clarified that the TfL main line operational activities such as London Overground had been dealt with by the main line analysis as their risk profile is main line. Although some of TfL’s infrastructure is main line and is managed by TfL Safety Management Systems (SMS), that would be dealt with within the TfL management capability review. Hence, it is a mix and match as TfL conduct some matters under the SMS that applies to London Underground and some of the main line activity but their main line TOCs operate under ORR main line analysis.
- Marian Kelly said she would appreciate talking to the relevant ORR colleague to understand more about the vehicle incursions. She said it was a good way of presenting information which was useful.
- It was agreed that the ORR presentation should be clearer about what was in which category.
- David Porter said he was not clear how one should scale the relativity of the hazards in each of the diagrams and what they meant overall. He questioned what being in the right-hand quarter meant in terms of risk and to what extent were the measurement judgements dominated by actual events rather than potential.
- Eryl confirmed that the different graphs were not comparators but they were standalone so there was no comparison. In terms of the risk and the size of the circle, it is less of a measure of the size of the risk and more a measure of the relative position of the risk in comparison to other things in that category. She said that this helps to indicate where to focus resources. The absolute risk is the size of the circle, thus the bigger the circle, the bigger the risk. The position on the graph is related to industry capability to deal with that risk and pressures of some kind to address the risk. Thus, it could be that the biggest risk could be in the bottom left or it could be in the top right depending on how well the industry was dealing with the risk and what else was happening to increase or decrease the risk position on the graph.
- Jen appreciated the discussion and clarified how ORR uses the risk profiling exercise as an internal tool to help decide where to spend a limited amount of time on proactive work and what ORR Railway Safety should focused its time on doing. She confirmed that it was not a quantified risk model such as the RSSB PIM or the safety risk model. She said that it brings in issues ORR needs to consider as a regulator in terms of how much influence we can have, what our powers are in that area, what the public or the government expectation might be and ORR’s view on maturity of risk management. It was noted that the information from this exercise is not published.

- Nadine Rae appreciated the visual analysis as it helped to reach a point quickly. She pointed out that a lot of the circles looked the same and some deep diving was needed.
- In summary, Eryl and the team should think about how the information is presented and the need to clarify the basis of some of it.

ORR Strategic Risk Chapters (SRCs) (Eryl Marsh)

13. Eryl presented the revisions made so far to the SRCs and next steps. It was noted that this was a light touch upgrade therefore consultation on the SRCs will be on a case-by-case basis. It was proposed that the SRCs with the most significant updates will be discussed at RIHSAC whereas other SRCs with light touch updates will be updated and published on the ORR website without consultation.

- Jen said that ORR needs to understand the purpose and use of the SRCs to determine the resources to be committed to SRCs and asked the committee to provide input into the review through the SRCs review survey by 06 March 2024.
- John Cartledge asked for clarity about the SRCs review survey and how to access it which was provided by Eryl.

Tram Safety: update on developments since Sandilands (Richard Hines)

14. Richard presented an overview to accompany the two papers that had been circulated for this item. He highlighted ORR's engagement with the unions including GMB who could not attend the committee meeting. It was noted that RIHSAC has previously discussed some tram safety related issues since the Sandilands incident including the new draft SRC for tramways and presentation of the Light Rail Safety and Standards Board (LRSSB) review findings conducted by ORR.

- Justin thanked Richard for the presentation. He said that John Cartledge and David Porter had indicated some points prior to the meeting and asked them to raise these first before seeking further views from the committee.
- John Cartledge provided some context for his paper and raised the issue of the adequacy of criminal law as it applies to accidents on tramways. He also queried why it had taken three years for the Crown Prosecution Service (CPS) to reach a decision about a prosecution. John said that when CPS published their report, it said that there was insufficient evidence based on the British Transport Policy (BTP) findings for a corporate manslaughter charge. Charges of lesser nature in relation to the conduct of the driver was also considered but these fell outside of the legislation's scope, as they applied only to vehicles on roads or to trains but not to trams on reserved track. It was noted that this had been raised by Sarah Jones, the MP for Croydon Central (the constituency in which Sandilands is located) in an adjournment debate after the conclusion of the Inquest. John stated that whilst DfT ministers had acknowledged this point in the debate, there had been no further response from them since. John wished to highlight this issue to the committee and the DfT.

