

**Office of Rail Regulation  
Railway Industry Health and Safety Advisory Committee (RIHSAC)**

**Minutes of the 99th RIHSAC Meeting  
Tuesday 9 June 2015  
Rooms 1 and 2, One Kemble Street, London**

**Present:**

Ian Prosser	Chair, ORR Director of Railway Safety
Mark Ashmore	Centro
George Bearfield	RSSB
Dave Bennett	ASLEF
John Cartledge	Co-opted member
Paul Clyndes	RMT
John Collins	Angel Trains
Gary Cooper	ATOC
David Davies	PACTS
Ian Gaskin	London Underground
Garry Hassell	RMT
Emma Head	Network Rail
Bill Hillier	Heritage Railway Association
Mike Lunan	Passenger representative
Colin Robey	UK Tram (Centro)
Alastair Young	Transport Scotland
Dilip Sinha	ORR, RIHSAC secretary
John Gillespie	ORR
Joanna Whittington	Director of Railway Markets and Economics, ORR ) item 3
Paul Fray	ORR ) item 5
Peter Antolik	Highways Director, ORR ) item 7

**Item one: Welcome, introductions and apologies for absence**

1. Ian Prosser welcomed everyone to the meeting. He explained that the regular chair, Tracey Barlow, was unable to attend today and had sent her apologies.
2. Justin McCracken, another non-executive director, was present to observe the meeting and would be likely to chair future meetings. Ian explained that Justin had great experience in both the regulatory and health and safety sectors, and will be an asset to the committee. He then invited Justin to introduce him to RIHSAC.
3. Mr McCracken said that he had joined the ORR Board last year. He had a wide range of experience in his career, which began at ICI and included six years in the Health and Safety Executive (HSE), as well as time at other regulators. In fact, Justin was one of HSE's senior executive staff when the then HSE Rail staff transferred to ORR in 2006. He looked forward to working with the committee.
4. Ian Prosser reported that apologies for absence had been received from Rob Gifford of London TravelWatch; Francis How of RIA; Susan Murray of Unite; Stephen Chamberlain of the Welsh Government; Chris Angell of DfT; and Jill Collis of LUL.

5. Ian welcomed George Bearfield of RSSB, who was present to give a presentation on road driving risk. He told RIHSAC that by two other ORR executive directors would be at the meeting: Joanna Whittington, Director of Railway Markets and Economics, to talk about ORR's Finsbury Park investigation, and Peter Antolik, Highways Director, who would brief RIHSAC on ORR's new role monitoring Highways England. Concluding, Ian said noted that Colin Robey would be leaving the committee after this meeting, as would Emma Head, who has obtained a new job at HS2. ORR will invite Emma to rejoin the committee in October as HS2's representative.

## Item two: Chief Inspector's update

6. Ian reported on developments since the last meeting. In March, ORR and the French rail regulator (ARAF) signed an agreement in Paris to work together to promote fair competition and full transparency and non-discriminatory access to the Channel Tunnel. ORR will take new responsibilities for regulating the UK half of the Channel Tunnel later in 2015; at the same time ARAF will become responsible for the French part of the link.
7. The two regulators have set up a collaborative regulatory approach that will lead to robust and consistent independent regulation across the entire Channel Tunnel network. They will work together to promote competition in the rail services market in the tunnel; ensure that charging is compliant with the legislation; investigate and determine appeals, and ensure compliance with their decisions.
8. ORR published its 2015-16 business plan on 27 March. The plan sets out ORR's work for the year as economic regulator for railway infrastructure, health and safety regulator for the rail industry, and the consumer and competition authority. The plan also explains how ORR will develop its role as the independent monitor of Highways England's management of the strategic road network (the motorways and main 'A' roads in England). In recognition of its new responsibilities, ORR now uses the trading name Office of Rail and Road.
9. ORR will lay its annual report for 2014-15 before Parliament on Thursday 11 June. In July, it will publish the annual health and safety report, noting developments and statistics for the last year.
10. As the safety regulator, ORR is continuing with its investigation into the SPAD incident involving West Coast Railway. Safety staff will be watching WCR's performance closely, and have already issued an improvement notice.
11. Secretary of State for transport Patrick McLoughlin has appointed [Stephen Glaister](#) to the ORR board as a new non-executive director from 1 April to 31 March 2020. Mr Glaister is currently emeritus professor of transport and infrastructure at Imperial College London, where he has also been director of the Railway and Transport Strategy Centre which facilitates international public transport benchmarking.
12. John Gillespie briefly updated RIHSAC on ORR's occupational health programme for the railway. ORR will publish a review on its website on 21 June, accompanied by an infographic setting out the main points in an easy to read format. But it will still the case that ill health in rail is on a par with construction. The sickness rate is 3.9%, high when compared to the 1.8% norm for private industry.
13. To continue to work for improvement, ORR has launched a second occupational health programme. It aims to achieve better compliance with the law and more effective monitoring. John concluded by noting that ORR would like to see better

public reporting of employee health in company reports, to match the focus already given to safety.

