

Railway Industry Advisory Committee Rules of Procedure (as at July 2008)

Introduction

1. The Railways Act 2005 transferred to the ORR functions in relation to the railway safety purposes (as defined by Schedule 3 of that Act), and regulations made under the Health and Safety at Work etc Act (1974 (“the 1974 Act”)) make ORR responsible for the enforcement for the relevant statutory provisions as they relate to the railways.
2. ORR’s Railway Industry Advisory Committee (RIAC) is an advisory committee reconstituted by the ORR Board, following the transfer of railway safety functions to ORR. It provides the ORR Board and ORR with an additional and major source of expertise and advice on specific health and safety matters and issues relating to the railway industry.
3. In general its functions are to:
 - (a) give close and detailed attention to railway health and safety matters, and advise the ORR Board on these matters;
 - (b) make use of available expertise and advice using a balance of employer, Trade Union, technological, professional, consumer and public interest representatives; and
 - (c) encourage the participation of all concerned in improving health and safety in the railway industry, through consultation and providing recommendations on policy and appropriate standards and guidance.
4. ORR and RIAC have approved these Rules of Procedure (“the Rules”). The Rules shall, where applicable, be read and interpreted together with any relevant legislation. All RIAC Members shall receive a copy of the Rules, and the Rules shall be published on the ORR website.
5. Its words and phrases shall have the meanings as set out in the Definitions section below.

Definitions

6. In these Rules unless there is something in the subject matter or context inconsistent therewith the following words and phrases shall have the meanings as set out below: -
 - “Chairman” means the person appointed by ORR as Chairman of RIAC;
 - “Committee” means the Railway Industry Advisory Committee;

“Committee Member” means a person who serves on RIAC, including working groups, in accordance with these Rules. This definition includes the Chairman of RIAC.

General Provisions

7. RIAC, in the performance of its functions, shall have regard, where appropriate, to such generally accepted principles of public life and principles of good regulation as it reasonably regards as applicable. RIAC Members shall be subject to a general duty of confidentiality in relation to the conduct of the affairs of ORR.

The Committee

8. Committee Members shall be subject to the Code of Conduct as set out at Annex A.

9. Members have a collective responsibility for ensuring that RIAC operates within its Terms of Reference (Annex C), in establishing the Committee’s Work Plan, and in ensuring RIAC operates in the interests of those who bear the health and safety risks in the railway industry.

10. The Committee will periodically review its effectiveness.

11. The Committee shall consist of representatives from organisations chosen by ORR, consisting of representatives of employers, Trade Unions, industry safety bodies, governmental departments/agencies, and consumer and public interest bodies. It is for each individual organisation chosen to nominate the appropriate representative.

12. ORR may also appoint further representatives because of their particular expertise.

Meetings

13. The Committee shall normally meet not less than three times a year, with the facility to call additional meetings, if necessary.

14. ORR or RIAC may invite any person to attend all or part of a RIAC meeting.

15. The RIAC Secretariat will propose to RIAC, by the end of each calendar year, a schedule of meetings for the year commencing the following April for RIAC’s approval.

16. Additional RIAC meetings may be called by the Chairman or the Secretariat to deal with specific health and safety matters that may have arisen on which the ORR Board should be advised.

17. Meetings will normally be held at ORR’s head office in central London, but may take place at any other convenient location.

18. A member of RIAC should not be absent from more than two consecutive meetings without the prior agreement of the Chairman and an appropriate replacement sent in their place.

Agendas and Papers

19. Members have a collective responsibility for formulating agendas for RIAC meetings and for the conduct of RIAC business.

20. In normal circumstances the agenda and any papers for RIAC meetings will be circulated to members of the Board five working days in advance of a RIAC meeting. Agendas and papers will be distributed using electronic mail.

21. The order of business at RIAC meetings shall follow the agenda issued for that meeting unless otherwise directed by the Chairman at whose discretion, or at the request of a member of RIAC, the order may be altered at any stage, or additional matters discussed.

22. Papers may be tabled at a meeting of the Board with the permission of the Chairman or Secretariat.

23. Where the status of a paper is indicated as “closed” or “personal to members only”, Members of RIAC should treat papers as confidential to them and not discuss them with persons other than RIAC Members or employees of the ORR unless this is agreed with the Chairman or Secretariat. If so discussed, Members should ensure that those with whom they have consulted are made aware of, and respect, the need for confidentiality. Likewise Members should take care not to leave papers marked as “closed” or “personal to members only” unattended and/or where others may obtain access to them, and that the papers are disposed of securely.

Procedure at Meetings

24. If the Chairman is present at a meeting of RIAC he/she will preside. If the Chairman is unable to be present then he/she or the Secretariat will indicate which other member will preside.

