

Railway Industry Health and Safety Advisory Committee (RIHSAC)

Minutes of the 125TH RIHSAC Meeting

Monday 12 June 2023

25 Cabot Square

Present:

Justin McCracken	ORR
Ian Prosser	ORR
Jen Ablitt	ORR
Sukhninder Mahi	ORR
Max Buffey	ORR
Ian Maxwell	ORR
Laura Campbell	ORR
Berenice Ray	ORR
Mark Norton	DfT
Ali Chegini	RSSB
Robert Sigrist	RSSB
Iain Scott Ferguson	Network Rail
David Porter	IOSH
Margaret Winchcomb	PACTS
Mark Ashmore	UKTram/LRSSB
Mark Gaynor	Rail Partners
Robin Hay	
Arthur Leathley	London Travel Watch
Nadine Rae	TSSA
Sarah Friday	RMT
Andrew Hall	RAIB
Pam Warren	
Hannah White	TFL

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 Jason Connelly.
2. No issues with the minutes from the last meeting were raised so they were agreed. Actions from the last meeting have been addressed.

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

3. HSRC met in March 2023. Regulation of the Channel Tunnel was one of the key items discussed at the March HSRC with Geoffrey Podger who is head of the UK delegation to the IGC (Intergovernmental Commission on the channel tunnel) as guest. Justin stated that good working relations between ORR and Établissement Public de Sécurité Ferroviaire (EPSF – the French safety regulator) are going to be critical for effective and efficient regulation of safety in the tunnel in future when ORR and EPSF become the national safety authorities for their respective halves of the tunnel. ORR and EPFS relations are currently in a good position and ORR will need to work to ensure that this situation pertains going forward, recognising that it is not an ideal set of regulatory arrangements. Occupational health was also discussed with briefing from one of the ORR teams. Justin reported that there was some progress in this area over the last few years with some benchmarking of data work and some important appointments in Network Rail including a director of health and a hygiene specialist. However, progress is still a little patchy and in general risk assessment and control on health is still not as good as it is on safety in the industry. That will continue to be a focus for ORR; we will be continuing to focus our work looking at long latency period diseases because of the obvious issues that they pose and also risk to the traveling public.
4. It was reported that Ian had briefed HSRC on the work ORR is doing to scrutinise Network Rail's work on modernising maintenance. Ian had also presented to HSRC the emerging themes which were to be worked up into his Chief Inspector's Review in the forthcoming Annual Health and Safety Report.

Chief Inspector (CI) update (Ian Prosser)

5. Ian gave an overview of areas that ORR is currently focused on.
 - **Train Driving Licences and Certificates Regulations 2010 (TDLCR)** – DfT have now published (18 May) the final report on the post implementation review (PIR) of TDLCR which ORR carried out on DfT's behalf. This concludes that the regulations require reform to address issues raised by stakeholders and ORR will work with DfT to engage stakeholders in this work. Areas highlighted by the PIR include potential reform of the prescriptive requirements relating to medicals and training and examination requirements and revisiting the minimum age for obtaining a train driving licence. Proposals for change will be developed for discussion with all stakeholders with a view to amending the regulations at the earliest opportunity.

- **Modernising maintenance** – ORR has a project in place for 2023 to 2024 to check the implementation of modernising maintenance, context being that the previous project was not fully implemented. Two ORR inspectors will be focused on this and will inspect the implementation, with priority on issues identified in Network Rail’s risk assessment including fatigue, training, and resourcing. Our inspectors will meet with a selection of Section Managers from Maintenance, attend a selection of the Regional Rail Assurance Panel (RRAP) and National Rail Assurance Panel (NRAP) meetings as observers, to seek assurance that issues raised locally are subject to appropriate review, and attend a selection of the Route Safety Representative Consultation meetings as observers.
- **Bearsden sentencing** – following the jury convictions in late March 2023 of Linbrooke Services Limited on three health and safety charges arising from the circumstances of the death of an electrician employed by the company at Bearsden station in June 2018, the Sheriff at Dumbarton Sheriff Court has imposed a cumulative single penalty of £750 000.
 - o In an unusual step, prompted by information provided by both the prosecution and defence relating to the current absence of a civil claim and likely difficulties arising from the fact that more than 3 years has elapsed since the death, the Sheriff directed that the penalty will comprise a fine of £550 000 and an award of £200 000 compensation to be paid to the parents of the deceased.
 - o The case is significant as it was defended. The court found in ORR’s favour.
- **ORR Annual publications** – the annual publications launch event is on the 19th July for a suite for ORR annual publications including the Annual Health and Safety Report, Network Rail Annual Assessment, Consumer Report and National Highways Annual Assessment.
- The **ORR Business plan** has been published and is available on the ORR website. The publication of the ORR Draft Determination on network rail’s next 5 year control period, CP7, is planned for Thursday 15 June.

