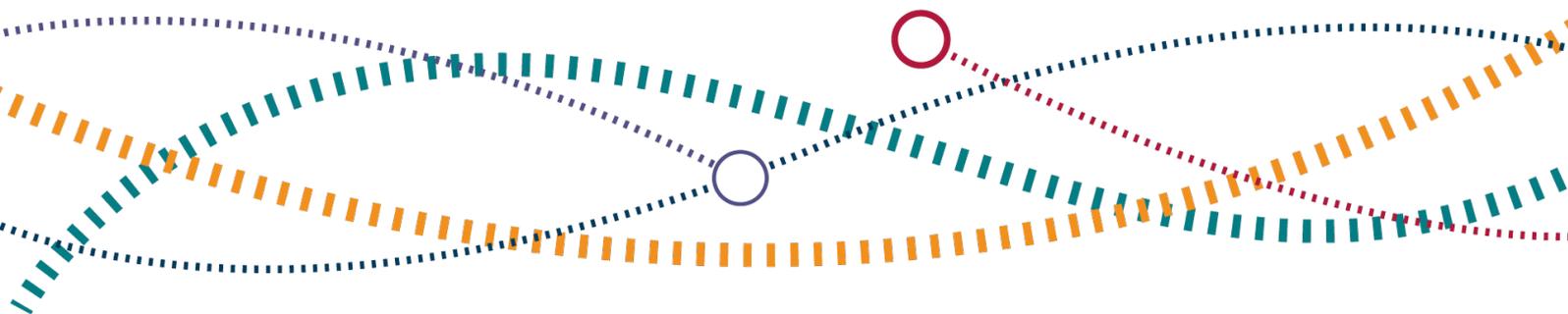




# Light Rail Safety and Standards Board (LRSSB) Review by Office of Rail and Road (ORR)

## Terms of Reference

18 October 2021



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# Foreword

## LRSSB invitation to ORR to conduct a review

ORR is an independent, non-ministerial UK government department, established by, and accountable directly to Parliament. We protect the interests of current and future rail and road users, in the public interest, overseeing the safety, value and performance of the railways and monitoring the performance and efficiency of England's strategic road network.

As the safety regulator and enforcing authority for light railways and tramways, ORR has been monitoring LRSSB, the dedicated safety body for the sector since it was established in 2019. In this context, we are proposing to conduct a light touch review to assess that LRSSB is on track with enabling the delivery of the relevant Rail Accident Investigation Branch (RAIB) recommendations within the sector and to help set it on firm footing as it evolves. A comprehensive review could be conducted once LRSSB has matured and its funding has long term security.

It should be noted that on 28<sup>th</sup> May 2021 in a letter to Ian Skinner (Head of Non-Mainline Railway, ORR) Sue Byrne, Non-Executive Chair and Carl Williams, Chief Executive of LRSSB also invited ORR to conduct an independent review of the LRSSB in a number of areas. We have outlined these in this document and will reflect them in our review framework and findings report. In a letter to LRSSB dated 30 June 2021, ORR acknowledged and accepted this request.

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We have outlined the terms of reference (ToRs) for our review in this document including:

- Background details about how the LRSSB was formed.
- The purpose of the review to be conducted by ORR.
- How the ORR review will be conducted including the approach, methodology and scope to be used.
- Deliverables with key milestones.
- Outputs which will be mainly the publication of the review findings set out in a report by ORR.

ORR will engage with LRSSB and its key stakeholders throughout the review and LRSSB will be given the opportunity to reply to the review findings report before publication.

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## Formation of LRSSB

The Light Rail Safety and Standards Board was formed by the UK light rail industry and UKTram<sup>1</sup> in 2019 under the guidance of the ORR and support of Department for Transport (DfT). This was as a result of specific recommendations contained within the **RAIB report 18/2017: Overturning of a tram at Sandilands Junction, Croydon** on the 9th November 2016<sup>2</sup> (referred to in this document as the “Sandilands recommendations”). Currently, tram operators and DfT contribute financially to enable LRSSB to run.

LRSSB is structured by the LRSSB Board, which consists of:

- Chief Executive Officer (CEO).
- Non-executive Chair (Chair).
- Four Non-executive Directors (consisting of representation from both tram and light rail operators and owners).
- Managing Director of UKTram.
- An ORR Observer.

LRSSB appointed its first permanent Chair Sue Byrne in May 2020, and its first permanent CEO, Carl Williams in October 2020. Their appointments allowed LRSSB to develop formal governance arrangements.

The current management structure of LRSSB consists of a CEO, Administration Manager and Safety and Assurance Manager, with the intention to recruit further posts, in safety, engineering, project management and data analysis within the next financial year (2021-2022). LRSSB has also been supported by UKTram colleagues during the year.

