

Railway Industry Health and Safety Advisory Committee (RIHSAC)

Minutes of the 128TH RIHSAC Meeting

Monday 08 July 2024

25 Cabot Square, London, E14 4QZ

Present:

Justin McCracken	ORR
Richard Hines	ORR
Sarah Shore	ORR
Sukhninder Mahi	ORR
Tom Hague	ORR
Archie Bates	ORR
Patrick Eneji	ORR
Matthew Farrell	ORR
David Kimball	ORR
Matt Durbin	ORR
Andrea Wheale	ORR
Vincent Borg	ASLEF
Bertie Bricusse	DfT
James Le Grice	DfT
Mark Norton	DfT
Mark Green	HRA/NYMR
Mark Ashmore	LRSSB/UKTram
Iain Scott Ferguson	Network Rail
Margaret Winchcomb	PACTS
Claire Repeti	Rail Partners
Andy Hall	RAIB
Robin Hay	RIAGB
Jonathan Havard	RMT
Robert Sigrist	RSSB
Jason Connelly	Scottish Government
Jim Medway	TFL
Rob Miguel	Unite
John Cartledge	Passenger representative (co-opted)
Pam Warren	

Welcome, introductions, apologies for absence, and actions from previous meeting

1. Recording of the meeting commenced (and would be deleted once minutes are agreed). Justin McCracken welcomed everyone to the meeting, explaining the rules for asking questions in the hybrid setting. Claire Repeti was welcomed in place of Phil Barrett to represent Rail Partners, and Robert Sigrist was welcomed to represent RSSB. Archie Bates and Patrick Eneji were welcomed as observers as part of their summer internship at ORR. RIHSAC also welcomed Tom Hague to RIHSAC replacing Max Buffey. Apologies were received from Jen Ablitt, Nadine Rae, Marian Kelly, Chris Knowles and Simon French. It was noted that Simon was the new IOSH representative at RIHSAC, replacing David Porter.
2. No issues with the minutes from the last meeting were raised so they were agreed. The two actions from the last meeting had been addressed: Carmont prior role review had now been added to the forward programme, and detrainment accidents were an agenda item for this meeting.
3. The committee thanked Ian Prosser as the outgoing ORR Chief Inspector for his contributions to RIHSAC and railway safety / industry. It was agreed that Justin would write to Ian thanking him.

Action: 128.1 – Justin to write to Ian Prosser on behalf of RIHSAC, to thank him for his contributions.

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

4. Justin provided some feedback from the 24 June 2024 HSRC which had a full agenda with two Network Rail guest visitors – Rob Brighthouse (Non-Executive Director, Health and Safety Compliance Committee) and Martin Frobisher (Group Safety & Engineering Director, Technical Authority). Justin reported that rail safety in the UK continued to be very good on an international comparator level, but that the rate of progress in addressing known issues was uneven. He said that ORR recognised Network Rail's progress on trackworker safety and some occupational health areas such as Hand Arm Vibration (HAV) but improvements in other areas were needed. These included delays with earthworks and structured examinations, and the development of improved drainage asset registers.
5. HSRC had discussed the ORR Chief Inspector's quarterly Health and Safety Board report. The main issue to note from this was the increasing trend with SPADs risk; RSSB was currently conducting a deep dive into this which would be of great interest to ORR to help inform next steps in its regulatory approach on this issue.
6. The RAIB annual report was also on the HSRC's agenda which would be discussed at today's meeting.

7. HSRC had also discussed proposals including piloting a new approach to make the ORR strategic risk chapters more relevant to the industry. Justin said that three new chapters would be published in the next year to pilot the new approach.

Chief Inspector (CI) updates (Richard Hines)

8. Richard shared a message from Ian Prosser thanking the committee. He also thanked members for their support during his transition into the Chief Inspector role. Richard's updates included:
 - **Publication of the ORR Business Plan** – available online which sets out ORR's commitments and areas of regulatory focus for the year ahead. Three main areas were highlighted: firstly, the strategic work and intervention to investigate maintenance of assets and delivery activities such as modernising maintenance. Richard added that it was important to focus on this. Secondly, extreme weather – a current risk that was continuing to change. Thirdly, the reclassification of welding fume had been an area of concern for some time; there would be a focus as a strategic project in terms of reclassification of welding fume as a carcinogen and how that was being managed across the mainline sector.
 - **Train Driving Licences and Certificates Regulations 2010 (TDLCR)** – a consultation had taken place in May on reduction of minimum age from 20 to 18. ORR supported proposals in principal and had worked closely with DfT on this. Richard noted that the consideration into lowering of the minimum age would be subject to how processes of selecting, training and monitoring might be improved and adapted to meet reduction in age.
 - **Election Impact** – the general election had impacted publications of some guidance which was consistent across government during the pre-election period.
 - **Train Protection Systems Guidance** – publication of Train Protection Systems guidance in May which sought to clarify legal requirements around train protection and Railway Safety Regulations 99. The guidance is available on the ORR website.
 - **Guidance to unattended trains** – a guidance on unattended train operation and a new appendix to the goal setting principles for railway health and safety that deals with unattended passenger train operation will be published in July; an enabling piece of work that would bring guidance around the design of automated passenger systems such as the DLR.
 - **Fatigue Guidance** – the refreshed document will be published in August followed with a launch event which is being arranged. RIHSAC will be kept updated.
 - **Work in Scotland** – Richard cited ORR's engagement and work with some of the key organisations including the Crown Office and Procurator Fiscal Service (COPFS), Health and Safety Executive (HSE), Office for

