

THE OFFICE OF RAIL AND ROAD

227th BOARD MEETING

Tuesday 25 February 2025, 09:00 – 14:00

At Breadsall Priory Hotel, Moor Road, Morley, Derby, DE7 6DL

Non-executive members: Declan Collier (Chair), Xavier Brice, Ian Dobbs, Madeleine Hallward, Anne Heal, Justin McCracken, Daniel Ruiz, Catherine Waller.

Executive members: John Larkinson (Chief Executive), Richard Hines (Director of Railway Safety).

In attendance: Feras Alshaker (Director of Planning and Performance), Fiona Bywaters (Board Secretary), Will Godfrey (Director of Economics, Finance and Markets), Russell Grossman (Director of Communications), Graham Richards (Director, TfL Analysis and Interim Director, Corporate Operations), 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. No apologies for absence were received.

Item 2 DECLARATIONS OF INTEREST

2. There were no declarations of interest.

Item 3 APPROVAL OF PREVIOUS MINUTES AND MATTERS ARISING

3. The minutes of the meeting held on 21 January 2025 were approved, subject to a typographical correction in paragraph 35.
4. A brief update was provided on actions arising and completed from previous meetings.

Item 4 CHIEF INSPECTOR'S MONTHLY REPORT

5. Richard Hines (RH) introduced the report, referring to: the recent sentencing of Network Rail (and the calculation of the fine as £3.75m), following the death of two track workers at Margam; application for mainline and non-mainline (Isle of Wight) Safety Certificates and Authorisations to bring South Western Railways into public ownership; and the recent 'protecting passengers during stranded train incidents' industry workshop led by ORR.
6. An oral update was provided on the upcoming sentencing of Network Rail regarding the death of a track worker at Surbiton. Reference was made to the impactful nature of the victim personal statement provided by the deceased's wife, which Members expressed interest in receiving after sentencing.
7. Further update and discussion related to:

- Network Rail's recovery plans for structural assessment compliance of structures and operational property assets, with the Board suggesting that a history of the interventions on this issue be drawn up (between the Directors of Railway Safety and Communications);
 - An update on board action 04/01 relating to drainage asset inventory surveys where Network Rail had made satisfactory progress in response to the concerns raised;
 - Fatal Accident Inquiries regarding Saughton and Carmont;
 - An update on the RSSB-led trial of Driver Vigilance Devices on the mainline railway, where indicative costs were provided following a query at the previous board meeting; and
 - The decision not to prosecute following a fatal incident at Waterloo station in September 2019, suggesting that any lessons learned from the investigation be noted by the Health and Safety Regulation Committee (HSRC).
8. Following a question from the Board, it was confirmed that a detailed update on Eurotunnel's work in response to the freight shuttle fleet suspension spring failures was due to be presented to the March meeting of HSRC. It was agreed that this paper be shared with all board members once dispatched **[Action 02/01]**.

Item 5 CHIEF EXECUTIVE'S REPORT

This report is redacted from the published version as time-sensitive and covering confidential issues.

9. [...]
10. [...]

Item 6 NATIONAL HIGHWAYS PERFORMANCE

11. Feras Alshaker (FA) introduced the report, referring to the realisation of the Smart motorways delivery risk and the likely impact of increased delays (due to the NEAR programme) on performance against the road user satisfaction KPI.
12. Further discussion related to road user satisfaction performance over time and other potential contributing factors beyond the NEAR programme, including journey time reliability and communication to road users. It was questioned whether there was sufficient emphasis by National Highways on understanding the effects of major projects on road users, or whether focus was overly-balanced toward engineering considerations to the detriment of a people-focus. It was suggested that this theme may be discussed at the upcoming joint meeting between the National Highways and ORR boards.
13. Additional update referred to the RIS3 development process (where publication was anticipated in December 2025, with three months for an efficiency review by ORR) and the Interim Settlement (further to a recent

meeting with Treasury where reporting requirements had been discussed). Overall, a shift in approach was anticipated, moving from enhancements to renewals and asset management. It was suggested that the theme of cultural shift may also be discussed at the upcoming joint meeting.