The key purposes of LRSSB are to<sup>3</sup>:

- Codify and develop standards and guidance to provide both support and guidance to its members.
- Support the design, delivery and ongoing operation/maintenance of light rail systems in the UK and abroad.

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<sup>1</sup> UKTram represents the light rail sector in the UK and Ireland, including those involved in trams, metros and personal rapid transit. It brings together all organisations with an interest in the future development of light rail in the UK, ensuring it remains a viable, cost-effective and consistently improving transport option.

<sup>2</sup> The RAIB report is available at – <https://www.gov.uk/government/news/report-182017-overturning-of-a-tram-at-sandilands-junction-croydon> and <https://www.orr.gov.uk/monitoring-regulation/rail/promoting-health-safety/investigation-enforcement-powers/overturning-tram-sandilands-junction-croydon>

<sup>3</sup> For further details, see the Forward in Section 1 – Chief Executive’s Review of the LRSSB Annual Report 2020/2021 – [https://lrssb.org/wp-content/uploads/2021/06/LRSSB\\_AnnualReport\\_2020-21.pdf](https://lrssb.org/wp-content/uploads/2021/06/LRSSB_AnnualReport_2020-21.pdf)

- Manage and assist in the collation and analysis of industry safety and risk data, and to provide a platform to help lower the level of risk in the member networks by sharing best practice and benchmarking data.
- Ensure data and learning points are gathered from worldwide industry partner organisations to ensure best practice advice is shared whenever possible.
- Ensure that ORR/RAIB future recommendations are acted upon industry wide.

As light rail becomes an increasingly important solution to the UK's urban transport challenges, the LRSSB has evolved into the central sector body responsible for coordinating advances in tramway safety and setting recognised industry standards.

# Terms of reference

## Purpose of the review

1 As the safety regulator and enforcing authority for light railways and tramways and custodian of recommendation 1 of the **RAIB report 18/2017**<sup>4</sup> ORR has been monitoring LRSSB over the last two years. Furthermore, on 28<sup>th</sup> May 2021, the current LRSSB Directors invited ORR to conduct an independent review of the LRSSB – two to three years into its operation – in order to give them feedback and independent insight in a number of areas which they outlined in their letter. These included:

(a) Has the **intent of RAIB’s Sandilands recommendation 1** been achieved?

**Recommendation 1:** ORR should work with the UK tram industry to develop a new body to enable more effective UK-wide cooperation on matters related to safety, and the development of common standards and good practice guidance.

(b) The ability of LRSSB to enable sector **progress on RAIB’s Sandilands recommendations 2 to 6** thus far and whether its forward business plan adequately continues to seek to address them and make the required progress.

**Recommendation 2:** UK tram operators, owners and infrastructure managers should jointly conduct a systematic review of operational risks and control measures associated with the design, maintenance and operation of tramways.

**Recommendation 3:** UK tram operators, owners and infrastructure managers should work together to review, develop and install suitable measures to automatically reduce tram speeds if they approach higher risk locations at speeds which could result in derailment or overturning.

**Recommendation 4:** UK tram operators, owners and infrastructure managers should work together to research and evaluate systems capable of reliably detecting driver attention state and initiating appropriate automatic responses if a low level of alertness is identified. Such responses might include an alarm to alert the tram driver and/or the application of the tram brakes.

**Recommendation 5:** UK tram operators, owners and infrastructure managers, in consultation with the DfT, should work together to review signage, lighting and other visual information cues available on segregated and off-track areas based on an

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<sup>4</sup> For details of these RAIB Sandilands recommendations, see pages 145 to 154 of the RAIB report available at – [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/931905/R182017\\_201022\\_Sandilands\\_v2.2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/931905/R182017_201022_Sandilands_v2.2.pdf)

understanding of the information required by drivers on the approach to high risk locations such as tight curves.

**Recommendation 6:** UK tram operators and owners should, in consultation with appropriate tram manufactures and other European tramways, review existing research and, if necessary, undertake further research to identify means of improving the passenger containment provided by tram windows and doors.

- (c) Consider whether **what has been delivered by LRSSB is supporting change and adding value to the industry into the foreseeable future**. LRSSB would particularly like feedback on whether any **blind spots in planning, engagement and strategy** are identified so it can use this as a tool to shape future activity.
- (d) The **impact of the funding on the work of the LRSSB and whether in its current form it enables LRSSB to continue to grow in a sustainable manner** and whether this allows LRSSB to fully commit to the Terms of Reference<sup>5</sup> of the body?

