



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

### **Minutes of the 117th RIHSAC Meeting**

**Tuesday 13 October 2020**

#### **Microsoft Teams**

##### **Present:**

Justin McCracken	ORR
Ian Prosser	ORR
Tracy Phillips	ORR
Max Buffey	ORR
Ben Watkins	ORR
Paul Appleton	ORR
Matt Farrell	ORR
Sarah Robison	ORR
Ali Chegini	RSSB
Rupert Lown	Network Rail
Allan Spence	Network Rail
John Cartledge	Co-opted passenger interest
David Porter	IOSH
Rob Miguel	Unite the Union
Bill Hillier	Heritage Railway Association
Tim Bellenger	London TravelWatch
Phil Barrett	Rail Delivery Group
Mark Ashmore	UK Tram
Steve Coe	TSSA
David Davies	PACTS
Alastair Young	Transport Scotland
Jason Connelly	Transport Scotland
Carolyn Griffiths	PACTS
Mark Norton	DFT
Paul Cooper	Transport for London

## **Welcome, introductions, apologies for absence, and actions from 15 June 2020 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 ground rules for asking questions in the virtual setting. Apologies had been received from Simon French RAIB. Tracy Phillips provided updates for previous actions:
  - **116.1 Conversation between Bill Hillier and Dawn Russell on the level crossings principles guidance was had after previous RIHSAC meeting.**
  - **116.2 Mark Norton commented that DfT were hoping to get something in front of parliament regarding level private level crossing legislation.**
  - **116.3 Time frame for comments on Jerry Mawhood's update to fatigue guidance had now passed.**
  - **116.4 Ian Prosser would be giving an update on public perception of risk during today's meeting.**
  - **116.5 Comments and reflection on virtual RIHSAC meetings as an ongoing action.**

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

2. Two HSRC meetings had been held since last RIHSAC meeting, end of June and in September. Some of the topics were also on RIHSAC agendas.
3. The June meeting had discussions with guests from Network Rail, Rob Brighthouse and Martin Frobisher and a broad range of issues was discussed. Network Rail set out how it was making improvements to the governance of the health and safety work in the company, with the SHE committee taking a more strategic approach to issues. Their Audit committee was also making sure there was thorough analysis of root causes. The meeting also discussed track worker safety, and all understood that it would be a large challenge. The focus was on making sure that changes made were lasting, especially in respect of the culture of the organisation.
4. The Committee received a paper on the working relationship between RAIB and ORR and was pleased to note that it was good and only getting stronger.
5. September's HSRC meeting had guests from the Heritage Railway Association (HRA) – Steve Oates, Chris Price and Steve Clews - and discussed the new strategy the HRA had adopted, in particular establishing a safety and standards board for the sector.

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

6. Ian Prosser (IP) gave a brief update on the Carmont investigation, highlighting the good working relationship with Scottish police and Scottish BTP. As this was an

ongoing investigation there was not much that he could update RIHSAC members on at this stage.

7. The public perception of risk findings had changed as a result of the impacts of COVID, and some further work would be done on that before the end of the year with a possible further workshop held. Phil Barrett (PB) stated that he would be interested in any workshops on the public perception of risk.
8. The first draft of the Pam Warren report looking at the Uff-Cullen recommendations had now been discussed internally within ORR. Ian would be working on finalizing the report over the next few weeks and developing an ORR response and hopes to have it ready to discuss at the next RIHSAC meeting.
9. Revised guidance on the use of MK1 rolling stock was almost complete and ORR had publicly declared that we intend to consult the industry on the guidance. Aim was to publish by end of 2020, to early 2021.
10. The Trams Risk Strategic Chapter was scheduled for review. Ian Skinner had conducted a high-level review and not found any material gaps in the risk chapter. A deeper review would be carried out after the Sandilands inquest in Q4 2021.
11. The new Level Crossing principles for risk assessment guidance was on track for consultation in November, with aim to be published in March. Updates to website and addition of case studies was planned. The process for level crossing orders was also being looked into, aiming to simplify the process, working closely with Network Rail.
12. John Cartledge (JC) wanted to clarify that the proposed simplifying of the level crossing orders process would be within the framework of the current legislation rather than seeking new law. IP clarified that this would be within the current legislation.
13. David Davies (DD) expressed concerns with the published guidance for COVID, especially on the messaging around how risks of increased road use was balanced against risk from using public transport and would be happy to work with ORR on the issue.