Nuclear Regulation (ONR), Police Scotland, Maritime & Coastguard agency. There was a piece of work from the ORR Policy & Strategy team to bring clarity to roles and responsibilities and how we work together in Scotland. It was noted that this work would be concluding in September.

- **Carmont Fatal Accident Inquiry (FAI)** – the prior role review will be presented to RIHSAC once the inquiry is concluded. FAI is not likely to be held until summer 2025; this would be a significant hearing with many interested parties and ORR was providing significant resource to support this. John Cartledge questioned the delay, asked whether legal aspects were going on in the background and queried the timeframe. John asked about support for families. Richard said that the prosecution had finished last year, and that the FAI was in the hands of the COPFS. He also mentioned the difference in Scottish legal procedures.
- **Saughton Tram FAI** – the prosecution took place last year. ORR was making preparatory arrangements for the FAI which was likely to take place next summer. It was noted that Carmont and Saughton FAIs were likely to run closely together.
- **Recent enforcement activity:**
 - **Prosecution** – Richard provided an update on Margam (tragic accident in 2019 where two track workers died) and said that Network Rail had entered guilty pleas on the 24 June 2024 under the Health and Safety at Work Act. This case is yet to be sentenced.
 - **Enforcement action** – Improvement Notice against East Anglia Transport Museum Society Limited in relation to a range of workplace occupational health and safety risks that were found during an inspection of operation of plant and machinery. Richard also mentioned enforcement action against Great Central Railway Nottingham Limited in relation to safety critical tasks, and the competencies of members of staff. Enforcement action against Chiltern Railways also cited regarding passenger information in a visual format on rolling stock passenger services.
- **Forthcoming publications** – Richard highlighted the recently published [Railway station catering market study](#) and the forthcoming [“A Year in Rail”](#) launch event on the 18 July 2024 for the ORR annual publications including the [annual health and safety report](#) and the potential press coverage for this.
- John Cartledge thanked Richard for his comprehensive and interesting update and said that it was good to see the focus on the Heritage Railway Sector. John also congratulated ORR for its support for the reduction in the minimum age for a train driving licence. Claire Repeti also said that Rail Partners supported the reduction in the minimum age for a train driving licence and that this was something that their members were very keen on.

Themes in ORR's Annual Health and Safety Report (AHSR) (Richard Hines)

9. Richard requested the committee to read the report when it is published on 18 July, as the content of the report reflected feedback from the committee.
 - Richard presented key messages from his Chief Inspector's review and the AHSR. These included a review of the health and safety performance in 2023 to 2024 covering Network Rail, mainline operators, non-mainline operators, policy, statutory permissioning activities and themes for the year ahead.
 - Richard stated that Great Britain's railways continued to be some of the safest in the world and that there had been a greater commitment to collaborate, and lessons learnt during Ian's tenure. Richard mentioned that 2024 marked the handover between Control Period 6 (CP6) and Control Period 7 (CP7). Regarding this change, Richard reflected that there had been many significant achievements from Network Rail during this period. However, pace had not always been as it should have been with regulated improvements, and not all commitments were delivered. Some details about these areas were provided and Richard stressed that greater focus would be necessary as there was more work to be done.
 - **Modernising maintenance** – this remained important to deliver efficiencies, but it was equally pivotal that this was done in a way that supports safety and does not overload people to a point that could result in fatigue.
 - For **mainline operators**, an increase in SPADs attributed to drivers, and the quality of investigations had improved throughout the year due to the RSSB toolkit. Richard said that in future the arrival of European Train Control System (ETCS) with speed of trains will hopefully bring much needed improvements to speed supervision, but this remained quite far away. A deep dive by RSSB would be important in helping to identify what can drive risk reduction in the near future, and ORR specialist teams would tap into this to understand how the arrival of the ETCS would work.
 - Richard mentioned concerns over degradations of safety standards with new rolling stock used by TOCs. There had been concern over weakness in risk assessment capability which had been flagged to individual TOC MDs and to Rail Partners. This was something that must be addressed and was not acceptable to the regulator if there was any evidence of a decrease in standards brought about by new rolling stock.
 - **Non-mainline Railways** – of particular note in this area, was the significance of the six workshop events for heritage sector; these helped establish safety management system guidance that was published last year, and workshops proved a good tool to effectively engage with the sector. ORR will be looking to collaborate with the sector to produce a document in a safety management system which could be used daily.

