

THE OFFICE OF RAIL AND ROAD

209th BOARD MEETING

Tuesday 28 November 2023, 09:00 – 13:00

At Novotel Birmingham Centre, Broad Street, Birmingham, B1 2HT

Non-executive members: Declan Collier (Chair), Xavier Brice, Anne Heal, Bob Holland, Justin McCracken, Daniel Ruiz, Catherine Waller.

Executive members: John Larkinson (Chief Executive), Ian Prosser (Director of Railway Safety).

In attendance: Feras Alshaker (Director of Planning and Performance, via MS Teams), Fiona Bywaters (Board Secretary), Will Godfrey (Director of Economics, Finance and Markets), Russell Grossman (Director of Communications), Vinita Hill (Director, Corporate Operations), Graham Richards (Director, TfL Analysis), Elizabeth Thornhill (General Counsel), Stephanie Tobyn (Director, Strategy, Policy and Reform).

Other ORR staff who attended are shown in the minutes.

Item 1 WELCOME AND APOLOGIES FOR ABSENCE

1. The Chair welcomed everyone to the meeting. Apologies for absence were received on behalf of Madeleine Hallward.

Item 2 DECLARATIONS OF INTEREST

2. No new interests were declared.

Item 3 APPROVAL OF PREVIOUS MINUTES AND MATTERS ARISING

3. The minutes of the 9 October 2023 meeting were approved, subject to the insertion at paragraph 50 of the words “and found it to be useful context.”
4. The minutes of the 24 October 2023 meeting were approved, subject to an amendment in paragraph 36 from the words “and the importance of accessible data” to “and the potential for accessible data to benefit ORR as well as the wider industry.”
5. A brief update was provided on actions arising and completed from previous meetings. The Board discussed action 10/03 and the letter received from Avanti West Coast (AWC) regarding the termination of northbound AWC services at Preston on 25 September 2023, as well as relevant work undertaken in relation to consumers. It was suggested that it may be useful in future to receive aggregated data from the Ombudsman service, to enhance understanding of consumer-related issues.

Item 4 CHIEF INSPECTOR'S MONTHLY REPORT

6. Ian Prosser (IP) introduced the report, providing an oral update regarding an incident at Colton Junction on which further detail would be in the next report for discussion at the Health and Safety Regulation Committee (HSRC) on 11 December. Further areas reported and discussed included an appearance before the London Assembly Transport Committee; implementation of Network Rail's extreme weather risk management procedures in October; consideration of a risk assessment relating to Tilt Assist Speed Supervision; and a case for exemption under Railway Safety Regulations 1999 associated with the installation of automatic train protection.
7. IP reported further resignations from the Railway Safety Directorate to join another safety regulator (due to a significant salary increase). It was suggested that directorate recruitment and retention matters continue to be monitored via the Remuneration and Nomination Committee, with assurance provided to the Board where necessary.
8. Finally, further discussion on the Four Line Modernisation Project was suggested to take place at the March meeting of HSRC, with a particular focus on assurance and risk control arrangements, due to an update expected in early 2024.

Item 5 CHIEF EXECUTIVE'S REPORT

This report is redacted as time-sensitive and covering confidential issues.

9. [...]

Item 6 NATIONAL HIGHWAYS

14. FA introduced the report and provided an oral update on the development of the third Road Investment Strategy (RIS3), viewing it as unlikely for a draft to be received before Christmas. This would mean slippage in the timing of the efficiency review. FA also referred to the uncertainty of funding of safety roles in the team, which was connected to the end of the current RIS, and associated retention concerns.
15. Separately it was suggested that the Highways Committee consider exploring the challenges of initiating roads schemes with regards to Development Consent Orders and planning processes at a future meeting.

Item 7 COMMUNICATIONS DASHBOARD (APRIL TO SEPTEMBER 2023)

Adele Potter (Head of Internal Communications and Engagement) and Jennifer Webber (Head of External Engagement) joined the meeting for this item (via MSTeams).

16. Russell Grossman (RG) introduced the dashboard. In response to questions, RG referred to the social media audit under way, and the comparative

relevance of online platforms to the ORR, and the parliamentary newsletter. The Board considered the potential extension of internal communications to the Ombudsman service staff but recognised their separate status as a contracted body and that employees were also not civil servants.