14. The Board noted the contents of the performance update.

Item 7 ANNUAL ASSESSMENT OF SAFETY PERFORMANCE ON THE STRATEGIC ROAD NETWORK

Rachel Gittens (Deputy Director, Strategic Road Network) joined the meeting for item 7.

15. Feras Alshaker (FA) introduced the report, referring to its deferred publication in March. Rachel Gittens (RG) also relayed discussions with the Highways Committee the week prior, which had covered the length of time to publish information and the three focus areas of the assessment:
 - a. National Highways' performance against the RIS2 safety key performance indicator.
 - b. The effectiveness of safety systems on smart motorways.
 - c. The effectiveness of the smart motorway action plan in reducing the frequency and duration of live lane stops.
16. The Board was invited to provide material comments on the executive summary of the annual assessment of safety performance on the Strategic Road Network in 2024, noting complex messages around Stopped Vehicle Detection (SVD) performance (in particular where it varied between individual schemes).
17. The Board reflected on appropriate use of language and technical terms, particularly in the context of safety, in order that the findings be contextually understood.
18. Discussion extended to technology implications associated with Smart motorways, emergency refuge areas, and outages, as well as the availability and use of data to support the assessment's findings. Reference was also made to observations and learnings from the recent visit to the Northwest Regional Operations Centre by members of the Highways Committee.
19. Further consideration was given to public messaging around safety standards and operational resilience, by National Highways, and how this might be improved. Suggestions were made to highlight that the road casualty data was the latest available (and explain why it was dated 2023), and to extend focus area one ('performance against the RIS2 safety key performance indicator') to state that 'our assessment is that National Highways is doing everything it reasonably can in the final year of RP2 to achieve the target.'
20. Due to the need to begin item 8 promptly, it was agreed to continue the discussion after the external guests.

Item 8a INTRODUCTION: EXTERNAL GUESTS

21. John Larkinson (JL) introduced the context and provided a brief update on developments in rail reform.

Item 8b EXTERNAL GUESTS: DEPARTMENT FOR TRANSPORT (DFT)

22. The Chair welcomed Lucy Ryan (Director, Rail Reform) and Alissa Ede (Deputy Director, Legislation) from the Department for Transport to the meeting.
23. The guests gave a brief introduction, referring to legislative proposals, engagement, and timeline, for a unified and simplified rail sector. Reference was made to the newly-published consultation document, 'A railway fit for Britain's future', and how it envisaged the role of the ORR. The consultation was due to close on 15 April 2025.
24. Further discussion considered the introduction of legislation in Autumn and how ORR's role and responsibilities would be determined. The Board reflected on the challenges associated with timeline pressures and requested regular updates over the coming weeks in order to effectively contribute to discussions, including those on streamlining ORR's duties. It would not be possible to provide a view on changes to ORR's duties whilst its future role remained unclear.
25. The Chair thanked the guests for their attendance and contributions.

Item 8c REFLECTION: EXTERNAL GUESTS

26. The Board briefly reflected on the guests' contributions, discussing the delivery and performance of a simplified rail sector, including any monitoring role of ORR. It was requested that a one-page statement of position be drafted - further to the discussions with the external guests - and circulated to the Board, with a view to sharing with DfT **[Action 02/03]**.

Item 7 [cont.] ANNUAL ASSESSMENT OF SAFETY PERFORMANCE ON THE STRATEGIC ROAD NETWORK

Rachel Gittens (Deputy Director, Strategic Road Network) and Iain Ritchie (Head of Highways Safety and Performance) joined the meeting for the continuation of item 7.

27. The item resumed with consideration of focus area two ('The effectiveness of safety systems on smart motorways'). The Board questioned the robustness of the findings, to which Feras Alshaker (FA) responded with reference to the confidence provided by overlapping systems and contingencies. Further consideration was given to understanding the effect of technology outages on road users.
28. Some aspects of redrafting were suggested to underline confidence in overall performance of the relevant systems, including that the target on Stopped Vehicle Detection had been met nationally, and noting some areas of

improvement, such as reliability. ORR would continue to press National Highways to improve delivery and efficacy of the safety network, with a focus on the impact of technology outages and how those are communicated to, and impact upon, the public.

