Overview: how we maintain our health and safety strategy

Our strategy for health and safety regulation by ORR

To realise our health and safety vision of *zero workforce and industry-caused passenger fatalities, with an ever decreasing overall safety risk*, we need to address the right issues in the industry in the right way, and this is the basis of the programmes in our strategy. Some programmes are related to areas of physical risk (i.e. the right things) such as workforce safety and occupational health and others focus on those areas of the safety management system that are key to protecting against risk, for example, management of change and competence of people (i.e. in the right way). The latter we call "enablers". By focussing on both areas, we believe that we gain a rounded view of risk management capability.

We aim to:

- seek and give assurance to Government and the devolved administrations, the public, passengers and the workforce that risk on the railways is being managed properly by those responsible;
- assess duty holders' compliance with health and safety law;
- use our range of powers and influence to drive continuous improvement in risk management;
- ensure that health and safety improvements funded through the 2013 periodic review determination are delivered effectively;
- use our influence to steer the industry towards excellence in health and safety management and risk control;
- use our resources to probe duty holder management capability, and apply the Railways Management Maturity Model (RM3) to judge and express our findings and help set future areas for action;
- continue to emphasise the importance of measuring and continuously improving safety culture as part of overall business culture in an organisation;
- ensure the industry maintains focus on low frequency/high consequence major hazard events that could lead to multiple fatalities;
- challenge complacency in the management of risks wherever we find it;
- use the information gathered from our assessment processes to inform our supervision of duty holders;
- make efficient use of our resources by involving ORR staff with particular expertise in our regulatory interventions where appropriate;
- focus our activities on the most important major hazard and individual risks;
- ensure our activities are proportionate to the risks posed; and
- ensure our dealings with the industry are transparent and consistent.

We publish and apply our decision-making criteria on how we enforce compliance with legal requirements within the legal framework and how we deal with non-compliance through our Enforcement Management Model and enforcement policy statement.[1]

[1] see: http://www.rail-reg.gov.uk/server/show/nav.1120

1.   We continue to review and analyse the risks across the railway industry and compare the outcome with our current approach to regulating health and safety to check whether we are targeting our resources on the right things. The work we do is designed to ensure that ORR's vision of *zero workforce and industry-caused passenger fatalities, with an ever decreasing overall safety risk* is delivered by the industry*.*

Knowing what the most important risk priorities are for ORR as regulator

2.   To maintain this strategy, we use the following method to ensure that our regulatory focus and resource is allocated to what we consider to be the industry's key priority risk areas:

Risks identified and analysed

We gather and analyse knowledge from our own and the industry's experience to identify whether there were any gaps in the areas of identified risk. To do this we use information from a variety of sources including:

i.   mainline accident and incident data collected in the Rail Safety and Standards Board's (RSSB) Safety Management Information System (SMIS) and analysed using the Safety Risk Model (SRM);

ii.   London Underground's safety and environment database (LUSEA) and analysed using their Quantitative Risk Assessment model;

iii.   accident and incident data reported to us under the Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR);

iv.   the Rail Accident Investigation Branch (RAIB) investigation findings;

v.   intelligence from our audit, inspection, investigation and enforcement activities;

vi.   informed peer-reviewed opinion from specialist experts; and

vii.   intelligence from EU and other international developments.

Risks prioritised

We then consider which risk areas should be our priorities i.e. those on which we should focus our attention as regulator. This does not mean that we do nothing with the other risks; we still carry out work on other risks by conducting investigations of incident and complaints, monitoring the risk profile of each sector and will add other areas of risk to our collective inspection programmes if we feel it is warranted.

An important part of our prioritisation process is to "horizon-scan" and anticipate new and emerging risks, or existing risks where we can foresee that they may change in their importance.

Underpinning our prioritisation is a scorecard that we use to analyse the risks to give some ranking. This approach takes account of a range of issues, such as:

•   how well the industry is managing the risk and whether we have confidence that performance will be sustained;

•   the enforcement history i.e. are we intervening more or less over time;

•   likely public, political and media concern; and

•   whether we are best placed to make a difference.

3.   Annex 1a shows the format of the scorecard and the weightings used for each criterion. Annex 1b shows the latest prioritisation of risks, identifying those that we consider to be high, medium and lower priority. This information is reconsidered as part of our ongoing review of each chapter to reflect the changing risk landscape, with regular evaluation and republication of the overall risk prioritisation list.

4.   It is important to recognise that the risks are prioritised from our perspective as regulator. All risks, irrespective of their priority to us as regulator, must be controlled by the companies that create them.

How this further develops our strategy for regulating health and safety

5.   Using the prioritisation scorecard we have identified the top priority risks. Each of the risks fits into at least one, but sometimes more than one, of our identified key risk programmes or enablers for ORR activity:

1. Enabler: health and safety management systems;

2. Enabler: competency of people/human failure;

3. Enabler: change management;

4. Risk area: level crossings;

5. Risk area: interface system safety;

6. Risk area: infrastructure asset safety;

7. Risk area: rolling stock;

8. Risk area: workforce safety;

9. Risk area: occupational health; and

10. Enabler: Interface with Europe.

6.   Each chapter of this document addresses one of these key risks or enablers and the priorities for action by us in each of the main sectors of the industry that we regulate. The chapters do not, therefore, represent a comprehensive commentary on all the risks on the railways. The structure of the strategy will be updated to reflect the evolving risk landscape.

7.   In delivering this strategy ORR's resource is allocated to key priority areas from within our regional and project specific teams. For example for infrastructure asset safety (including track, civil structures and electrical safety); level crossings; and workforce safety, we have established specific project teams from 2014-15 to oversee Network Rail's delivery of improvements specifically funded through the Periodic Review 2013.   Elsewhere we have resources allocated to other dedicated teams to check how duty holders are delivering their responsibilities and achieve the necessary impact across Network Rail's routes and other sectors (train and freight operators, trams, light railways and the heritage railways). For some

risk areas the impact we can have is minimal, for example slips and trips at stations. The likely impact of our intervention is taken into account in our prioritisation process.

8.   Some risks fit into a number of different programmes and enablers, depending on the nature of the cause of the risk. So, for example, the risks arising from Network Rail's devolution to routes may present themselves as infrastructure asset failures, but be created by a failure in change management. We therefore aim to ensure activities are coordinated across teams to ensure our interventions are focussed on the correct risk areas.

Delivering the strategy for health and safety regulation

9.   Our strategy for addressing the risk priorities aims to complement and not duplicate or contradict industry activity, unless there is clear justification. Our work is not restricted to our traditional activities of: authorising, certifying and supervising safety management systems (SMSs); inspection; investigation; and enforcement, but also includes intelligence-gathering, policy development, working with stakeholders including Government departments, industry bodies, worker representatives and other enforcing authorities. Therefore, our strategy for health and safety regulation is delivered by all our staff.

10.   We will deliver our strategy by:

- using structured inspections and audits, investigate incidents and complaints, to help us assess the maturity of duty holders' risk management and business culture and use our RM3 model to present our findings;

- targeting our activities on high-risk areas described in this document;

- using our influence to achieve improvements in health and safety management;

- using appropriate and proportionate enforcement to ensure duty holders:

    o   take immediate action to deal with serious risks;

    o   meet their legal requirements; and

    o   when appropriate, are held to account in the courts for their health and safety failings;

- reviewing and updating this strategy and our risk priorities to ensure they remain appropriate; and

- maintaining a structured and auditable competence management system to ensure we have the necessary organisational capability and professional competence, as will be required in the proposed Common Safety Method on supervision.