ORR’s Annual Health and Safety Report – emerging themes (Ian Prosser)

6. The first presentation was from Ian Prosser on the key messages from the Chief Inspector’s Review in the ORR Annual Health and Safety Report and opened to questions.
 - Arthur Leathley mentioned that he thought some of the language was Delphic in terms of the challenges that we are facing with reform. He asked if there is a risk that we are papering over the cracks when it comes to reform and does that leave us open to some risks around safety with only finite resource being available. Ian responded that the key risks the industry is facing are being resourced effectively, with technology also assisting in reducing risks but it is important not to be complacent. Change is potentially the biggest risk and that is why it was important we and the duty holders focus on key areas such as change. Arthur followed up to ask and confirm that the reforms or plans for reforms were not impacting the level of risk and attention. Ian noted that this is not currently the case but could be in the future. Justin added that this is an important question, but one that is already receiving a lot of attention.

- David Porter asked a follow up question on track worker safety and noted that there was a way to go to achieve a complete standard, could it be elaborated more on what the pinch points were on the track worker safety rollout. Ian Prosser commented that yes there is still more to do and this is something that ORR is monitoring. Iain Scott Ferguson added that planning and execution of additional protection for line blocks, signaller competency and communication arrangements are all very much in focus as they deal with residual risk. Iain also stated that this is a big step forward by reducing reliance on lookouts or those arrangements. It is dealing with the next tranche of activity that is needed to drive track worker safety risk still further.
- Mark Gaynor was pleased to see the mention of the importance of improving weather forecasting and remote condition monitoring as he believes there are more opportunities to better use the data that TOCs collect. Mark also stated that as well as extreme weather events we need to be mindful of the longer term or the gradual impact that climate change will have on the infrastructure and assets.

RSSB's Annual Health and Safety Report (Robert Sigrist)

7. Robert Sigrist talked through a slide pack, giving an early sight of the RSSB's annual report and detailing the key themes. The report will be published on 29 June 2023.
 - Iain Ferguson asked for clarification on scope of the data used regarding the fatalities mentioned as he was aware of two additional fatalities (Gatwick and Euston) on construction sites. Robert responded that the Glasgow fatality was away from the mainline railway, thus it did not fall within the scope of HSR and the Gatwick fatality because it was considered as a construction site that was adjacent to a station, it was not considered in scope.
 - Hannah White asked what changes had been seen after the pandemic, specifically increase in trespass and sitting on platform edge and if anything has been done to drive changes. Robert responded that there is more detail in the full report, but it is not something that a deep dive has been conducted on.
 - Arthur Leathley asked if the number of people sitting on platform edges was related to suicides. Robert responded that suicides had slightly decreased this year and that they had not found a link between that and suicides. It is more akin to seasonal behaviour than trespassing.
 - Nadine Rae asked about the suicide data, and whether that included staff as well as passenger/public numbers and were the numbers for workforce recorded separately. Robert responded that all suicides whether it be staff or public were recorded in the same way and he would look into it further for the separate figures.

Action 125.1: Robert Sigrist will look at the separation of the workforce and non-workforce suicide data and contact Nadine Rae.
 - Margaret Winchcomb asked about the road traffic fatalities, whether these were growing trends and for more information on these. Robert agreed to look into these and get back to Margaret. A second question of whether fatalities, major and slight injuries

were a growing trend or if those two fatalities have raised its prominence. Robert responded that since we have gone years without fatalities, it is something that is going to be monitored closely.

Action 125.2: Robert Sigrist will follow up with Margaret Winchcomb on those particular road traffic fatalities.

- David Porter asked if any work is planned to evaluate whether any of the proposed activities are helping improve outcomes and whether the strategy implementation is delivering the desired impact. Ali Chegini confirmed that the new version of the Leading Health and Safety British Railway (LHSBR) strategy specifically looks at leading measures to assess the effectiveness of the measures being put in place. RSSB is looking at the application of RM3 in this context and working closely with ORR on using the existing mature framework as a means for tracking how effective the RSSB initiatives and intentions are in reducing risk and harm.
- Pam Warren asked regarding the increase in SPADs during hot weather, is anything being investigated as to why this occurred? Robert responded that there is a separate deep dive report into that on the RSSB website and will share it. Ian Prosser added that there was not found to be a correlation with temperature in the cab, but possibly due to the lack of sleep drivers were getting because of the hot weather. Ali added that dehydration of drivers was also a factor. Sarah Friday made a similar point and enquired about the SPAD data which Robert offered to share with Sarah and Pam.

Action 125.3: Robert Sigrist will follow up with Pam and Sarah on the RSSB deep dive into SPAD over summer 2022.

- Jen Ablitt added that SPADs are a risk that ORR is very interested in and has planned some work to look into the industry's own investigations including SPADs and support for RSSB incident factors.
- Justin asked if the full report would go into more detail on areas such as level crossings and fatigue management. Robert explained that the full report will have a chapter on each of the key risk areas, of which level crossings is one.