29. The Board also considered focus area three, 'The effectiveness of the smart motorway action plan in reducing the frequency and duration of live lane stops'. It was clarified that the action plan only required consideration of emergency refuge areas, rather than completion of delivery. In that regard, National Highways had delivered on all actions stated in the action plan (which would be included in the final assessment). Some aspects of redrafting were suggested to underline that National Highways should continue to improve data on the effectiveness of the action plan, and it was anticipated that this would be fully mature by 2027.
30. Subject to the above drafting comments, the Board endorsed the executive summary of the annual assessment of safety performance on the Strategic Road Network.

Item 9 COSTS AND BENEFITS OF HEALTH AND SAFETY INTERVENTIONS

Jennifer Genevieve (Deputy Director, Periodic Reviews and Monitoring) and Dawn Russell (Senior Manager, Railway Safety Policy) joined the meeting for item 9.

31. Will Godfrey (WG) and Richard Hines (RH) briefly introduced the report, referring to the scope of the review to look at how and when duty holders assess the costs and benefits of health and safety interventions, and whether they systematically test reasonable practicability.
32. The Board considered the recommendations listed at paragraph 11 of the report, as well as the stakeholder engagement undertaken – particularly with trade unions and Network Rail (who had broadly accepted the findings). Focus was also given to the areas of improvement following the Independent Report's completion of its review of Network Rail's approach.
33. The Board questioned whether the recommendations outlined in response to the Independent Report were appropriately articulated. Some aspects of redrafting were suggested, to avoid any inference of mistimed engagement on health and safety matters. Other drafting comments related to national and regional approaches, best practice, and the relevance of a whole system approach.
34. Overall, the Board welcomed the extensive work undertaken and congratulated the team.
Justin McCracken left the meeting at 1.15pm, at the end of item 9.
35. The Chair advised that Item 10 ('Annual review of board effectiveness') would be taken at the end of the meeting.

Item 11 REPORTS FROM COMMITTEES

36. Anne Heal reported on the meeting of the Expert Advisory Group (Revenue Protection) held on 29 January. The Group had discussed, among other matters:
- The scope of the review and development of workstreams;
 - Industry engagement, shadowing of revenue protection officers, and passenger focus groups;
 - Access to data, including variations on approach to prosecution by geography and operator; and
 - The balance between revenue protection, fraud prevention, and the fair and decent treatment of passengers.
37. The Group was due to meet the next day, whilst recommendations would be presented to the Board in April.
38. The Board welcomed the external input of the Expert Advisory Group to the revenue protection work.
39. The Board also shared reflections on the strategy day (24 February), which included considerations on rail reform, duties and responsibilities, and organisational structures. It was suggested that a further strategy day may be required later in the year, once rail reform had further developed.

Item 12 ANY OTHER BUSINESS

40. The Board noted the dates of the next meetings and items below the line, namely: the Board forward programme and committee minutes approved since the last meeting, and a report on the Non-Executive Board Member Declarations of Interests Process further to recent Cabinet Office guidance. It was requested that compliance with the guidance be reported annually to committee, with a view to provide assurance to the Board. **[Action 02/04]**
41. The Board also requested that the ORR's technology strategy be circulated once finalised **[Action 02/05]**.

Item 10 ANNUAL REVIEW OF BOARD EFFECTIVENESS

The following item was discussed among Board Members only:

42. The Chair introduced the report and invited the Board to comment on the review's findings. Several key strengths were highlighted, including the Board's ability to monitor the political environment, the effective collaboration between the Chair and Chief Executive, and the objective and collaborative decision-making process.
43. The review noted the importance of stakeholder engagement, with several site visits and stakeholder dinners arranged throughout the year. Further discussion related to risk tolerance (including an annual review of the broader risk environment), organisational succession planning, and effective working between committees and board.

44. The Board congratulated the Board Secretary on completing the Chartered Governance Qualifying Programme, which would strengthen ongoing governance support.

Meeting end: 2.05pm
Approved: 18 March 2025