- 2 ORR will reflect these areas LRSSB has outlined in its letter to ORR in its framework to conduct the review and report findings. In the light of the above, ORR considers the purpose of the review is a “temperature check” to assess that LRSSB is on track with enabling the delivery of the relevant RAIB recommendations within the sector and to help set it on firm footing as it evolves. ORR considers that there should be a more comprehensive review of LRSSB around the 5 years (since establishment) mark to allow the Board to mature.

## How ORR will approach the review

- 3 To illustrate that our approach is credible and inclusive we have outlined how ORR will conduct the review, focusing on the principles and the approach and scope of the review.

### Principles of the review

- 4 ORR will conduct a **proportionate and light-touch progress review**, engaging with LRSSB and its key stakeholders. These stakeholders being DfT, Transport Scotland, Transport for Wales, RAIB, RSSB, UKTram, LUAS, the seven Tram Systems duty holders, Unite, ASLEF, GMB, TSSA, Transport Focus and London TravelWatch. More details are provided on this below.

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<sup>5</sup> LRSSB Terms of Reference can be found at – <https://lrssb.org/wp-content/uploads/2021/09/LRSSB-GA-01.1-LRSSB-Terms-of-Reference-Final.pdf>

## Approach and scope of the review

5 Our approach to the review will include the following key elements. ORR will:

Draft the LRSSB Review Terms of Reference and seek LRSSB comments. ORR will then invite comments from its Health and Safety Regulation Committee (HSRC) and share them with DfT.

Once the LRSSB Review Terms of Reference are agreed, ORR will publish them and proceed with the review.

Review relevant LRSSB suite of documents including terms of Reference to set up LRSSB, its Objectives, Annual Report, Business Plan.

Assess LRSSB's performance and delivery against its Terms of Reference, Objectives, Annual Report, Business Plan.

Assess LRSSB's governance to determine does it have good organisation structure, is it working, does it have membership and Board member commitment?

Identify what LRSSB should do more of, continue, less of.

Assess the challenges that LRSSB may be facing and how it can prepare for these, in particular securing the required funding for its continued operations and maintaining its independence.

Gather evidence by engaging with LRSSB and its stakeholders through a stakeholder survey with key stakeholders and individual meetings as necessary to expand on the survey responses.

Assess results of the survey/engagement with LRSSB and its key stakeholders to identify key findings.

Produce and publish a findings report having shared the draft report with LRSSB and Secretary of State for Transport.

## Content and methodology

- 6 As part of the above, ORR will **review the RAIB's Sandilands recommendations 1 and 2** – safety leadership; publishing guidance; encouraging cooperation and information sharing; creating culture/environment of common standards and good practice.
- 7 ORR will **assess LRSSB's performance to determine how it is demonstrating progress at delivering intent of the RAIB Sandilands recommendations 1 and 2** – safety standards body and understand risk (creating risks model).
- 8 ORR will **gather evidence by engaging with LRSSB and its key stakeholders through a stakeholder survey** and individual meetings as necessary to expand on the survey responses. The key focus of the **LRSSB stakeholder survey and engagement** will be to assess:
  - **Value for money** and what value LRSSB is adding?
  - **Is LRSSB enabling the sector to meet the relevant RAIB Sandilands recommendations**, establishing itself as a leader? Have the RAIB recommendations for the LRSSB been translated into its Terms of Reference and purpose?
  - **Funding challenges** – how will funding challenges impact on LRSSB delivering its purpose? What approach has LRSSB adopted – tactical vs strategic, longer term focus?
  - **Is there clarity by LRSSB between its business activity and risk?**
- 9 As part of this review, ORR will also take the opportunity to review existing, relevant Memorandum of Understanding (MoUs) and Agreements in relation to light railways and tramways to form a view on how best they remain fit for purpose looking ahead, and will consider whether any further MOUs or Agreements might be required to facilitate future working.

## Governance

- 10 ORR will follow its internal governance informing its Board and committees in particular the ORR Board Committee Health and Safety Regulation Committee<sup>6</sup> as appropriate.

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<sup>6</sup> ORR Board Committee HSRC assists the development of safety strategy through debate and discussion, and reviews the overall adequacy of arrangements to meet ORR's statutory duties.