Post-meeting note: It should be noted that Robert Sigrist has informed ORR that he has been in touch with the relevant RIHSAC members to provide the information requested during the meeting. Therefore, actions 125.1, 125.2 and 125.3 are considered to be closed.

RAIB's Annual Health and Safety Report (Andrew Hall)

8. Andrew Hall talked through a slide pack, detailing the themes from RAIB's annual report which was published on 23 May 2023. He highlighted a number of points:
 - Ineffective management assurance is a factor in many incidents
 - The importance of not forgetting lessons from history (or the same mistakes are likely to be repeated)
 - The importance of timely response to known risks

- David Porter asked whether management assurance has been identified as a theme that is adequately captured in the RAIB, RSSB and ORR schema for making improvements as it has not come up in other contexts. Iain Scott Ferguson responded that in NR management assurance activity is monitored at the regional executive level as well as the company level so between those two it is on the radar. It is the quality of the activities that are done that we need to be teasing out more and doing the right levels of sampling.
- Hannah White asked about the industry not dealing with known risks. Given that it is good at knowing the risks, was this around actions not being identified or about actions that were identified but not implemented or resources were not in place? Andrew responded that sometimes people do not go back to reassess a risk when improvements assumed at the time of the original assessment are not implemented.
- Justin commented that having all the annual reports in one RIHSAC meeting was helpful in comparing and contrasting the common key themes across the different annual reports.

Pam Warren's reflections post publication of 2021 report for ORR (Pam Warren)

9. Pam Warren gave an introduction on what the item would be about during this meeting and opened it up to discussion. She mentioned that some of the things discussed in the RAIB and RSSB annual reports showed a clear indication that attention was being given to the issues she had highlighted in her report and not allowing complacency to cause the industry to slip back into the bad habits that led to Clapham and Ladbroke Grove. The phrase 'chronic unease' is something that emphasises why now is a good time to revisit Pam's report. Pam suggested that the industry should undertake a review into what the structure of the rail industry's DNA is every five to ten years.
 - Justin introduced Ian Maxwell to provide an update on the implementation of train protection systems which were central to the Ladbroke Grove accident and had been highlighted in Pam's report.
 - Ian Maxwell commented that there has been huge commitment from the industry to fund and implement the improved and updated train protection systems and the industry is now on the edge of a big step forward. A key indicator is that £2 billion has been asked for to roll out European Train Control System (ETCS) across the network. There is a deployment plan for the East Coast Mainline where the first 100 miles out of King's Cross is moving towards a no signals ETCS railway with the full protection system. Beyond that, there are plans for the Transpennine routes (the TRU area) and northern part of west coast mainline which have been identified as likely next area. However, there are gaps due to funding, for example Scotland and Wales and West do not have plans in place now. The starting point is key. Progress is slow from train fitting out with new systems to driver training but Ian said he was positive to see the progress made, but it is slow.
 - Pam asked Ian Maxwell if this included the Radio Based Limited Supervision (RBLs) system in the interim where ETCS could not be deployed. Ian responded that RBLs is struggling due to the restriction on funds and has not got to the point where people can see what it can do, and the figures do not include that.

- Ali Chegini mentioned that the removal for detonators would be sped up by the introduction of digital train protection systems and does not this move the aspiration further on? Ian Prosser responded that Network Rail has ongoing work to remove detonators, Iain confirmed that this was the case.
- Iain suggested that RM3 should be used as the evidence base to undertake the periodic reviews suggested by Pam.
- Arthur Leathley asked what level of engagement Pam has had from the industry in developing both the report and any work separately, and is there anything else that can be done providing Pam finds it worthwhile? Pam responded that she felt her review was worthwhile, and the industry had given her the time. It would be valuable to have others from outside of the industry to be able to speak with industry in the future.
- Pam highlighted the importance of information for passengers on trains. She considers that the industry is beginning to do things bottom-up but there is a lot more to do in this regard. Pam concluded by cautioning the industry not to be overly reliant on technology, especially with the advent of artificial intelligence and younger generations entering the industry, there will always be a manual element to everything.

Action 125.4: Justin and Ian Prosser to consider outside of the RIHSAC meeting, Pam's suggestion of revisiting this topic periodically.

Forward planning (Sukhninder Mahi)

10. Sukhninder talked through the current forward plan for future meetings and clarified certain items that may not make it to the October meeting. An item on mental health and wellbeing could be one for the trade union representatives to take forward for the October meeting. (Ali Chegini said that RSSB would be happy to support the presentations from TU colleagues on the mental health and wellbeing item and present on the tools RSSB has in this field).

Meeting review (Justin McCracken)

11. Justin reflected on the meeting running smoothly as a hybrid meeting and confirmed the next meeting in October and encouraged more in person attendance if possible.
12. There was some positive feedback on having the presentations on the three annual reports as members found this helpful.

Next meeting: 16th October 2023.

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
FACTS	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