- **Light Rail Safety and Standards Board (LRSSB)** – Richard highlighted the positive work in the tram sector following the Sandilands incident, and a new memorandum of understanding which set out arrangements and how data could help with risk profiling.
- **Policy, strategy and statutory permissioning activities** – Richard mentioned the significance of rejoining European Union Agency for Railways (ERA) (as an observer status) and said how this would help collaboration in Europe.
- Iain Scott Ferguson noted that the AHSR was outcomes focused, and the emphasis was on the outcome for duty holders. Iain also added a point about lessons learnt with rolling stock as he was involved with the introduction of new stock with East Coast. Iain was interested in the DfT's influence regarding these matters. Richard agreed that this would be something to note at future committees and said that release of annual health and safety report on 18 July would provide further information into why matters were as they were.
- Rob Miguel mentioned CP6 and 18% reduction of harm to the workforce, citing the large number of workers suffering from ill health for numerous reasons. Rob said that this 18% was based on injuries, and asked for outcomes on monitoring CP6 in terms of gathering information and data for the occupational harm that was being done to workforce in rail. Rob was interested to see how rail compared with the rest of the UK – the CP6 figures do not include illnesses; Rob also wondered what would happen moving forward for getting data for illnesses in the sector.
- Richard said that health had an equal focus to safety for ORR, highlighting Ian Prosser's good work for occupational health. ORR would need to consider a targeted approach to health and any potential challenges in order to have a strong impact, albeit with small resource. Welding fume was cited by Richard as a strong area of initial impact.
- Sarah Shore mentioned the importance of occupational health data in relation to rail. ORR recognised that this was not as clear in rail as in other sectors, so it had started to pull together some work through the data strategy, assessing to understand what data was saying to help target resources and most impact. ORR recognised the need for better clarity for a better picture of occupational health across the sector.
- Rob Miguel stated that occupational health and injuries were not treated on equal basis. HSE figures stated 20,000 deaths as opposed to 130 from injuries. He said HSE had realised long time ago that occupational health issues were far more important than injuries, and that these were killing / disabling a lot of people before retirement age. Richard said that a clear focus on health would be important for ORR.
- Pam Warren asked for clarification on ORR's position with ERA – would ORR be looking to joining ERA as participant, as opposed to just observer? Richard

explained that there would be issues with ORR joining as a participant, but ORR could still collaborate / participate as an observer. Justin and Richard clarified that ORR would be engaged, but sensitivities around becoming a full member were unlikely to go away. John added that counterparts across the channel were equally keen to engage with us to tap into ORR's expertise.

- Matt Green thanked ORR for the level of investment and time to help improve the heritage railway sector, but also to help create stronger relationships between leaders in this sector.
- John noted the importance of establishing and maintaining LRSSB and questioned its long-term future and funding.
- ETCS – John asked whether this was now close to materialising, adding that Train Protection and Warning System (TPWS) had proven successful after Ladbroke Grove incident, but lengthy period of time had passed since. Pam said that this could be a suitable topic for discussion at a future RIHSAC meeting.
- Richard said the LRSSB runs on a three-year funding plan and ORR undertook a review of it in 2021; this was likely to be a topic of discussion for a future meeting with LRSSB in attendance.
- Claire mentioned the RSSB health and safety dashboard which remained in a pilot phase that could help create a central database for people's reasons for sickness.
- Justin agreed that the burden of ill health remained substantial and required further work across society.
- Looking ahead, Richard highlighted three key themes in the report:
 - **Theme 1: Delivering effective change, safely** – the general election had caused delays and direction of the rail reform remained unclear but as part of the Civil Service, ORR would support the approach adopted by the government. Reform would create opportunity, but also threats to effective health and safety management. Ineffective change management had caused issues, and it was important that the industry did not forget significant issues of the past – workforce demographic may not remember incidents of past so we must maintain corporate memory. ORR would support reform, but make sure it was not distracted from core regulatory responsibilities.
 - **Theme 2: Leadership, people, and capability** – focused on maintenance and challenges, noting that correspondence with TUs was important. Health and safety issues were essential and simply must be dealt with. ORR recognised the importance of those on the frontline in strategic positions.
 - **Theme 3: Maintaining focus in challenging times** – railways need to operate in the same way every single day, there would be a challenging context and potential distraction over the next few years

with the prospect of reform. Richard cited collective responsibility across the industry to ensure health and safety.

