

Railway Industry Health and Safety Advisory Committee (RIHSAC)

Draft minutes of the 124th RIHSAC Meeting

Monday 13th March 2023

25 Cabot Square/Microsoft Teams

Present:

Justin McCracken	ORR
Ian Prosser	ORR
Max Buffey	ORR
Sukhninder Mahi	ORR
Jen Ablitt	ORR
Ian Raxton	ORR
Sarah Shore	ORR
Ali Chegini	RSSB
Iain Scott Ferguson	Network Rail
David Porter	IOSH
Jason Connelly	Transport Scotland
Alastair Young	Transport Scotland
Mark Gaynor	Rail Partners
Phil Barrett	Rail Partners
David Clarke	Railway Industry Association
Marian Kelly	TFL
Matt Green	Heritage Railway Association
Graeme Banks	Infrastructure NI
Mark Norton	DfT
Jonathan Havard	RMT
Geoff Spencer	National Freight Safety Group

Welcome, introductions, apologies for absence, and actions from 24 February 2022 meeting.

1. Recording of the meeting commenced (and will be deleted once the minutes are agreed by RIHSAC). Justin McCracken welcomed everyone to the meeting which was to be run as a hybrid meeting. There was a brief introduction from Sarah Shore, the new Deputy Director in the ORR Railway Safety Directorate, and new member of RIHSAC. Apologies were received from David Davies, Andrew Hall, Mark Ashmore, Vincent Borg and Nadine Rae.
2. No issues with the minutes from the last meeting were raised so they were agreed. All actions from the last meeting were completed by various members of the committee.

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

3. HSRC met in December 2022. The Light Rail Standards and Safety Board (LRSSB) (Carl Williams, Mark Ashmore) presented on the Board's work. It was a constructive discussion, with the committee overall satisfied with the progress LRSSB is making on the recommendations from the ORR review of the organisation which included LRSSB developing a more formal strategy for working with stakeholders. The committee were also impressed with the amount of progress the organisation is making given its limited resources and the fact that the organisation is relatively new. LRSSB has made a lot of progress on developing better statistical data information on the performance of the light rail with Tram Accident and Incident Reporting (TAIR) database. ORR will be looking to see if there is any more use we could make of the data and database.
4. The other main discussion topic was on autonomous vehicles, and what they may mean in the future in terms of ORR's regulation. The discussion was broadened to include all connected and automated mobility systems, which cover a broader range of vehicles that are autonomous. Overall, it is a complex area, although in general they are wheel based and not rail based. Such vehicles could still fall under guided vehicles under ROGS or they could be regulated as buses, but currently the oversight and regulation of this type of vehicle is uncertain. HSRC is keen that ORR's expertise in regulation of transport systems (road as well as rail) is used as effectively as possible on this developing area of autonomous vehicles. ORR is very well placed to advise the government on this area.

Chief Inspector (CI) updates (Ian Prosser)

5. Private Crossings (Signs and Barriers) Regulations 1996 (PCsBR) – updated regulations are still awaited but we understand they are now closer to being finalised as Ministers are currently agreeing to a short further consultation on a small number of the signs. This follows agreement with the Office for the Secretary of State for Wales on how provisions will be made for Welsh Language signs for use in Wales where appropriate. This is good news and should mean that the new PCsBR are made this year as planned enabling improved signage at private level crossings.
6. Retained EU law bill – we are working closely with DfT and HSE on this. It impacts a wide range of health and safety legislation including rail specific and generic health and safety laws. Ministers are considering proposals from departments for handling their respective legal instruments impacted by the Bill and we await news on this. Meanwhile, as you would expect,

our view is that the legal framework for regulating railway health and safety should be preserved and any reform of legislation should be done in a considered way with stakeholder input.

7. Train Driving Licences – a post implementation review of the Train Driving Licences and Certificates Regulations 2010 (TDLCR) is underway. ORR produced a draft report for DfT in January, following a stakeholder survey exercise. This is now going through DfT clearance processes prior to publication in May this year. This work provides valuable evidence of how the TDLCR regime is working and will be used to inform improvements to the regime. The report when published will indicate areas where improvements might be made. Any proposed changes to regulations would be subject to full consultation with all parties.
8. Modernising maintenance – the Railway Safety Directorate within ORR is closely scrutinising the industry to ensure the arrangements in place to make this change are robust and deliverable to ensure safety and meet legal compliance. This is likely to be an area of attention over the coming year.
9. ORR publications – in December 2022, ORR published the [First Annual Assessment of safety performance on the strategic road network](#). This is ORR's assessment of safety performance on the strategic road network in 2021 and progress update on Transport Select Committee smart motorways recommendations. We reported that National Highways is on course to achieve its overall safety target for the Strategic Road Network in England. The company has also met its Stopped Vehicle Detection technology installation targets; however, the system is not yet meeting performance expectations.

