Annual report of health and safety on Britain's railways 2023 to 2024

Our enforcement activities

We secure improvements in health and safety for passengers, the workforce and public through evidence-based advice and encouragement to duty holders to improve and adapt their risk management.

On some occasions however, we use our formal powers under the Health and Safety at Work etc Act 1974 (HSWA) to ensure compliance with the law or to deal with immediate risk. We use enforcement notices to stop an activity involving serious risk, or to rectify serious gaps in duty holders' risk control. If required, we will hold duty holders to account through prosecution in the criminal courts. Our Enforcement Policy Statement sets out how we ensure rigour and consistency in our enforcement decisions by using ORR's Enforcement Management Model (EMM)

During the year we issued one prohibition notice and seven improvement notices and, where appropriate, prosecuted duty holders in the courts to ensure compliance with the law. As prevention is always better than addressing issues after an incident has occurred, the Prohibition Notices stopped activities that posed a risk of serious personal injury and the Improvement Notices identified serious breaches of the law that required changes to be made.

The prohibition notice was against West Coast Railway Company Limited, relating to the health and safety of their passengers and crew, as they had not implemented controls identified in their risk assessment for rolling stock fitted with secondary door locking systems.

An Improvement Notice was served to Network Rail Infrastructure following overcrowding issues at London Euston Station. The notice required a risk assessment for management of passenger

flow and overcrowding. To address the terms of the Notice, Network Rail conducted a risk assessment to identify what control measures were required and put these into place. This will enable them to work in collaboration with the train operators to ensure they manage passenger flows sufficiently in practice.

Prosecutions

We undertook a number of Health and Safety prosecutions in the courts:

April 2023: Amey Rail Limited (ARL) was fined £533,334 following an electric shock injury to an overhead line engineer as they carried out works to overhead lines outside Paddington Station in London. ARL pleaded guilty to an offence under the Health and Safety at Work etc. Act 1974.

May 2023: Linbrooke Services Ltd were found guilty after an electrician installing public address system equipment at Bearsden station, West Dunbartonshire, in June 2018 fell from a stepladder onto a section of improvised work equipment sustaining a fatal injury. Linbrooke was found guilty of three offences under the Management of Health and Safety Regulations 1999 and the Work at Height Regulations 2005 at Dumbarton Sheriff Court. The court handed out a penalty of £600,000, comprising a fine of £400,000 and a compensation order of £200,000.

July 2023: Transport for London (TfL) and Tram Operations Limited (TOL) were sentenced at the Old Bailey for health and safety failings that caused the 2016 Croydon tram crash, when seven passengers died and 51 were injured. TfL was fined £10m and TOL £4m after pleading guilty to offences under the Health and Safety at Work etc. Act 1974.

August 2023: Edinburgh Trams Limited was fined £240,000 after pleading guilty to one offence under the Health and Safety at Work etc Act 1974, after a pedestrian was struck and killed by a tram in September 2018 at Saughton Mains footpath crossing on the Edinburgh tramway.

September 2023: The heritage-train operator Gwili Railway Company Ltd was fined £18,000 after pleading guilty to one offence under the Work at Height Regulations 2005, after a volunteer was injured in a fall in 2022 at the company's Llwyfan Cerrig Yard.

September 2023: Network Rail was fined £6.7m for health and safety failings that led to the train derailment at Carmont in Scotland in 2020, when three people died and a further six were injured. This followed an ORR, Police Scotland and British Transport Police joint investigation under the direction of the Crown Office and Procurator Fiscal Service. Network Rail Infrastructure Limited

pleaded guilty to a charge contrary to Sections 3(1) and Section 33(1)(a) of the Health and Safety at Work etc. Act 1974.

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