- James Le Grice thanked Richard for his work and Justin noted that the February RIHSAC discussion had influenced the themes set out in Richard's report.

RAIB 2023 Annual Report (Andy Hall)

10. Andy presented reflections on the [2023 report](#) which was published in May 2024. He said that 2023 was a difficult year for the industry with the impact of industrial relations, incomings and outgoings with staff, and general uncertainty about the future. Impact of staff turnover in 2022 had knock-on effect for RAIB in 2023, but Andy stated that RAIB held a plan moving forward and had hired five new inspectors.
- RAIB viewed 2023 as a typical year with 438 notifications and 30 deployments. RAIB 2023 figures were similar in terms of outputs to 2022 but a significant increase on 2021, and still not quite the same as pre-covid. Figures remained slightly lower than 2019 but expected to rise back to this level. 14 full investigations were published, 7 letters to coroners, 6 safety digests published, 1 letter to industry, 2 urgent safety advice issued.
 - There were **49 RAIB recommendations**, half of which were directed to Network Rail, cited as a typical year.
 - **Implementation of RAIB recommendations (all duty holders)** – there had been improvements since 2015 to 2016. Andy said generally RAIB had made less recommendations and had become more self-confident with time. He credited ORR and Network Rail for their help with efficiency in implementing RAIB recommendations. RAIB would not be shy to make new recommendations if a severe accident was to occur, but generally confidence over recommendations had increased over time.
 - Six themes were highlighted, but Andy notably mentioned that level crossings did not appear in the 2023 report as there were not a lot of level crossing incidents in 2023.
 - The report included **summaries of learning** which provided a longer-term snapshot by which RAIB had learnt from the past 10 years. It was noted that for 2023, RAIB had added a further topic: Management Assurance which was published at the same time as the annual report.
 - **Timely action in response to known risks** – Andy said that there were some issues facing the railway which were generally well understood across the industry, but the action to reduce these further had taken longer than expected. For example, staff turnover remained an important factor to consider which continued to cause delays. Andy cited the significance of third parties with planning permissions etc and recognised that sometimes response to known risks was not fast enough for various reasons.

- European relations remained consistent where RAIB continued to work closely with rail accident investigation bodies in Europe, on Channel Tunnel regulations with DfT and significance of work with Ireland and France for RAIB.
- Andy highlighted RAIB's priorities for 2024. He defined RAIB as a people-based organisation, saying that vast amount of spend was on people, as opposed to kit and vans; RAIB continued to aim for positive engagement with the railway industry.
- Justin thanked Andy for his presentation and was encouraged that the issues discussed by RAIB appeared to be discussed by others across the industry which suggested a common understanding of issues. Andy highlighted a common understanding across industry for around 80% of issues but added that it was reassuring for industry leaders from different roles and responsibilities to recognise a reasonable overlap with these issues.
- Rob Miguel queried the lack of level crossings incidents mentioned in Andy's report and said that this was still a risk and questioned whether information was available in the report. Andy said it was important to look at the documents on the web which covered a longer period but stressed that there was not a lot on these in 2023, hence they were not included in the 2023 report. He said that there was a focus on user work level crossings in the 2022 report. Andy also added that RAIB as an accident investigator did not seek to make risk conclusions in the same way that ORR or RSSB would do with larger data sets.
- John Cartledge mentioned the difficulties of staff turnover and how this caused issues with loss of corporate memory. John was concerned over risks caused by this and mentioned the wrong side failure incident two years ago which reminded him of incident 35 years ago at Clapham junction.
- Andy responded by outlining two risks highlighted in the RAIB annual report: 1) wrong-side failure due to wiring fault. 2) Compressing forces in freight trains. He also stated that The London Gateway investigation highlighted that this was something important for the industry to start moving heavier trains. Compressive forces in freight trains were something that people were alert to in the past when it was an issue with different kinds of wagon designs.
- Andy cited level crossing risk control at Coltishall Lane – in over 20 years very little had changed on the ground; this looked reasonable every year or two, but not over a 20-year span. Turnover was cited as a reason why this was slow.
- John also mentioned the RAIB annual report themes particularly the theme of safety of trackworkers and the frequencies that incidents arise from miscommunications with signallers, track workers, drivers not communicating. He also questioned the frequency over stop boards on wrong track and why there was a frequency of these basic issues. Andy said that the reduction in red zone working had been dramatic to reduce the number of near misses.

