



## **Railway Industry Health and Safety Advisory Committee (RIHSAC)**

### **Minutes of the 118th RIHSAC Meeting**

**Thursday 11 February 2021**

#### **Microsoft Teams**

#### **Present:**

Justin McCracken – ORR  
Ian Prosser – ORR  
Tracy Phillips – ORR  
Max Buffey – ORR  
Paul Appleton – ORR  
Ali Chegini – RSSB  
Nick Millington – Network Rail (guest)  
Allan Spence – Network Rail  
John Cartledge – Co-opted passenger interest  
David Porter - IOSH  
Rob Miguel – Unite the Union  
Bill Hillier – Heritage Railway Association  
Tim Bellenger – London TravelWatch and Transport Focus  
Phil Barrett – Rail Delivery Group  
Mark Ashmore – UK Tram  
Steve Coe - TSSA  
David Davies - PACTS  
Alastair Young – Transport Scotland  
Jason Connelly – Transport Scotland  
Lilli Matson – Transport for London  
Simon French - RAIB  
Jeremy Hotchkiss – Department for Transport  
David Clarke – Railway Industry Association

## Welcome, introductions, apologies for absence, and actions from 15 June 2020 meeting.

1. Recording of the meeting commenced (and would be deleted once minutes were written). Justin McCracken (JM) welcomed everyone to the meeting, laying out ground rules for asking questions in the virtual setting. Apologies had been received from Vincent Borg (ASLEF) and Paul Cooper (TfL) (Lilli Matson was representing TfL at this RIHSAC). Tracy Phillips provided updates for previous actions:
  - **117.1 Although Mark Norton had not come back to RIHSAC specifically on the matter of updated public transport guidance following the announcement (around the time of the last RIHSAC) of quarantine tiers, it was noted that this is very much a moving picture and that DfT and ORR guidance on Covid restrictions is kept under constant review. It was agreed that links should be provided to both DfT and ORR guidance so that members could have access to the latest material.**  
  
<https://www.orr.gov.uk/coronavirus-advice>  
  
<https://www.gov.uk/guidance/coronavirus-covid-19-safer-travel-guidance-for-passengers>
  - **117.2 Several members came forward after the meeting and had discussions with Sarah Robinson about safety related complaints to train operators. Work is ongoing and the topic is likely to return to RIHSAC's June meeting.**
  - **117.3 Ben Watkins had taken away the comments made about the risk rankings following ORR's annual Risk Assessment and Risk Ranking workshops (RARR) and confirmed that the reason why freight ended up where it did in the rankings was due to the fact that derailments were treated as a whole, not split between passenger and freight trains. However, the RARR process was kept under constant review so feedback of this nature would feed into that.**
  - **117.4 The outcomes from the further RARR workshops (on the non-mainline sectors of the industry) had been added to the slides and added to the pack for this meeting.**
  - **117.5 An item for Nick Millington to discuss track worker safety was on the agenda for today's meeting.**

## Health and Safety Regulation Committee (HSRC) update (Justin McCracken)

2. A discussion with representatives from TfL was held at the December HSRC meeting, focusing primarily on health and safety management. The Committee was happy to see the increased use of data in informing decisions.

3. The financial situation of TfL and its impact on the management of safety was also discussed, including the effects of the current pandemic. TfL assured HSRC that, despite this, investment in safety critical areas would still be a priority.
4. An annual update on the Channel Tunnel was also given – there had been no serious incidents in the last 12 months, only precursors such as broken rails which were resolved.
5. HSRC was also updated on progress with the ElecLink project. Work had previously been paused to undertake further risk assessments but the Inter-Governmental Commission which oversees safety in the tunnel had now approved the next stage of the project in parallel with further safety demonstrations which would have to be satisfactorily completed before the cable could be used.
6. Simon French confirmed that a Memorandum of Understanding had been signed between RAIB and its French counterpart providing for joint investigation of incidents in the Channel Tunnel.