### **Item three: ORR's investigation into the Kings Cross and Paddington overruns**

14. Joanna Whittington, ORR's Director of Railway Markets and Economics, gave a presentation on the findings of ORR's investigation into the overruns last Xmas, which led to serious passenger disruption at Kings Cross and Paddington. Members, and particularly Mike Lunan, had asked to be updated on the results of the investigation and ORR's subsequent work to deal with the issues thrown up.
15. Joanna said the presentation would cover several areas: what happened; how ORR responded; what it found and recommended; and what has happened since the event and investigation.
16. Joanna explained what had happened on the days in question, noting that events could be summed up by the findings of ORR's report that there was "...wide spread confusion, frustration, disruption, discomfort and anxiety" for travellers.
17. After the incident, ORR set up two separate investigations. One was into safety, investigating whether any dangerous incidents or crimes had taken place; and one was economic, looking at how the possessions were planned and managed and the overrun incident handled by Network Rail and other parties.
18. The recommendations arising from the two investigations covered three main areas: improved planning; oversight of possessions; and improved incident response.
19. On planning, ORR noted the need for an operational contingency plan fit for purpose; the need to cover risks to train services as well as on-time handback of the possession; and a need for risk assessment in the context of all work on the network.
20. Possessions issues were: review processes for site reporting and management of contractors; clear go/no go decision points on works and operational contingency and their interaction; and communicating properly up the chain of command.
21. Issues around incident response included a need for Network Rail and TOCs to review cascading of information; testing elements of the contingency plan; and Network Rail and TOCs to review arrangements for managing control of an overrun incident.
22. Joanna said it was also clear that accurate and timely information can mitigate some of the impact. TOCs need to improve their plans for communicating with passengers on these occasions.
23. ORR found that Network Rail was in breach of its licence but chose to take no enforcement action because Network Rail had accepted its recommendations.
24. Ian Prosser and the committee thanked Joanna for an informative presentation. Discussion followed, and the following points were raised:
  - RSSB will publish the results of its research into the incident on 10 June. It comments on contingency planning and the effect of incidents on train services. DfT has sponsored work looking at the ability to plan to identify

what good would look like. The TOCs will be involved in RSSB's ongoing work

- Emma Head noted that decisions on the day were designed not to compromise safety – future plans will look at both safety and maintaining good performance. Staff can sometimes be reluctant to invoke crisis management plans, as they are aimed at major incidents
- There were no safety violation identified by the ORR investigation. These travellers should have been kept better informed, however
- Mike Lunan raised two issues. Firstly, in his view, one decision by a signalling manager on the day had had very significant consequences and how could we ensure this didn't happen again. Joanna said that the ORR did not accept that it was a single failure that had led to this incident rather that there were failures in planning, contingency planning and communication which together contributed to the incident at Finsbury park. NR had accepted the recommendations which were designed to ensure this incident didn't happen again and would work with the train operators to implement those recommendations?
- Mike also raised an incident at Clapham on 30 April, where passengers had not been detrained for four hours. ATOC's own guidelines suggested that this should happen within an hour, he said. Ian Prosser said that ORR was still investigating this incident
- Several contributors noted that plans for the day counted on other major stations being available for use, but this was not the case this time. This aspect will be considered in future planning.

#### **Item four – Sharing Network Rail's new safety, technology and engineering (STE) organisation**

25. Emma Head opened this presentation, which outlined the structure of the safety monitoring policy function at Network Rail.
26. The company has created a new STE organisation which is charged with setting policy and direction and providing assurance for every asset. The new structure is designed to provide greater clarity and clearer accountability and reduce handovers and duplication.
27. Emma explained that there are sections for each asset type under a chief engineer, Those sections also contain reliability, engineering and practice management experts. Emma gave details of several sections.
28. The health and safety function contains strategies for safety and occupational health, along with ergonomics, wellbeing and passenger safety.
29. There is a separate risk analysis function which has a wide range of assurance responsibilities, including asset management analysis and modelling, costing over life cycles, and safety reporting.
30. In the discussion that followed, Emma confirmed that there is still direct safety reporting to the route managers in the devolved structure, but there is also a dotted

line report into the new functional structure, to enable consistency across the business. Asked what safeguards are in place to ensure that processes are not changed when the people who design them move on, she explained that Brian Tomlinson's assurance section is charged with ensuring that processes are followed consistently.