### **Managing the response to COVID (Ian Prosser, Rupert Lown, Ali Chegini)**

14. Ian Prosser, Rupert Lown (RL) and Ali Chegini provided three separate presentations with various points about the industry's response to the ongoing COVID situation.
15. The following points were made following the presentations:
  - Steve Coe (SC) commended Network Rail on the measures it had taken and praised the work between both Network Rail and TSSA in getting measures in place and encouraging the compliance. He also commended Network Rail in mitigating unnecessary risk such as going into the office when not needed.

- Rob Miguel (RM) was also positive about the general response in the rail industry. He made a point that face coverings needed to be issued to a particular standard across the industry as they were proven to reduce transmission. RL remarked that Network Rail had held discussions with DfT regarding procurement of masks once the current supply was exhausted.
- David Porter (DP) asked what was being done to monitor compliance amongst TOCs as he thought some were more assiduous than others. IP commented that COVID compliance was now on the list of things that would be looked at during visits and inspections.
- DD expanded his earlier point on the comparative risks of travelling via train (or other forms of public transport) and the governments advice of not using public transport and either walking, cycling or using a car. He noted that road traffic had increased to levels higher than before lockdown. He was encouraged by RSSB's research in these areas but noted that it did not consider the increased risk to other people, congestion and emissions, so would like to see further development in that area. He would also like to know whether the government would revise its guidance on public transport when the new tier system that was in place.
- Mark Norton (MN) remarked that he did not have any insights on the standards for face coverings but would take away the question to the Department of Health and Public Health England on any revised guidance on the use of public transport under the new tier system and circulate the answer to members.

**Action 117.1 – Mark Norton (DFT) to advise RIHSAC members whether there had been or would be changes to the guidance on using public transport following the introduction of the tiered system.**

- MN would like to know when the RSSB work would be published. Ali Chegini responded that it was published in early September with data from late August.
- PB echoed the point that there had been a large amount of cooperation across train operators, and there was various guidance and policies in place to help coordinate efforts. It helped provide a common operating picture to all operators and made sure that there was a linked approach across the operators and Network Rail. Consistent face covering by customers was a challenge, although compliance levels were high, more so during peak times. RDG had undertaken joint work with the BTP to improve compliance of travelers. Regular cleaning of trains and swab tests also took place.

### **Article in RSSB's Rail Safety Review (John Cartledge)**

16. John introduced this item, saying that he thought it would be useful for RIHSAC to discuss the issues raised by Sara Sherrard's account of the station operator's response to her mother's fall at Mill Hill Broadway station.

17. Points made in discussion were:

- Paul Appleton (PA) thought that an important take away from this incident was realising the importance and impact these events had on people and how the responses to them could change. Matt Farrell had met with her to ensure we understood the issues and how to translate them to the train operators and for ORR's own staff as well. Inspector training had now been amended in the light of this.
- PB remarked that Sara came to the passenger operator safety group to talk about the incident focusing on personal responsibility related to safety that people have and how they deal with situation, which they found helpful; the plan was to see how that learning could be spread throughout the industry, and develop that work further. Some of the further work has been delayed due to COVID.
- DP said that feedback from IOSH group is to ask if this can be formalised into a RIS or another document? Whilst the work that has been done is appreciated, it is currently informal and open ended, whereas a more structured and formal response may be warranted.
- AC had spoken with Sara earlier in the year and was grateful that she had brought the industry together over this issue. Sara's had asked that, if her husband was not a QC, would this case have gained as much attention and response from the industry?
- Carolyn Griffiths (CG) agreed with the points that had been made so far but questioned why it took this incident to happen to bring attention to the problems at the station.