However, there still remained a significant number of near misses as highlighted by Greg Morse's output.

- Iain Scott Ferguson said that we should not always wait for RAIB or ORR to flag these issues, as organisations like Network Rail were sensitive to these issues that we were seeing.
- Claire Repeti added that at the time the trackworker safety programme was brought in, drivers did not have the right level of visibility about what that was and what it meant for train drivers. Claire mentioned the outstanding Reg 70 and that this would address the track worker safety programme and how that affects drivers and frontline staff.

RSSB Annual Health and Safety Report – emerging themes (Robert Sigrist)

11. The [RSSB 2023/24 annual health and safety report](#) provided a stocktake of GB mainline railway for 2023 to 2024 and would be published on 11 July. It would include a review of health and safety performance and look at lessons learnt. It also showcased cross-industry risk-reduction initiatives, and monitoring progress with delivering RSSB health and safety strategy.
 - Rail safety headlines – Robert highlighted some headline stats and reported that there were no passenger and workforce fatalities in train accidents. However, it was noted that a fatality in May 2024 involving road traffic accident fell just outside of the reporting schedule, so it would be covered in next year's annual report.
 - Passenger growth – there was 19% increase in passenger journeys, however the distribution had slightly changed; it was important to note that without the Elizabeth Line, there were only 80/85% of the passengers compared pre-Covid. Some metrics in the report were higher than pre-pandemic, despite lower numbers of passengers.
 - Trespassing – public behaviour had changed since the pandemic. Trespassing was seasonal with peaks in the summer and troughs in the winter, and the moving average seemed to have settled at a higher level than before Covid.
 - Uncontrolled train evacuations – whilst these made up a very small proportion of trespass events (less .5% of trespassing) however, there had been notable high-profile incidents this year including people self-evacuating from trains such as Elizabeth Line stranded train incidents in December 2023. A number of these incidents had increased over the past few years and now were almost 3x the pre-Covid levels. People self-evacuating continued to put themselves at risk of being struck by a train, electrical shock, and so industry must be better at managing incidents that may result in self-evacuation.
 - Level crossings – general changes in societal behaviour could be a factor which had resulted in an increase in near misses near level crossings. Robert

said it was important for the industry to manage these risks as they potentially impacted risk profile.

- SPADs – these were below the level of few years ago but back on an upward trend, the level of SPADs were now similar to 10 years ago. The metric of risk for RSSB had increased in the past year, but that was subject to statistical variation. It was important to manage risk in the interim period before the ETCS roll out.
- Speeding – it has been a long time since an accident due to speeding, however, it was noted that there had been near misses in the last few years, e.g., overspeeding at Spittal junction. RSSB’s analysis showed that TPWS speeding had increased over the past three years, annual moving average was higher than a few years ago. Robert said that there was likely to be significant underreporting in this area due to automatic systems that detect overspeeds not covering the whole network; RSSB is drafting a new railway industry standard on managing speed restrictions that should help improve consistency. The new rail health and safety strategy specifically highlighted speeding as an area of action and RSSB aims to set out a speed risk ranking tool as well.
- Asset integrity – precursor indicator model (PIM) tracked train accident risk in about 50 different accident causes, showed a 20-year trend. Earthworks failures was one of the major precursors – highlighted by the Carmon incident. RSSB supported Network Rail with their aim to make informed decisions to the proportional response to limit disruption and knock on risk when these events occur. Looking at the last 5 years, the level of risk had been fairly static, with most variation due to earthworks failures. Earthworks failures peaked in 2019 to 2020, but there had been an increase over the past year partially due to wet winter months and extreme weather; the risk remained below peak, noting Network Rail’s investment into earthworks for this.
- Track Worker Safety – Robert cited the reduction of near misses with track workers and trains and credited this in part due to Network Rail’s drive to reduce red zone working.
- CP6 review – Robert mentioned successes, e.g., reductions in near misses down 63% and non-workforce harm down 17%. Challenges were also noted, e.g., trespasses were up 12% since CP5 and workforce assaults resulting in injury or shock were up 36%. The RSSB report discussed how to address these challenges – but these would occur in the context of rail transformation and cost constraints. Robert also added that rail remained one of safest modes of transport, and one of most environmentally friendly.
- Justin thanked Robert for his presentation and invited questions.
- John Cartledge commented on CP6 and noted that the two statistics going in the wrong direction were workforce assaults and trespassing, both of which were impacted by third party behaviour. These were issues caused by people outside of the railway employment and direct control. He added that the

industry deserved credit that the controllable factors were going in the right direction but that a question remained about factors impacted by the public.