25. The Chairman or person presiding over a RIAC meeting will:

- (a) preserve order and ensure that all RIAC Members have sufficient opportunity to express their views on all matters under discussion;
- (b) determine all matters of order and relevancy; and
- (c) determine in which order those present should speak;

26. Written comments on agenda items submitted by any member of RIAC who is not present when a particular agenda item is discussed may be circulated to those members of RIAC who are present at the meeting and read out, by the Chairman if he/she so chooses, at the appropriate point in the meeting.

27. As an advisory body, RIAC is not a voting committee. The minutes of the meeting will record the varying viewpoints presented at RIAC meetings.

28. Where in the opinion of the Chairman (or, in his absence, any other RIAC member or the Secretariat), significant matters require approval by RIAC between meetings, papers will be circulated for approval by correspondence or by telephone.

Minutes of Meetings

29. Minutes shall be kept of all meetings of RIAC, including the names of those present. The draft minutes of meetings of RIAC shall be circulated with a deadline for comments, and approved, as amended, when this date is reached.

30. Minutes of any meetings of RIAC will record the key point of discussions. Where restricted matters are discussed, the minutes will describe the substance of the discussion in general terms.

31. Once approved by RIAC, minutes will be published on the RIAC web pages on the ORR website.

Working Groups

32. RIAC may from time to time establish standing or ad hoc working groups. Where RIAC establishes such working groups RIAC may establish its terms of reference, membership, the chairman, frequency of meetings, reporting arrangements and administrative support or any other arrangements. RIAC shall receive regular reports from such working groups as it shall direct.

33. Subject to any conditions imposed by RIAC, these Rules of Procedure shall govern the proceedings of a working group so far as they are capable of applying.

34. RIAC may at any time amend the terms of reference, membership, chairman, frequency of meetings, reporting arrangements and administrative support or any other arrangements of any RIAC working group.

35. Where possible working groups of RIAC will be task and time bound.

Conflicts of Interest

36. If a member of RIAC knowingly has any interest or duty which is material and relevant or the possibility of such an interest or duty, whether direct or indirect and whether pecuniary or not, that in the opinion of a fair-minded and informed observer would suggest a real possibility of bias in any matter that is brought up for consideration at a meeting of RIAC, he shall disclose the nature of the interest or duty to the meeting. The declaration of interest or duty may be made at the meeting at the start of the discussion of the item to which it relates or in advance in writing to the Secretariat. If an interest or duty has been declared in advance of the meeting this will be made known by the Chairman of the meeting prior to the discussion of the relevant agenda item. In the event of the person not appreciating at the beginning of the discussion that an interest or duty exists, they should declare such an interest as soon as they become aware of it.

37. RIAC Members are expected to register their interests, following the procedure and guidance in Annex B.

Revision of the Rules of Procedure

38. These Rules of Procedure may be reviewed as and when required by RIAC and may be varied, revoked or added to by RIAC as necessary. No Rule of Procedure may, however, be suspended or amended where this would contravene any statutory provision.

Code Of Conduct

1. Committee Members must comply at all times with this Code of Conduct (or any agreed modification of it) and act in good faith and in the best interests of ORR.

General Propriety

Public Service Values

2. RIAC in its activities will have regard to the principles of good regulation: proportionality; accountability; consistency; transparency; and, proper targeting of regulation to achieved defined goals. The highest standards of propriety, involving integrity, impartiality and objectivity must be maintained in relation to the stewardship of public funds and advice given to the ORR Board. Any conflict between personal interests and membership of RIAC must be avoided. No one to whom this Code applies must seek through membership of RIAC to gain material benefits for themselves, their families or their friends.

3. Suspicion that a decision might be influenced in the hope or expectation of future employment with a particular firm or organisation must be avoided. Accordingly, during the term of membership of RIAC members who seek any consultancy contracts, directorships or other employment, or acquire direct financial interests in a company regulated by the ORR, must declare this in accordance with the policy stated in Annex B.

4. RIAC members should ensure that RIAC operates in the most efficient and economical way, within available resources, and with independent validation of performance achieved wherever practicable.

The Seven Principles of Public Life

5. RIAC Members should abide by the 'Seven Principles of Public Life', as laid out by the Committee on Standards in Public Life. These are:

- **Selflessness**
Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- **Integrity**
Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- **Objectivity**
In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **Accountability**
Holders of public office are accountable for their decisions and actions

to the public and must submit themselves to whatever scrutiny is appropriate to their office.

- **Openness**
Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- **Honesty**
Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership**
Holders of public office should promote and support these principles by leadership and example.

Political Activities

6. When engaging in political activities, members should be conscious of their public role and exercise proper discretion, particularly in regard to the work of RIAC.