ORR's Annual Health and Safety Report (AHSR) – early thoughts (Ian Prosser and Jen Ablitt)

10. The first presentation was from Ian Prosser and Jen Ablitt to discuss early thoughts about the forthcoming Annual Health and Safety Report. RIHSAC members welcomed the early engagement and opportunity to provide input. They agreed with the proposed purpose of the AHSR – challenge, inform and influence - and provided the following comments:
 - Geoff Spencer commented that there is a lot of train borne technology that needs scrutiny for improving safety in the future. The industry tends to have a piecemeal way of working that up e.g., trade unions, FOCs and TOCs. Is there is more we could do to build our approach to collectively come together to design and accept technologies in a more structured industry way rather than leaving it to the individual duty holders? Ian responded that that this joined up approach was a good point to push forward and said that Network Rail is starting to look at what they do with their yellow trains and some of the proposals that are coming forward for CP7 are to use equipment on board passenger trains and other operators. He thought that is an opportunity as the technology has been around for a long time and it is a real opportunity to get more information at a lower cost as well. Something we are hoping GBR would take a lead on.
 - David Porter commented that sometimes it was difficult to see the continuity between the AHSR and the ORR business plan in terms of what challenges the industry face, how ORR deployed its resources, what workplans have been completed rather than resources

diverted to reactive work, what was the impact and progress made. Ian responded that he would take this on board and to factor this in when planning in the future.

- Iain Scott Ferguson had a couple of comments, the first being about the use of RM3 – with reference to industry challenge and the establishment of GBR, using RM3 to create some due diligence around industry capability as a foundation for GBR. We have information from TOCs, FOCs, Network Rail, principal contractors, how does this work together so that we know where the strengths and opportunities are moving into GBR. It is worth noting that RM3 still features quite prominently in CP7 plans so there is still that drive to develop capability. It is discussed amongst senior managers in Network Rail, so it is well established. And secondly, on the broader focus, to present the whole ambit of the rail industry risk – Network Rail had two fatalities that were not related to railway specific legislation. There should be a broader angle to cover low frequency, high consequence events and getting the arrangements right which are outside of ORR remit that might therefore fall off the radar for Network Rail. They are important aspects that the industry must not forget.
- Mark Gaynor commented that they welcomed the proposed purpose of the report – challenge and influence. A suggestion that having clearer sense of timelines and priorities will give more impact and having clarity on whether the AHSR is backward or forward looking and how it relates to the ORR business plan. Mark Gaynor also commented that Rail partners appreciated the technology focus on alternative traction technologies as it is an important area. For awareness, Rail Partners are considering TOC engineering skills to meet demands of alternative traction technologies in particular what train operators would need in the future as we get these new types of technology coming in. Rail Partners are trying to quantify this. Maybe compare notes going forward.

Depot safety (Phil Barrett and Mark Gaynor)

11. Phil Barrett and Mark Gaynor talked through a presentation to provide an overview of some work Rail Partners has been doing with support from RSSB and train operations on depot safety and details about a forthcoming train depot conference on 27th April 2023:
 - Justin McCracken commented that he was pleased to see that there would be an ongoing network after the task and finish is complete. He asked if Rail Partners have any measures of how risk is being managed better in the depots. It was highlighted that this information was outlined on slide 2.
 - David Porter asked what was the scope of the analysis work as some of it refers to depots, yards and sidings, whereas some relates to train passenger depots. He also asked what are the priorities and the pinch points that can make a difference on safety, performance in the different sizes and shapes of depots. Is this future work? Phil Barret confirmed that the scope was particularly passenger depots. The three main areas of challenges in depots are:
 - There is interaction of people and trains moving around in yards because it is not in a signaled environment.
 - Electrical safety because of overheads or third rail in high proportion of depots.
 - Engineering issues of being in a factory like environment.

Rail Partners has guidance for members and they are starting a SharePoint. David Porter suggested that lifting, craneage, and things falling over onto people is another big issue.

- Iain Scott Ferguson commented on the importance of capability of the depot leadership team and suggested this could be future work around understanding capability for a depot. Rail Partners have good practice guidance that includes a number of areas on people capability but it does not focus on some of the details Iain had highlighted as that would be part of risk assessment. Phil Barrett highlighted how Southeastern had involved employees in reviewing their risk assessment. Iain asked if there was any correlation between the start of the day shift being an issue with work that was planned in any peaks in terms of specific types of tasks. Rail Partners did not have the level of data to establish this as it was more to do with movements issues rather than engineering issues.
- Ali Chegini asked to what extent have the ECMs engaged in the depot safety discussions. Phil Barrett stated that a number of the suppliers such as Alstom have been involved but a lot of maintenance work is in house at depots.