17. The Board queried whether there had been any regulatory impact on ORR from the recent industry discussions surrounding ticket office closures. This was thought not to be the case.
18. The Board also considered the status of the Chief Inspector as the most frequently cited spokesperson, given recruitment under way to this role with a new postholder to be appointed in 2024. RG referred to associated plans for introducing that individual, including media training, while Vinita Hill (VH) confirmed that communication skills were part of the interview assessment.
19. The Chair welcomed the work undertaken by the communications team over the past six months, as evidenced by the dashboard, and suggested that future iterations include an update on relevant media sensitivities. RG confirmed that the communications strategy would be presented to the Board at its January 2024 meeting.

Item 8 CAPABILITY PLAN AND FEBRUARY 2024 STRATEGY DAY

20. ST introduced the item, and referred to a session on the capability plan at the recent SLG away-day. Where appropriate, discussions would feed into the 2024-25 business planning.
21. The Board considered the economic role of the ORR; mandatory investigation criteria; dispute resolution; and engagement with the plan across the SLG.
22. The themes of outward focus, momentum and impact, were thought to be an effective outcome of the February 2023 strategy day. The Board recognised the intended tactical ('practical') nature of the capability plan and suggested that restatement of the overarching strategy, vision, purpose and goals would be a useful topic to consider at the upcoming strategy day, as well as the long-term, intermediate and operational contexts, and organisational structure, capabilities and competencies. This would include horizon scanning activities and the development of a five-year rolling plan for example. VH confirmed that results from the people survey would be available by the time of the strategy day, and an appointment made to the role of Chief Inspector.
23. It was also suggested that similar themes to those presented at the recent DfT non-executive director (NED) engagement event, such as multi-modal transport, might be discussed.

Item 9 APPLICATION OF THE HOLDING TO ACCOUNT POLICY IN CP6

24. LT introduced the report and the high-level conclusions, inviting comment from the Board. The Board queried whether all stakeholders had a thorough understanding of the enforcement tools available to the ORR, which was said

to vary in practice, and saw an opportunity for reminder at the outset of CP7. In considering the prioritisation of the actions available, it was suggested that the first be relisted as fifth. The development of the regulatory escalator was seen as key.

25. The Board welcomed the clarity of the paper but considered whether an annual end of year summary of holding to account activity should take place, identifying the impact made, from which staff and board members could draw upon when meeting external stakeholders.

Item 10 MID-YEAR LETTER TO NETWORK RAIL ON PERFORMANCE

Steve Helfet (Deputy Director, Railway Operations), Andy Lewis (Manager, Network Regulation – via MSTeams) and Sam McClelland-Hodgson (Manager, Network Regulation - via MSTeams), joined the meeting.

26. FA introduced the report, inviting comment from the Board. The Board recognised performance improvements in some areas but queried whether this had been felt by passengers due to disruption associated with industrial action, poor weather, and the challenges of climate change. Recognising that the letter was directed to Network Rail, whilst TOC-performance was a strong contributor to passenger experience, the Board considered the whole-industry implications of performance and how this might best be reflected. It was suggested that reference to ORR's remit might be included.
27. The Board appreciated the commentary on regional, as well as national, performance, which should be extended to the delivery of actions, and also encouraged the inclusion of further specific instances of good practice. In response to questions, Steve Helfet (SH) confirmed that reference would be made to the impact and management of incidents such as the Nuneham and Plessey viaducts.
28. The Board welcomed the report and the work undertaken.

Item 11 REPORTS FROM COMMITTEES AND REFLECTIONS ON THE STAKEHOLDER DINNER

29. As the Chair of the Highways Committee had given apologies to the Board meeting, a brief update was provided by members of the committee of the meeting held on 1 November 2023. This meeting had focussed on the draft second annual assessment of National Highways' safety performance.
30. The Board reflected on the visit to the Curzon Street site of HS2 the day prior. This was considered particularly informative regarding the HS2 programme for applications and authorisations, as well as the future relationship with, and resourcing of, ORR.
31. The Board also reflected on the dinner with supply chain stakeholders. Important themes which had arisen from discussions were the future of the supply chain, its global nature, skills development, visibility of work, and the

maintenance and manufacture of rolling stock. The invited guests had welcomed the opportunity to discuss supply chain matters with the Board and executive.

Item 12 ANY OTHER BUSINESS

32. NEDs who had attended a recent engagement event at DfT provided a brief update. Concerns had been raised at the event about the time taken to recruit new NEDs, whilst recognition was given to the ORR's recent role in a review of the Civil Aviation Authority.
33. It was confirmed that the next meeting of the Board would take place on 12 December, focusing on the second annual assessment of National Highways' safety performance. This would be followed by a NED discussion looking back on the year, whilst there would also be a short questionnaire due on progress against the recommendations of the Board Effectiveness Review.
34. The Board noted the items below the line.

Meeting end: 12.48pm

Approved: 23 January 2024