### **Chief Inspector (CI) update (Ian Prosser)**

7. Ian Prosser (IP) confirmed that a tri-partite MOU had been signed with ORR, Établissement public de sécurité ferroviaire (ESPF, the French rail regulator) and the Intergovernmental Commission (IGC, the safety authority for the Channel Tunnel) to ensure smooth regulation of the Channel Tunnel continued. For an interim 6-month period, the IGC, with the support of ORR, was managing the British side and the EPSF was managing the French side. A first co-operation meeting had been held.
8. Ian Prosser informed members that new draft guidance on level crossing safety was under consultation, and all members should have received it directly. A webinar was held on 13 February and a further webinar will be held on 23 February which members could book themselves on to.
9. Consultation on the revised guidance on the use of MK1 rolling stock was now complete, and responses were being reviewed. The aim was to publish the guidance by April 2021.
10. The period for completing a survey to inform the past implementation of ROGS had ended and responses were being analysed before the report is sent to the Secretary of State by the end of April. This is a statutory requirement for ORR. Thanks were due to those that responded. ORR will keep RIHSAC informed but was not expecting many changes; and there continues to be broad support for ROGS.
11. ORR was continuing to help Pam Warren finish her work on the review of the implementation of the Uff-Cullen recommendations (arising from the Southall and Ladbrooke Grove accident inquiries). This had been delayed primarily due to Pam not being able to travel due to Covid in order to arrange follow up meetings with contributors, but all relevant meetings and dates were now scheduled. This will be brought to RIHSAC in June 2021.

- John Cartledge asked whether any surprises were expected to arise from the Pam Warren work. IP responded that he was not expecting any significant surprises.
- David Davies asked a question about the level crossing guidance consultation - what was the main objective that ORR hoped to achieve? IP responded that the aim was to bring the guidance more into line with other, principles-based guidance that ORR publishes and to remove the excessive prescription found in the current published guidance.

### **RAIB's forthcoming 2020 annual report (Simon French)**

12. Simon French provided a presentation on the upcoming 2021 RAIB report (slides were circulated to members prior to the meeting).

13. The following points were made following the presentation:

- Allan Spence noted the comment made about weather forecasting being an imprecise science. Network Rail had been working alongside Dame Julia Slingo and work they had done showed that weather forecasting was very much more of a precise science compared to previous years. SF agreed that it was getting better every year, however it is the localised weather events that are concerning, and he hoped the technology can advance enough. Allan Spence responded that is exactly the kind of work that is being carried out in 1km wide areas.
- Bill Hillier was happy to see the focus on the fatalities to track workers which had occurred at Margam, but questioned what was going to happen as a result - was there an action plan? SF responded that there was no overall action plan, and it was down to individual organisations to act on the report. Bill Hillier asked Justin McCracken if there could be any oversight on this to keep track of progress. SF suggested that Bill could help in terms of the heritage sector, Bill confirmed that he was planning on bringing up the issue at a meeting of the heritage operators safety committee soon.
- David Porter had prepared some written questions before the meeting which had been shared with SF. DP Summarized the five main points. A copy of the original will be circulated to members.
  - Firstly, in the context of the revision of ROGS was the supporting guidance sufficient to define what the characteristics of a good safety management system was at all levels of the organisation, as there was apparent weakness at various levels at Margam?
  - Secondly, have we clarified what the competency of senior managers is for sustaining a good safety management system and making sure it works?
  - Thirdly, is our understanding of culture adequate and sufficient as the impression is that the approach is immature and unsophisticated for a high hazard industry?
  - What are health and safety and other professionals contributing to providing appropriate, adequate advice and challenge at the right level at

the right time on OHS issues and is there adequate guidance on meeting the expectations of MHSW Reg7?