Gifts and Hospitality

7. Members should not accept or offer a gift, hospitality or some other benefit as a reward, either for doing, or not doing, something in their capacity as a Member of RIAC or for showing advantage to someone or to an organisation.

Public speaking and journalists

8. Should the necessity occur, no Member other than the Chairman, in consultation with ORR, may speak publicly as a Member of, or on behalf of, RIAC, unless the Chairman or ORR Board delegate this responsibility to a Member.

Expenses

9. Travel expenses are recoverable only if the expenditure is reasonably and necessarily incurred whilst attending a RIAC meeting. Claims should be submitted in writing, with accompanying receipts, to the RIAC Secretariat as soon as possible after they have been incurred.

Leaving RIAC

10. The RIAC Secretariat should be notified of termination of membership of RIAC in writing. The retiring Member should ensure that their organisation continues to be represented at RIAC meetings by a replacement from their organisation. Ideally there should be a handover period, where both the outgoing and incoming Members attend a RIAC meeting.

Data Protection

11. For the purposes of the Data Protection Act 1998 (as amended), those to whom this Code applies give their consent for all purposes to the holding, processing and accessing of personal data about them held by the ORR.

Conflicts of Interest

General Principles

1. It is important to ORR to:
 - ensure that no Committee Member is involved in giving advice to the ORR Board on any matter where that person has a conflict of interest;
 - ensure that those providing information to ORR can be confident that it will be properly handled; and
 - avoid any impression that a Committee Member has used his/her relationship with ORR to their personal advantage.

4. Every Committee Member should avoid situations in which their duties and private interests may conflict or where there would be a suspicion of conflict and ensure that, before participating in a discussion, there are no conflicts of interest that, in the opinion of a fair-minded and informed observer, would suggest a real possibility of bias.

5. Where a Committee Member comes into possession of confidential information in the course of their duties, they must not use or disclose that information in order to benefit themselves, their families or their friends.

6. A Committee Member should inform the Chairman and Secretariat before accepting a new appointment that may lead to a conflict of interest.

7. Each Committee Member is responsible for his own compliance with these arrangements.

Interests that should be registered

8. In the interests of transparency and accountability ORR requires Committee Members to register their Interests in writing that are capable of being interests that might conflict with their duties.

9. The Secretariat will keep a Register of Interests. Committee Members should notify that the Secretariat of any changes and are responsible for keeping their entry in the Register up to date. In the event of a Freedom of Information request the Register will be made available for scrutiny by the public.

Registering Interests

12. The following are the kinds of interests that Members should declare for the Register:
 - (a) Companies, partnerships, trusts or other bodies of which the Member is a paid employee;

- (b) Companies and organisations in which the Member or their families or close associates:
- has/have a controlling interest;
 - is/are a Director or partner;
 - has/have shares or securities with a nominal value of more than £25,000 or one hundredth of the total issued share capital; or
 - could be involved in the supply of goods or services to, or have business dealings with, ORR or RIAC.
- (c) Non-profit making organisations where the Member or their close family are Trustees, or on the Committee of Management or other controlling body which might operate within an area of RIAC's concern;
- (d) Any land or property in which a member has a direct interest and is clearly within the sphere of RIAC's activities.
13. When the relevance of an interest is in doubt, Members should discuss the matter with the Chairman or Secretariat.

Railway Industry Advisory Committee Terms of Reference

- To **develop and advise** the ORR Board on a strategy for improving standards of health and safety in the rail industry and the protection of the public from related hazards.
- To **advise** ORR on the protection of people at work and others from hazards to health and safety arising within the rail industry;
- To provide **advice and guidance** to the rail industry in the context of ORR strategies;
- To encourage the **participation of representative organisations** in the protection of people from hazards to health and safety arising from the operation of the railway services; and
- In order to meet these goals, to **involve** all those with an interest in health and safety on Britain's railways in the work of RIAC either through membership – particularly for representative organisations – or other forms of consultation.

RIAC Membership (July 2008)

Associated Society of Locomotive Engineers and Firemen

Association of Train Operating Companies

British Transport Police (observer)

Confederation of Passenger Transport

Department for Regional Development Northern Ireland (observer)

Department for Transport (observer)

Disabled Persons Transport Advisory Committee rail working group chair

Heritage Railway Association

Independent passenger representative

Infrastructure Safety Liaison Group

London TravelWatch

London Underground

National Union of Rail, Maritime and Transport Workers

Network Rail

Office of Rail Regulation

Parliamentary Advisory Council for Transport Safety (observer)

Passenger Focus

Rail Freight Operators' Association

Rail Safety and Standards Board

Railway Industry Association

Rolling Stock Companies

Transport Salaried Staffs' Association

Transport for Scotland (observer)

Unite the Union – Amicus Section

Welsh Assembly Government (observer)