



# 119<sup>th</sup> Railway Industry and Safety Advisory Committee (RIHSAC)

09 06 2021

Microsoft Teams Meeting

## Attendees

Name	Organisation
Justin McCracken	Office of Rail and Road
Ian Prosser	Office of Rail and Road
Tim Gill	Office of Rail and Road
Max Buffey	Office of Rail and Road
Paul Appleton	Office of Rail and Road
Patrick Talbot	Office of Rail and Road (Agenda item 4 only)
Sarah Robinson	Office of Rail and Road (Agenda Item 5 only)
Sukhininder Mahi	Office of Rail and Road
Ali Chegini	RSSB
Allan Spence	Network Rail
David Porter	IOSH
Rob Miguel	Unite the Union
Bill Hillier	Heritage Railway Association
Phil Barrett	Rail Delivery Group
Steve Coe	TSSA

Nadine Rae	TSSA
David Davies	PACTS
Jason Connelly	Transport Scotland
Marian Kelly	Transport for London
Andy Lewis	RAIB
Mark Norton	Department for Transport
David Clarke	Railway Industry Association
Una Byrne	ASLEF
Jonathan Havard	RMT
Geoff Spencer	Chair of National Freight Safety Group Steering Group

## Agenda

Time	Presenter	Topic
13:30 to 13:40	Justin McCracken	Welcome, introductions, apologies for absence, and actions from 11 February 2021 meeting
13:40 to 13:50	Justin McCracken	Health and Safety Regulation Committee (HSRC) update
13:50 to 14:05	Ian Prosser	Chief Inspector (CI) update
14:35 to 14:45	Patrick Talbot	Item on the rail freight industry, including safety and collaborative working
14:45 to 15:05	Ian Prosser	Item on the emerging themes in the next Chief Inspector's annual report

15:05 to 15:15	n/a	Break
15:15 to 15:50	Ian Prosser and Sukhninder Mahi	Item on Pam Warren’s report “Is safety really part of the rail industry’s DNA?”
15:50 to 15:55	Tim Gill	Forward Planning
Meeting Review	Justin McCracken	

**Welcome, introductions, apologies for absence, and actions from 11 February 2021 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 rules for asking questions in the virtual setting as well as introducing the new secretary for RIHSAC, Tim Gill. Apologies had been received from Vincent Borg ASLEF, Simon French RAIB, Steve Hedley RMT, Lilli Matson TfL. Respective representatives Una Byrne, Andy Lewis, Jonathan Havard and Marian Kelly attended in their place. There were also apologies from John Cartledge and Mark Ashmore.

- Prior to the meeting, David Porter circulated a note to all RIHSAC members with comments on a number of agenda items

- The previous actions were reviewed. There was one outstanding: 119.2. Allan Spence agreed to circulate a copy of standard 019 on behalf of Nick Millington. The minutes were recorded as accurate and agreed.

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

2. HSRC had a presentation from John Hassall, Chair of Rail Well Being Alliance. He updated the committee on the work they have been doing for the last year. The committee was happy with the progress that has been made over the year.

3. There had been a lengthy discussion on safety culture within Network Rail. There had been some areas where progress has been frustratingly slow. HSRC agreed an action for Ian and team to seek to stimulate faster changes in Network Rail.

4. The committee also discussed the main messages in the Chief Inspectors Annual Report. This will be discussed more in detail later in the RIHSAC meeting.

5. Finally, RIHSAC had a significant discussion about the regulation of the Channel Tunnel.

- **Action 118.5 Tim Gill to send a copy of RIHSACs remit to Bill Hillier.**

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

6. Ian started off with the point that the Future of the Railway Industry white paper was published in May. Ian wanted to assure RIHSAC that ORR would be taking a close view of this, and throughout the coming years of industry transition.

7. The Chief Inspectors Annual Report will be published on the 13th July 2021. The emerging themes will be discussed later in the RIHSAC meeting.

8. ORR's new level crossing guidance has been through the consultation process. Ian thanked all those who had participated. The guidance is now complete and will be published in mid-June 2021. Ian also noted that the new Mark 1 guidance will be released at the end of June 2021.