- John also asked about the terminology for level crossings and a distinction between the terms used – near misses and pedestrian crossings when unsafe. John asked if these involved vehicles. Robert clarified that pedestrian crossings when unsafe would be specifically when there was a train approaching, or when warnings were activated. John noted that the current descriptions in the graph did not instantly convey the distinctions, and Robert added that additional context could be provided if information remained unclear in the published report.
- Iain Scott Ferguson referred to Robert's point on statistical significance of one aspect and wondered if it would be useful to put some measure of whether the changes in the trends were statistically significant, and that clarification into degree of confidence we held around that would be useful because context is key.
- Iain made several comments on the tone of the presentation: He added that statistics were often put into the public domain which did not often reflect progress made – and that headlines of RSSB presentation all highlighted where the industry had got it wrong. Iain commented that there was also a lot to celebrate and therefore it was important to consider how these aspects were presented. Iain stated that it was important to challenge internally but also to recognise in the public domain that achievements had been made in the railway industry, and that rail remained a safe mode of travel and sustainable.
- Justin thanked Robert and said it was important that RSSB did not encourage complacency, noting the key theme of public behaviour as a factor that is influencing safety. An observation on CP6 that PTI harm was down 40% and this showed the industry's influence and grasp of making progress to improve outcomes even on issues where public behaviour is important. It also indicated the industry's responsibility to manage risks.
- Sarah Shore referred back to Robert's point on Occupational Health data. Robert said RSSB health and wellbeing dashboard puts out quarterly records, currently in pilot but a new strategy looked at how this could be rolled out widely across the industry.

Mental health risk assessment – following discussion at 16th October 2023 RIHSAC meeting (Nadine Rae, Jonathan Havard, Vincent Borg, Rob Miguel)

12. Justin reminded the committee about this was an update / follow-up from the 6 October 2023 positive discussion on mental health and what the industry was doing to help manage this risk. ASLEF, Unite and RMT provided updates; Nadine was unable to attend to provide an update for TSSA.

- Vincent Borg outlined the ASLEF guide which had been created by their sub-committee on mental health. It is a basic introduction and sets expectations about what members and reps should expect from their employers.
- Vincent had contacted ASLEF's district offices to find out the state of play with mental health in the industry, particularly regarding areas for improvements. He shared some of the replies with the committee. Key takeaways to note included: across TOCs and FOCs, the approach to mental health was tokenistic, there was priority of profit and punctuality over supporting mental health individually and collectively. The distrust of workers by companies was cited; Vincent said that one company wanted to dilute an agreed policy and utilise the management for attendance system. He also said that he had received another reply which emphasised flashy slogans / soundbites, but there was a lack of actual care and that care continued to fall short of what was required. It was easier to manage someone out of industry by traditional methods as opposed to providing support. TOCs did not want to wait for face-to-face discussions, it was 'in' 'out' and back to work policy, using cold approach with merely handing out telephone numbers and leaflets.
- Vincent added that these responses came from one third of regional offices; nine company leads, and these responses came from three of them, with their experience of dealing with mental health with their companies.
- Justin thanked Vincent and noted that there remained a lot of work to be done in terms of managing the risk of mental health.
- Jonathan Havard noted that calls took place a couple of weeks ago to put out a prompt on mental health and that industry concerns over mental health remained prevalent and were highlighted by recent suicide at Network Rail. He said that this sad news prompted lead health and safety reps with support of family to put out a note of resources / tools including the National Suicide Prevention Alliance.
- Jonathan said that RMT union had signed the RSSB [The Railway Mental Health Charter \(RMHC\)](#), aligning with good practice. He said that RMT drew their members' attention to some points about mental health / stress issues in the workplace and discussed reasonable adjustments for mental health and that RMT referred to the [ACAS guidance - Reasonable adjustments for mental health](#) – encouraged all members to be aware of this.
- Jonathan added that RMT did not offer medical help or counselling themselves but had created a note which was circulated prior to this meeting on mental health. RMT had also created mental health section on its [Mental Health - rmt](#) website and Jonathan mentioned the HSE learning tool [Working Minds campaign](#) based on five principles of risk assessment: make it routine, reach out, recognise, respond, reflect.