### **Handling safety related complaints from the public (Sarah Robinson)**

18. Sarah Robinson gave a presentation to help the scoping of the upcoming review of ORR's complaints handling guidance and share supporting work being carried out by RSSB on understanding/improving how the rail industry handled safety-related contacts from the public

19. Points made in discussion were:

- JC made a comment that investigating incidents needed to be prompt as it was sometimes difficult to pursue evidence after events, with CCTV footage especially. Precursor events may have given early warning of the risks that led to the Sandilands incident, but by the time the complaint was looked at it was too late because the CCTV records had been deleted. He looked forward to seeing what could be done for safety related incidents and hoped for an opportunity to feedback.

- DP noted that the wait time when sending in a complaint was the same regardless of the importance or severity of the complaint. He remarked that the tone of responses seemed more to placate rather than help. He thought that it often felt like the people handling the complaints were one or more steps removed from the people that were in the position to implement any change.
- Allan Spence echoed the point that complaints could prevent incidents and thought that social media as well as formal complaint channels should be looked at.
- Sarah Robinson would appreciate if anyone interested in working with her outside of the meeting to help further scope the review could contact Max Buffey. PB, JC and Tim Bellenger (TB) all expressed an interest,

**Action 117.2: Other RIHSAC members to advise Max Buffey if they would be interested in further discussions with Sarah Robinson to help scope ORR's review of how the industry handles safety related complaints.**

### **Outcome of the mainline Risk Assessment and Risk Ranking exercise (Ben Watkins)**

20. Ben Watkins (BW) provided a presentation to discuss the emerging outcomes from ORR's annual exercise to assess and rank risks to inform the determination of priorities as part of the business planning process. It focused on the mainline as other workshops had not yet concluded.

21. Points made in discussion were:

- AS agreed with the observation of track worker safety risk being reduced with work now being conducted on blocked lines as opposed to open has increasing 5-fold. He was interested in where freight and freight derailment would come in as he could not see it in the list and thought it was worrying that some aspects of freight has not made it into the top risks. BW, replied that there was not a specific freight section in the spreadsheet but there was a derailment area although that had not made the top 10. AS remained surprised that it had not and thought it should be considered separate to passenger train derailment. BW agreed to take this away.

**Action 117.3: Ben Watkins to consider Allan Spence's comments that freight derailments should be ranked separately to passenger train derailments during the RARR exercise.**

- IP responded that it was possible that the freight derailments in August had not made it into this assessment and reminded that at the next RIHSAC meeting Patrick Talbot (ORR) would be coming to talk about freight.

- JM commented that if Ben could circulate the outcomes of the later RARR workshops on other rail sectors to RIHSAC members it would be appreciated.

**Action 117.4: Ben Watkins to circulate outcomes of further RARR workshops once complete**

**Forward planning**

22. Meeting dates for 2021 had not yet been set, but there would be a meeting every 4 months. A few things on the agenda so far, item from Patrick Talbot on freight, update from Simon French on RAIB annual report, and also discussion on Pam Warren report. There was a reminder to keep submitting any ideas for agenda items for future meetings as that had proved successful for this meeting and previous ones, and to email any suggestions to Tracy or Max.
23. Allan Spence offered an agenda item from Nick Millington on track worker safety. DP thought this should have a particular focus on assurance.

**Action: 117.5 Session from Nick Millington on track worker safety to be added to the RIHSAC forward programme and arranged by Allan Spence.**

**Meeting review**

24. Justin McCracken commented that he thought the meeting went smoothly, even though held online again, and commended everyone's discipline in the online environment. ORR would continue to hold the meetings virtually but would get back to being in the same room again once the situation allowed. He reiterated the request to keep suggestions coming for agenda items.

**Next meeting schedule TBD.**

## 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