9. Also, Ian noted that DfT has released the Rail Interoperability Regulation post implementation review (PIR). This is open until July 2021 and is open to stakeholders. Also, there will be a DfT-led workshop on this tomorrow (10/06/21).

10. The post implementation review of ROGS has been completed, with the report being sent to DfT. This is due to be published on the 25th of August 2021.

11. Ian also provided updates on HSE PIR's, including the Control of Asbestos Regulations 2012 which has a closing date for input on 11th June 2021. The PIR for Health and Safety at Work etc. Act 1974 (General Duties of Self-Employed Persons) (Prescribed Undertakings) Regulations 2015 will be due out in October. Another is the Dangerous Goods in Harbours Regulations 2016, also due in October.

12. Ian noted that since the previous RIHSAC meeting issues with the Hitachi built trains had come to light. A lessons learnt exercise is being started by ORR after

discussions with the minister (ORR's letter to the minister can be found on ORR's website). ORR is concerned with two aspects to this event: (1) The safety and technical issues and (2) the passenger impact.

13. The following points were made following the presentation:

- Bill Hillier would like to put on record the appreciation from the HRA (Heritage Railway Association) on the work being done on level crossings.
- Rob Miguel asked if ORR will be aligning itself with HSE on the initiative of three aspects of MSDs, mental health and respiratory disease. Ian Prosser responded that although ORR is not specifically aligned with HSE, those areas mentioned have been a priority for ORR for the past 10 years, especially in improving the health of the workforce. Paul Appleton added that ORR has recently hired more specialists, with one for occupational health/hygiene.

## **Rail freight industry, including safety and collaborative working (Patrick Talbot and Geoff Spencer)**

14. Patrick Talbot and Geoff Spencer gave a presentation to update RIHSAC on the make-up of the rail freight sector, safety issues and collaborative working (slides were circulated to members prior to the meeting).

15. The following points were made following the presentation:

- Steve Coe wanted to comment on the condition of facilities for freight staff. He mentioned the good work that ASLEF has done for facilities for drivers as it is important that the ground staff are also thought off in terms of toilet and welfare facilities. Steve also noted that a lack of safety culture is not just a problem within Network Rail but in a lot of the rest of the industry. Geoff Spencer agreed that the right level of welfare facilities should be provided for all staff.
- Rob Miguel noted that there was no mention of trade unions in the presentation, which was disappointing. Una Byrne shared the same point with Rob in terms of collaboration and consultation with unions and that ASLEF sought representation on NFSG. Geoff Spencer responded that they are not a duty holder, and those responsibilities lie with each of the FOCs to consult and work with trade unions. With that said, it would be good to find a forum to talk to people. It was not something that was being avoided, but the right way needs to be found.

- David Porter asked how the methodology balances out the high frequency, low/medium risk with the higher hazard issues that freight companies are introducing. Geoff responded that they understand what could happen and those are what they are looking at in the group. With better data in the future this could change.
- Allan Spence asked about the entities in charge of maintenance, rather than specific freight companies, and the degree to which Geoff and Patrick thought that regime was still acting in an effective way to mitigate the risk from maintenance defects in rolling stock. Patrick responded that the inspection work being carried out this year will go some way to informing us as to how effectively that regime is working. As this has been in place for 10 years, it is time to take stock and he hoped to have more information to share on this in the future.

## **ORR's review of our guidance on complaints handling procedures for licence holders (Sarah Robinson)**

16. Sarah Robison talked through a presentation to update RIHSAC on the customer complaints guidance work she had previously discussed with RIHSAC in October 2020.

- No immediate questions were asked, but if members had anything to ask or points to make, they were asked to contact Sarah directly outside of the meeting.

## **The emerging themes in the next Chief Inspector's annual report (Ian Prosser)**

17. Ian Prosser went through slides to share the emerging themes which will feature in this year's report.

18. Points made in discussion were:

- Bill Hillier did not receive the slides prior to the meeting, he would like them sending so he can review and make comments if needed.