- Rob Miguel mentioned the [United Minds campaign](#) on the Unite website and said that Unite were different as it aimed to reach more sectors than just rail (22 sectors including health, construction, whole transport sector). As it is a campaign, it has a political element – it was sent to the Labour Party to influence its manifesto.
- Rob mentioned two issues – the support employers offered to workers (employee support programmes) and the management systems for prevention of psycho-social risks and hazards. Through surveys, Unite found that the current legislation / management regulations and stress management standards did not provide enough support when they had asked for specific regulation to be in place for risk assessment for psycho-social risks and hazards (workplace stress). Unite had also asked for a code of practice and a standard for employment support programmes and have listed SAT standards as a baseline for employee support programmes.
- Unite’s campaign includes several guides, agreement and tools for reps to conduct their own surveys, for example on stress. It was more than merely producing guidance for reps, but it was taking the issue forward politically and in the workplace.
- Justin recognised the breadth of material available from industry leaders, added that there was a long way to go across the industry to ensure all employers were adopting good practice to support employees.
- Andrea Wheale said that from ORR’s perspective, it was important for companies to take on board the materials available including from HSE and having responsible attitude. It was bridging the gap and dealing with health in the same way as safety. There is a long way to go and something for ORR to consider how it can assist and what it can do in this area. Andrea added it was good to see people across the industry taking responsibility.
- Iain Scott Ferguson asked when considering ROGS and fitness of safety critical workers which talked about medical health, physical health and mental health, how much leverage was being used. It was important that provisions are put in place to truly support workers across the industry.
- Pam Warren said that it was important to be careful with regards to doing more harm than good when systems around mental health were implemented because there were times professionals needed to be involved, as company systems could only take mental health support so far.
- In response to Pam, Rob Miguel mentioned support groups, and in particular the Babcock Group in dockyards that provided support from consultants across the board, and not just for mental health issues. Rob said that these support groups can be used to help accelerate programmes and professional support. Thus, it was to have a set of standards in place to provide the professional support and expertise needed.

- Claire Repeti said that line managers should also get the same support as it can be a difficult time for managers too when they are supporting employees. She mentioned the procurement blockers which had added to issues in this area / for mental health referrals – widespread inability for people across the industry to continue with a psychiatrist / therapist that they had built up a relationship with. Rob Miguel supported the notion that line managers were employees and needed the same support.
- Justin said that he was encouraged by the amount of activity in a number of different spaces that would raise the profile of the need to manage mental health issues. He also added that there was a lot of content people could access, but that there was still a long way to go with improvements in support of mental health.
- Justin stated the continued need to take occupational health issues seriously, for mental health issues remained just as, if not more important than physical issues. It would all our responsibility to use our influence to raise the profile of mental health issues and ensuring effective support was in place. It was also important to have signposted routes into getting proper professional health, as this would be available for physical health issues such as hand-arm vibrations. However, there remained a greater need to take the same level of approach with mental health issues. It was useful to share all the learnings and challenges. It was agreed that this issue would be revisited with bigger focus on occupational health.

Action: 128.2 – A further discussion about managing mental health, and potential for a bigger focus around occupational health at a future meeting. This item should be added to the RIHSAC forward programme.

Stranded trains / self-detrainment by passengers – management of the risks (David Kimball, Matt Farrell, Matt Durbin)

- Richard introduced the item and said that this was ORR’s across-office piece of work. It was about the industry working together for tangible outcomes and to facilitate further discussions. The main purpose of ORR’s involvement was to collaborate, assist and support, as opposed to seeking to take immediate enforcement action, and to bring the industry together to focus on an important issue.
- David Kimball provided some background and mentioned the potential reputational damage caused to the industry from stranded train incidents. The ORR Consumer Team and Transport Focus project was to understand whether the industry had been sufficiently focused on meeting passengers’ needs when there were stranded trains and how good practice, and lessons can be shared across the industry to improve passenger experience during future incidents. (Post-meeting note: [Stranded trains report shows need for greater focus on passenger welfare](#) was published on 01 August 2024)
- David explained the purpose of the existing industry-owned guidance was to provide guidance to enable Network Rail and TOCs to plan for and implement

appropriate arrangements for responding to events in which passengers are stranded on trains. The guidance is not mandatory with compliance at an operator's discretion, so ORR wanted to understand passenger needs on stranded trains and how well the guidance was embedded and applied within the industry.