- 11 The review Terms of Reference and the draft findings report will be shared with LRSSB for comments and factual accuracy checks. For the findings report, LRSSB will be provided an opportunity to respond to the findings report before publication.
- 12 ORR will also share the review Terms of Reference and present a summary of key findings report to the wider industry through the [Railway Industry Health and Safety Advisory Committee](#) (RIHSAC).
- 13 The **ORR LRSSB Review Team** will include:

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ORR Review Sponsor – Ian Skinner, Head of Non-Mainline Railways

ORR Review Lead – Sukhninder Mahi, Manager, Policy and Strategy Projects, Railway Safety

ORR Review Specialist input – Ian McDermott, HM Inspector of Railways

ORR Review Team – Tracy Phillips, Head of Safety Policy and Corporate Support, Railway Safety

ORR Review Team – Dawn Russell, Senior Manager Railway Safety Policy

ORR Review Team – Mariah Simms, Legal Adviser

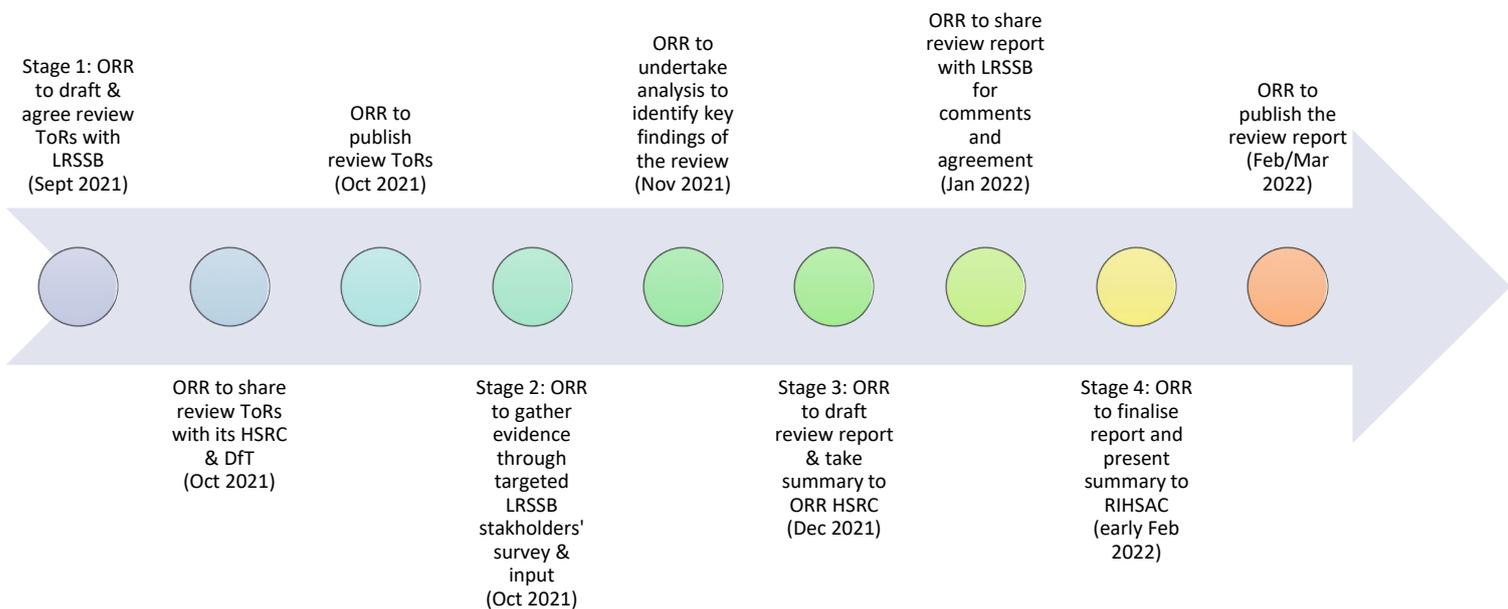
ORR Review Support – Jane Tye, Central Support Team Administrator – Apprentice

Review Observers – DfT (Mark Norton/Gary Wilson)

## Deliverables and timeline

- 14 We have set out the different stages of how ORR proposes to conduct the review with deliverables and timeline for each stage in **Figure 1** below. We propose to carry out the review from November 2021 to January 2022 with the publication of the review report in February/March 2022. The findings report will coincide with the LRSSB Annual Report for 2021/2022 due in April 2022.

**Figure 1: Deliverables and timeline for the LRSSB Review by ORR**



## Output

- 15 To initiate the review, ORR will draft and publish the terms of reference for the review having agreed them with LRSSB and shared them with DfT. We will inform the industry about this review through the [Railway Industry Health and Safety Advisory Committee](#).
- 16 Following the review, ORR will produce and publish a report outlining the key findings. Before publication, we will present the key findings to the
  - (a) ORR Board committee, the ORR Health and Safety Regulation Committee
  - (b) LRSSB
  - (c) DfT and
  - (d) Wider industry through RIHSAC.
- 17 ORR will share the draft report with LRSSB and provide it with the opportunity to reply/consult on the report before publication.



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