- Richard thanked John for his paper and views and explained ORR's role, highlighting that the issue raised above was a broader issue beyond ORR's remit.
- In the context of possible extra criminal liability and prevention, Vincent Borg asked what would be the likelihood that this would have an impact on preventing incidents such as Sandilands. He stated that from a preventative perspective, we should be asking how can we design the system, the setup to avoid even human error occurring or to avoid the consequences of those errors. Vincent said that this had mostly come out within the RAIB report.
- It was noted that John Cartledge had raised the point of inconsistency by having three different legal frameworks for a driver while the driver was driving a tram on one section of a track depending on whether it was on the road or rail track.
- On a point of fact, Andy Hall clarified that there had been a number of cases where tram drivers had been prosecuted under road traffic law.
- It was agreed that DfT should take account of these points in their response. Justin asked Bertie Bricusse to ensure that the key points from the discussion are brought to the attention of those drawing up the minister's response to the points raised in the House in this area. Bertie confirmed that Gary Wilson, DfT lead on Light Rail and Tram Policy had already considered this to some extent with Ian Skinner and assured the committee that the discussion will be reflected in future advice.
- David Porter had raised three points on permissioning and ORR resources and priorities in relation to the review of ORR's role prior to the Sandilands incident. These included whether ORR had modified sampling in relation to permissioning in the light of the scale of hazards and risks that can occur on some tramways. His second point related to judging performance and references made in the ORR Prior Role Review (PRR) and managing the particular risk and the approach taken to factoring in "boots in the Boardroom" and assessing the overall performance. He asked to what extent ORR exploits roots of influence in its inspection approach. Thirdly, David asked what factors ORR takes into account to determine where to look and how to look and consideration given to the nature of the tramway, the tram company etc to focus attention on issues that mattered. In summary, David raised issues relating to permission, locality and leadership in tramways.
- With reference to permissioning, Ian Skinner clarified that ORR's role in approving new works is different from what it was at the time the Sandilands infrastructure was constructed. ORR no longer has an active role in permissioning of tram lines unless there was a specific local Act which covers it. Whilst ORR does not now get involved in permissioning, it monitors the tramway duty holders' approach to safety verification of new systems/routes such as had been done in Birmingham and recently in Edinburgh. Ian said that ORR also takes into account the outputs from the LRSSB's new risk model in deciding what type of issues to discuss with a tramway company. Ian summarised the factors taken into account and provided a few examples from recent cases. For example, in Birmingham ORR looked at some of the curves and overspeeding risk, and the transition from catenary wire to battery power. In summary, ORR takes account of a sector's risk profile and its understanding of the

risk profile of the local routes to determine what ORR does/does not look at. ORR has developed its approach taking into account more of the quantitative understanding of risk in the sector.

- On leadership within the tramway sector, Ian Skinner said that the LRSSB was an important factor regarding this and it was highlighted in the ORR report following its review. Ian said that the LRSSB provides new insight and direction to the tramways in terms of risk and what they should or should not be considering. ORR also takes account of leadership within the individual systems and that can lead to enforcement action. ORR has taken enforcement action on topics where senior leadership or boardroom direction had been influential when assessing how the company had been performing. Whilst ORR does not cite leadership shortcomings as a breach of the law, it will have been a factor considered by ORR in its judgement regarding enforcement action. There are examples of where ORR has done this formally and informally. During the last review of the tramway strategy, the RM3SP2 criteria were highlighted which is leadership as one of ORR's priority areas that it assesses when undertaking inspection activity.
- Regarding tramway performance, Ian said that ORR had full access to the LRSSB's risk model. This provides ORR with an understanding of the risk profile at a sector level and because of the MOU between ORR and the LRSSB and the subsequent Associated Data Sharing Framework ORR had agreed with LRSSB, ORR had access on an on-request basis to individual duty holders' problems with risk profiles which complements the inspection knowledge we receive through the routine liaison with tramway companies to understand what particular risks they have. Ian explained that, for example, the Blackpool tramway had a different risk profile to that in Manchester so ORR adapts how it regulates those two organisations. ORR had also undertaken some work on its intervention plan reviewing driver capability and started its assessment of the higher risk duty holders. Next year ORR will be undertaking others that were not done this year. Thus, ORR takes account of its local understanding of the risk profile of the duty holder in deciding how it allocates its resources. Access to the Data Sharing Framework will mean that ORR will have more quantitative information to inform that approach.
- John Cartledge had two points regarding the SRC on tramways. Firstly, John queried the benefit of grouping the large categories of organisations together for the graphs and tables relating to injury statistics on pages 23 and 24 of 68 (in Annex C of the ORR paper) as they would have very different operating characteristics and risk profiles. He said that on data for the individual tram networks in the tables on page 24, each tram network is different from each other in terms of its geographical characteristics and that influences their vulnerability particularly categories of actions. Hence, according to John, it was not possible to have a meaningful like for like comparison and it would be misleading to compare systems as currently categorised. John said that it would be helpful to normalise them in some way to enable a meaningful inter-operator comparison. Secondly, John highlighted that some of the text in the introduction and context on page 4 of the draft strategy at Annex C needed reviewing to provide some clarity.