#### **Item five – Freight derailments: update on activity**

31. Paul Frary opened this presentation. He explained that it would update the committee on work that has been taking place to analyse freight derailments that took place last year
32. Paul explained that common issues have been identified from these incidents, and a paper was presented to the ORR Board's safety regulation committee on 27 October 2014. In addition, the chief inspector wrote to industry highlighting the system risk and need for action in December 2014. ORR organised a cross industry conference, and this took place in March 2015.
33. The conference concluded that the combination of track faults, suspension faults and uneven loading has the potential to cause derailment, and the potential consequences are high – i.e. a catastrophic derailment, and that the industry is keen to tackle this issue in a joined up and co-ordinated way. It particularly needs to review its understanding of the hazards and risks associated with container freight train derailments.
34. A cross-industry working group (XIWG) organised by RSSB is meeting on the subject and has received the actions arising from the conference. It met on 10 April to review recent accidents, and discussed industry standards, computer simulation testing and GOTCHA data.
35. XIWG met again on 3 June to discuss Bow Tie workshops; investigating the contribution of container stiffness to wagons; and talk about fitting a data logger to the loading crane.
36. As issues progress, updated information will be placed on ORR's website.

#### **Item six – Road driving risk in the rail industry**

37. George Bearfield of the Rail Safety and Standards Board introduced this presentation, which aimed to update RIHSAC on the facts behind road driving risk for employees.
38. George noted that work-related road incidents are approximately 25% - 40% of all road incidents with 428 people killed, 5,414 seriously injured 40,000 minor injuries a year. (Note: these are minimum figures in a range). It's likely that some incidents are not reported, and near misses may also not be being reported. This makes the figures difficult to rely on.
39. A conference on work related road death has taken place, sponsored by IOSH. The road driving risk project steering group organised it. A range of rail industry and other industry representatives attended.
40. Road driving risk can differ, due to the wide range of different types of vehicles in use. The RSSB's project works with many different sectors to recognise their

expertise with different vehicles, including TOCs, FOCs, rail plant suppliers, agency staff suppliers and principal contractors.

41. The RSSB project has several identified strands, all of which report up to the RSSB Board via the steering group. These include train operations, level crossings, people on trains or stations, the national suicide prevention group and the road risk steering group.
42. George explained that RSSB is continuing to develop a portal on its website to promote the RDR project & objectives; provide cross industry good practice and performance statistics, and links to industry sector websites.
43. In the discussion that followed, Emma Head noted that Network Rail's Lifesaving Rules looked at key risks. Driving is top of the list of risks. It was notable that driving while using a hands-free mobile kit was less safe than driving after drinking, rather than a safety improvement as might be expected. Network Rail has also banned the use of motorcycles on company business after a recent fatality. Emma will be putting a paper to the company board on workplace safety, concentrating on doing less but doing it better, to better target messages according to risk.

#### **Item seven – ORR's role monitoring Highways England**

44. Peter Antolik, ORR's Highways Director, introduced this presentation. He explained that the Highways Monitor was established within the Office of Rail and Road on 1 April, and detailed the new structure of the industry along with the roles of DfT, Highways England and ORR.
45. ORR will be responsible for monitoring Highways England's performance and effectiveness in implementing its five year Roads Improvement Strategy, and its compliance with the terms of its licence (ie statutory directions and guidance). Highways England has a natural hierarchy of measures – with high-level outcomes at the top, measured by Key Performance Indicators, and ORR will monitor these in forming a judgement on the company's performance.
46. The primary focus of monitoring will be on efficient delivery of outcomes, measured through delivery against KPIs. Risks to delivery need to be clearly understood and managed. Financial monitoring will be developed to underpin efficiency analysis.
47. The Monitor will only focus on performance indicators or inputs to the extent that they are leading indicators of outcome performance, and in order to facilitate efficiency analysis and benchmarking
48. Peter explained that ORR has been engaging with a range of stakeholders, both to obtain and share information with them and to promote public transparency. It is particularly keen to use ORR expertise in rail issues when analysing highways performance and efficiency, to ensure that efficiency analysis is supported by an assessment of asset management sustainability. Sharing of health and safety expertise would be particularly valuable.
49. ORR is finalising its workplan for 2015 -16, which will establish the initial monitoring regime and kick-off longer-term initiatives. Peter set out dates for some of the most important milestones in the year, and noted that members were welcome to submit any comments on ORR's current highways consultation before 19 June.

#### **Item eight – Performance review**

50. Ian Prosser noted that the next meeting would be the committee's hundredth. He also noted that 2015 marks 175 years since the founding of HM Railway Inspectorate, and told RIHSAC that he and others were working to publish an updated history of the organisation.

51. The committee agreed that the secretariat and John Cartledge would work to produce an initial draft agenda, looking at important historical railway issues and how they have changed to date – and what still needs to be done in the future. Members would then be invited to add suggestions to this agenda.

52. ORR will arrange a photocall at the next meeting, and will publicise the event via the media and social feeds, as well as its website.,

### **Next Meeting**

Monday 12 October 2015, from 1230-1600 at One Kemble Street.

Dilip Sinha

RIHSAC Secretary

June 2015