### **Action 118.6 Max Buffey to send a copy of the slides to Bill Hillier. (Complete)**

- Geoff Spencer had a comment about what was mentioned earlier with the management of change in respect of Great British Railways. Essentially, how can ORR make sure that health and safety continued to receive its due attention whilst at the same time industry was changing. Could that be added to Ian's report? Ian responded

that the slides were written before the white paper, and the foreword has since been changed to include mention of this.

- Justin McCracken noted that if members have any further thoughts over the next few days, then to send them to Ian.

## **Pam Warren's report "Is safety really part of the rail industry's DNA?" (Ian Prosser & Sukhninder Mahi)**

20. Ian and Sukhninder went through slides of the presentation to update RIHSAC on Pam Warren's recent review of the inquiry recommendations made following the Ladbroke Grove rail accident in 1999.

21. Points made in discussion were:

- Bill Hiller noted Pam's concerns regarding emergency information, where the report suggests that we should have a standardised response. However, ORR was pointing that they have no legal requirement. The fact that it is not a legal problem was not an excuse for inaction. Ian responded that it is not just the physical evidence of posters etc in relation to emergency information that is important, but how the staff perform as well.

- Phill Barrett noted that a lot of the report is around train protection and that the report assumes that we would be further ahead in train protection than where the industry is now. Ian responded that we are seeing ETCS (European Train Control System) roll out on the southern end of the East Coast Mainline. This will be a very live issue for the next 20 years.

- Andy Lewis noted that organisations such as RAIB are named in the report. Would comments be sought from these organisations before publication as Pam has based some of her conclusions on information in the public domain? Ian responded that the presentation was to encourage comments from all RIHSAC members, so if members have comments feel free to do so.

- Allan Spence asked to clarify a couple of the points that Pam Warren makes in respect of their conversations. Primarily, this was about how Uff-Cullen report envisioned the industry coming together with signallers and drivers having the opportunity to share a space. This was still an outstanding piece of work. Allan hoped that as the industry moves to the proposed Great British Railways this might mean there

are more opportunities to join up between drivers and signallers, so each can better understand what the other does.

- Rob Miguel noted that this was a great report, but it would be nice to see something on health being brought to the forefront. Ian responded that this is why this health is a main theme of the CIAR.

- Bill Hillier asked for a view on the title of the report i.e “Is safety really part of the rail industry’s DNA?” Ian’s response that it is a journey, and that we are ahead of where we were. But we still have a road to travel on and we know where most of the issues are.

- Ali Chegini commented that we often take for granted where we are in terms of a mature safety culture in the UK. He agreed that there is no room for complacency but recognised the last 20 years of massive gains and maturity in the safety culture. Justin McCracken agreed that we shouldn’t forget the progress that has been made, but we should keep in mind that the DNA of the railway is ever changing, and we need to keep striving to improve safety and health.

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

19. Tim went through the forward plan for the next two meetings of RIHSAC. Tim also asked RIHSAC members for suggestions for future agenda items.

- Jonathan Havard put forward an idea for a discussion on his concerns about enforcing authority boundaries of ORR. Justin McCracken asked Paul Appleton to pick that up with Jonathan after the meeting as it could be more easily picked up then. Action 119.7 Paul Appleton to discuss with Jonathan outside of the meeting regarding his concerns about enforcing authority boundaries. (Complete)

- Bill Hillier suggested a review on what has happened with the Pam Warren report after it is published. Justin McCracken responded by noting that everyone will be able to see ORR’s response when that is published in September. After that, we can return to it this at a future RIHSAC meeting.

- Allan Spence had several suggestions for future agenda items:

- 1) A discussion on health and mental health risk management. 2) Consideration about how the industry handles on track plant. 3) Level crossings, specifically considering the risk to the public and the associated legal framework.



- David Porter suggested a follow up on the Hitachi trains situation. Ian Prosser noted that he was happy to present something on that.
- Rob Miguel also suggested mental health risk management but also with a focus on prevention methods.

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

20. Justin noted that he thought the meeting went smoothly, even though held online again, and thanked everyone for their discipline and forbearance in the online environment. He also hoped that the next meeting will be held in person, but we will have to see nearer the time. The date for the October meeting has been sent, but February dates will come shortly.

Next meeting 11<sup>th</sup> October 2021

**End**

## 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