- Ian Skinner acknowledged that the different tramway systems cannot be compared without normalising the data in some form as the environments that tramways operate in are very different from each other. ORR takes account of this through the Data Sharing Framework that takes account of these differing factors, judging the risk and reality. It was highlighted that ORR undertook some internal statistics work looking at public risk where ORR could normalise the tramway system by vehicle mile by passenger kilometer mile, and by public street running versus off street running. This was an internal piece of work for statistics from a reliability perspective as ORR is not the only agency in this field that collects data. DfT and the Police also collect data for their own use. Ian said that it was a distinction of the tramway system that it operates in three different environments. It was an area ORR was developing and there should be progress in 2024 and 2025 as ORR reviews its strategy on tramways.
- Regarding the authority aspect, Ian Skinner highlighted that Transport for Greater Manchester (TFGM) is a good example of this, where the TFGM network which has an operator and an infrastructure manager where its funding is controlled from numerous local authorities that form the Greater Manchester Passenger Transport Executive. They are beyond ORR's reach as a regulatory authority. ORR regulates TFGM and the transport operator, however they can only do what they are funded to. To date, this has not been a practical problem. However, if foreseeable it could become an issue if for example, ORR decided under the health and safety law that TFGM had to renew all of its tramway fleet within the next five years. This would require funding that would need to come from Greater Manchester Transport Executive, etc. ORR could not force the funding to be made available. ORR would have to regulate TFGM as the end party. This is a practical example which has not been an issue so far but it is a conceptually theoretical problem.
- Richard Hines also flagged the work outlined in paragraph 30 of the paper on the extent of the ORR vires and how far it can go with implementing some of the challenging issues that are variable depending on the particular network.
- Richard invited any further feedback from the committee on the draft strategy by the mid-March 2024.
- Richard said that the Carmont PRR which had also been commissioned would be shared with the committee once the Fatal Accident Inquiry has been concluded. This will be added to the Forward Programme.
- Andy Hall complemented ORR for undertaking a PRR following the Sandilands incident and queried what was the driver for undertaking this.
- Richard Hines explained the criteria set out in the ORR major incidents manual with a series of defined steps. Richard said that we can share this with the committee.
- Justin thanked RAIB for its review following the Sandilands incident and highlighted its importance. Justin also complemented the LRSSB for the progress it had made in the sector in a relatively short period and the overall improvements in the sector to improve safety management since Sandilands.

Action: 127.2 – The Carmont Prior Role Review to be shared with RIHSAC once the relevant Fatal Incident Inquiry has been concluded.

Forward planning (Sukhninder Mahi)

15. The next meeting will be on the 01 July and the committee members should have received the invitation to it. The annual reports from ORR, RSSB and RAIB will be the focus of the meeting. The other two items on the agenda will be a follow-up discussion from the October 2023 meeting about mental health risk assessment led by the unions and RSSB and self-detrainment by passengers – management of the risks.
16. The following amendments to the Forward Programme were agreed:
 - a. Item 16, on how the industry handles track plant would be removed.
 - b. Item 15 on the Rail Transformation programme and safety assurance – update since November 2022 would remain on the programme.
 - c. Item 11 on flood risk to climate change and item 13 on future management of weather-related risks would be combined for discussion. John Cartledge said that there was a lot of information about flooding on the internet currently (relating to systems overseas where deep-level tracks and stations had been inundated as a result of intense localised downpours) and suggested that it would be helpful for TfL colleagues to also lead the discussion for this item to share their insights. Marian Kelly agreed that there could be a joint presentation on the different organisations between the main line and the London Underground as a lot of their work focuses on early knowledge working closely together to understand what is happening at each stage and having structured and well-rehearsed evacuation and emergency response situations. Marian said that they had also undertaken a lot of work in the last 15 to 20 years to ensure that flooding risk across the Underground is clearly understood and managed. Items 11 and 13 will be combined as one item to share experiences and learning.

AOB (All)

17. David Porter thanked Justin and Sukhninder for a good meeting. David said that he is in the process of giving up his role for IOSH at RIHSAC. He is still in negotiations and discussions about how and when this will happen. On behalf of the Committee Justin thanked David for all his constructive and thoughtful contributions over the years.

Meeting review (Justin McCracken)

18. Justin reflected on the meeting running smoothly as a hybrid meeting and confirmed the next meeting in July 2024 and encouraged members to attend in person if possible.
19. Justin also noted that if people could let Sukhninder Mahi know in advance whether they were attending in person or by video link, that would be very helpful for planning purposes.

Next meeting: 01 July 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