UK Health and Safety Regulators' Network (UKHSRN) Innovation Subgroup (Jen Ablitt)

12. Jen Ablitt presented the purpose and workbank of this cross sectors Subgroup. This is a Subgroup of the Chief Regulators Group of the health and safety regulators (UKHSRN) commissioned to look specifically at innovation. Jen invited comments on where and if barriers exist that might help inform future discussions.
 - Iain Scott Ferguson asked if ChatGPT has been asked what it would recommend for the innovation workshop on artificial intelligence. Jen said this would be something that Subgroup/ORR would be interested in doing. Iain also suggested that the Subgroup could get the [LSE Centre for the Analysis of Risk and Regulation](#) (CARR) involved on risk and regulatory good practice.
 - David Porter commented that the [NAO's Good practice guidance - Principles of effective regulation \(May 2021\)](#) is a source of inspiration on regulatory innovation. Jen highlighted the Regulatory Horizon Council's [Closing the gap: getting from principles to practice for innovation friendly regulation](#) report as an evolution of the principles of better regulation with the focus on innovation.
 - Ali Chegini asked whether blockchain will be looked at to provide assurance. Jen responded that it may be a different type of assurance and that some of the regulators were beginning to wish to look at risk thresholds and frameworks. Ali also commented on the definitions of ALARP and SIL levels changing.
 - Justin McCracken asked if there were any areas of regulatory good practice that have been identified? Jen responded that the three regulators that will be present at the April workshop have been identified as leading through a government funding initiative and

their work has been captured as best practice. Justin also suggested that considering regulatory best practice in dealing with the risks inherent in new software systems might be a productive area for this subgroup to consider.

- Sarah Shore asked if we feel well informed on the innovation in technology that is taking place in the industry, do we have a place where we get that information? Jen answered that railway specific development is largely funded by RSSB and Network Rail, so it is easy to capture that. However, through this Subgroup, we want to understand the innovative technologies that have not found a specific application or mapped out, ORR will be trying to research this from the successor to BEIS and Regulatory Horizons Council.

Safety by design (Ian Raxton)

13. Ian Raxton updated RIHSAC with a presentation on ORR's work in this area since it was last reported in early 2017.
 - Ali Chegini commented that one of the biggest gaps in knowledge is understanding hazard transfer and how to manage it, will this be a focus for ORR? Ian Raxton responded that ORR have guidance which has been refreshed. Network Rail have also revised some of their internal standards which we hope will be clearer than they were in the past.
 - Iain Scott Ferguson made an observation on the value of early engagement from TU and health and safety representatives.
 - Sarah Shore asked if there was any scope for offsite construction/site assembly and if that has been relevant to safety by design work. Ian commented that it was not relevant to the work he has been doing, but it has been embraced by the industry, an example of HS2 being a major offsite constructor. Piece by piece manufacturing is moving out of the industry.
 - Ali Chegini commented on being aware of the increasing role of software and hardware development in large supply chains. Ian said that ORR is aware of issues with software and there is ongoing engagement with some contractors to help us with the development of guidance and training for inspectors. This is work in progress.

Forward planning (Justin McCracken/Sukhninder Mahi)

14. Sukhninder Mahi talked through the current forward plan, inviting comments on what RIHSAC members considered to be the priorities, anything missing, and inviting members to suggest future agenda items.
 - Iain Scott Ferguson asked for clarification on the Pam Warren report: Post Publication responses. Sukhninder explained that ORR had commissioned a report in 2021 on what has happened since the Ladbroke Grove Incident which was undertaken by Pam Warren from a passenger perspective and presented to RIHSAC in June 2021.
 - David Porter asked for clarification on the contents of item 8 'Sandilands' and suggested it should include lessons learnt from the prior role review.

- Iain Scott Ferguson asked if there was anything related to GBR, Sukhninder responded that Simon French will be returning to RIHSAC in June if possible.
- Ali Chegini commented on the events in Larissa, Greece, asked if there were any communications with the authorities on this. Jen Ablitt responded that a lot of it is not confirmed, but we do need to look at it once it has concluded.
- Jen Ablitt suggested adding an item to the 2024 forward agenda on retained EU law bill to discuss what has been lost and retained when we should have clearer idea about the categorisation of legislation that we rely on.
- The RSSB annual report to be led by Ali Chegini would also be added to the 12 June 2023 RIHSAC meeting agenda.

Action 124.1: Items on RSSB annual report for 12 June 2023 RIHSAC meeting and retained EU law bill on what has been lost or retained for early 2024 RIHSAC meeting should be added to the RIHSAC Forward Programme.

Meeting review (Justin McCracken)

15. Justin McCracken reflected on the meeting and thought it had run smoothly, both in person and online. Members were thanked for their contributions.

Next meeting: 12 June 2023