- David summarised the high-level findings from the industry protocol and passenger feedback from four main incidents (Ladbroke Grove, Beattock Summit, Corby Glen, Bourne End Junction). When trains are stranded, passengers' wellbeing and safety should be the main focus. Passengers appreciated the information and assurance provided and often praised the individual efforts of front-line staff. However, it was found that this was not happening everywhere all the time, thus it was recognised by the operators that improvements were needed particularly where passengers required additional assistance.
- David also mentioned onward travel as an area that operators had found challenging to communicate and deliver in an up-to-date way – experience was good as it could be on the train, but a drop off in support once passengers got off the train.
- The main story from this study was the need for focus on end-to-end journey and onward travel and the need for faster decision-making and action regarding passenger welfare. The guidance talks about a plan being created in 60 minutes, but this could be too long, especially when there was more than one train involved – which was almost always the case. ORR had already started to talk to the industry about this.
- Matt Farrell highlighted the next steps. These included ORR drawing up recommendations based on better customer experience, these and the findings would be published shortly. ORR had written to Network Rail, TOC MDs on management of health and safety risk associated with stranded trains. ORR had asked about three areas around emergency planning, collaboration and rescue vehicle arrangements:
 1. Emergency planning and how stranded trains and passenger experience were tested;
 2. How they collaborate within and across regions in the management of stranded trains;
 3. Rescue vehicle arrangements; and
 4. Aggravating risk factors for self-evacuation i.e., was a tunnel involved, was it dark.
- ORR will be hosting a seminar on stranded trains once the information from responses to the ORR letter is collected. Responses are due on 31 July. The seminar will be held in the same spirit as work on PTI strategy. Matt Farrell said that it would be an effort of collaboration from the regulator and those ORR regulates, rather than moving straight to enforcement. The main output

aims to be refresh of the guidance to align with best practice and post-March 2025, ORR will look at how the industry was embedding this.

- John Cartledge was happy that this issue was on the industry and RIHSAC's agenda. He referenced experience of stranded trains on the underground where there was a lot of good practice which could be shared. John also mentioned past incidents where there was a unique aggregating factor which caused such incidents and complicated matters. John said that it was important to learn from experience, because such incidents were likely to happen again, and the railways must be forewarned.
- Richard made three points – 1) proper decision making would be essential, (decision making during an incident at start of year with Eurostar was simply pushed out). 2) London Underground is an interesting case study; whilst they are not direct recipients of the ORR letter, they have been involved and Marian Kelly from TfL will be attending seminar. 3) the unique aggravating features were important. All the procedures read well on paper, but the practical application would be the only way to test improvements. ORR was keen to collaborate, and the seminar would look to bring Network Rail and regions together to pick up on the learnings.
- Iain Scott Ferguson said that downstream issues could be created due to tight coupling in industry, and that aspects of collaborative element would need to be re-established. The industry is generally reactive, and cited GBR as a potential challenge in that space given the pace at which the government would like to move.
- Claire Repeti added comments – RDG was seeking to bring everyone together across industry that had done work in this area. Claire also mentioned that empowering signallers was important - signallers can identify within 10 minutes what needed to be done with that stranded train, good practice guidance would need to be implemented to prevent too many delays with communication with controllers. Signaller would generally be accountable and capable of making decision at outset.
- Claire recognised the good practice guidance, but questioned whether proper regs and a standard would be required on this, for everyone across the industry to adhere.
- Justin added that the forthcoming seminar would be important in how it looks at different issues and potential regs and was encouraged by further attention to this issue.
- Iain noted that the importance of the distinction between situations where there would be signal control, and situations where there would be system issues which would require more central control. He mentioned the danger of conflating two different issues. Justin added that this was open, broad discussion, and that the seminar would be careful in looking at different issues. Justin was encouraged by further progress on this work and the

attention across the industry as the industry had not provided consistently satisfactory level of service to passengers.

RIHSAC Forward planning (Sukhninder Mahi)

- Item 11 on the RIHSAC forward programme – Sukhninder asked for the committee's steer in terms of the "development of technology around level crossings", to invite relevant colleagues from Network Rail. John Cartledge mentioned lessons learnt from the flow bridge and plans to roll out this more generally. He asked whether these findings would be something that could be extended more generally across the industry to address the issue of footpath crossings and eliminating if possible.
- Pam Warren suggested adding for 2025, a potential revisit of her report for ORR five years ago into the Cullen recommendations. Pam said each area of the report could be reviewed individually but added that the Cullen report made it impossible to do a report on each recommendation, so it had to be condensed about ETCS, TPWS. This was 25 years ago so this could be something to consider in another session particularly as technology and AI continue to rapidly progress.
- Justin added that by next year we would be informed by results of a deep dive into SPADs.

Action: 128.3 – It was agreed that how best to update discussion following Pam Warren's report 5 years ago would be added to the RIHSAC forward programme. Richard and Sukhninder would liaise with Pam with a suggestion on how best to proceed.

- Justin said that he had planned to step down from the ORR board at the end of July after ten years, but that there had been a delay with his replacement due to the General Election. Hence, it was currently unclear when a successor would be appointed, and that he had been asked to stay on in the interim period. As such, Justin said he was likely to chair the October meeting.

Meeting review and next meeting (Justin McCracken)

- Justin thanked attendees for a good meeting and reminded RIHSAC members that the next meeting would be on 14 October 2024.