- Are we directing our inspection effort at the right levels to take forward some of the challenges that have occurred?
- Simon French responded to the question around safety leadership and culture. RAIB was happy to be involved in discussions on this and noted that although it was not for RAIB to “spearhead” the conversation it would provide its support.
- IP commented that many of the issues in Simon’s report were ones that had been identified some time ago that were still with us, and he thanked Simon for his report reminding us of them. He thought the three key areas were management assurance, safety culture and information from ‘on the ground’ work. Ian would take these points to colleagues across the industry to discuss what the response was to these areas/challenges. In particular he would raise them through the Leading Health and Safety on Britain’s Railways forum. He also stressed the focus being put on health and wellbeing to try to improve the health and safety environment of the industry as it tended to be a ‘macho’ workplace.
- Ali Chegini also responded by endorsing what Ian and Simon had said. The Infrastructure Safety Leadership Group (ISLG) had been working hard on implementing the work that Rupert Lown and Nick Millington had been doing, looking at how change is designed and developed and more importantly how it is implemented in a more practical way. David Clarke also offered his support.
  
- John Cartledge asked if the agendas and priorities of both ORR and RAIB were aligned in this area of work or if there were areas of discrepancy. Simon French responded that ORR and RAIB routinely cross compare with issues being identified by ORR inspectors.
  
- David Davies asked if any of RAIB’s recommendations included more reporting or monitoring, or more investigation. Simon French responded that in the Margam report there was a very specific recommendation to look at performance indicators, but the report also considered other ways of identifying issues.
  
- Justin McCracken commented that the discussion had been very helpful and thanked Simon for continuing to provide this overview of his report each year.

**Action 118.1: IP to keep RIHSAC informed of progress on his discussions with the Leading Health and Safety on Britain’s Railways Forum.**

**Action 118.2: Justin McCracken to return to the discussion of the issues that arose from the Margam incident in 12 months’ time.**

## **Network Rail's Track Worker Safety Task Force (Nick Millington)**

14. Nick Millington went through the slides he provided and talked through the role and challenges of the Track Worker Safety Task Force.

15. Points made in discussion were:

- Ali Chegini had a question regarding the 10,000 walkways that were mentioned: do these include depots? Nick responded that currently, no, they were not included in that number, but NR was making progress.
- Bill Hillier asked if the use of detonators was to be eliminated. Nick replied that Network Rail was not getting rid of them immediately, but they were being phased out. They still formed part of the safety management system Network Rail had in place, but the organisation was moving away from needing them, although they were still used when clearing line blockages, for example. Bill also asked whether Standard 019 was available to access. Nick would follow up and send outside of the meeting.

### **Action 118.3: Nick Millington to provide a copy of standard 019 as not all RIHSAC members had access to it.**

- Phill Barrett commented that some of the work was similar to what RDG had been carrying out in terms of depot safety and stressed that all parties should learn from each other. Nick was more than happy to share information.
- David Porter asked if Nick was sure that contractors were being captured in this work, and when could we expect a revision to the Standard 019 to be completed? Nick responded that in the context of the improvement notices of July 2020 the main risk was thought to be with Network Rail maintenance staff. In discussions with Tom Wake at ORR the assessment was shared that this was the clear priority but, as this comes under better control, they are now beginning to reach out further into the supply chain.
- Nick stated that his Safety task force programme board which includes Simon French, Ian Prosser, Allan Spence, Rob Miguel and others, provided good oversight and governance. From April 2021 in accordance with the Margam recommendations, the group was being extended every 3 months to give wider representation to others and he was looking to get invites out by April 2021. The target date for the 019 standard revision was April 2024.
- Simon French asked what plans Network Rail had for developing site leadership skills and behaviour. Nick responded, highlighting the COSS recertification that now requires classroom learning with specific modules relating to this area. Good level 1 assurance also played a significant role in ensuring safety and mentoring conversations were taking place.

16. Noting the significant discussion both Simon French's and Nick Millington's presentations had generated in the areas of track worker safety, leadership and

culture, RIHSAC agreed that – as a Committee - it should maintain a role in oversight/challenge (as well as taking relevant opportunities within own constituencies) and this topic should therefore return to RHISAC in 12 months' time to review industry progress.

**Action 118.4 – RIHSAC committee is to revisit the topic of track worker safety, including leadership and culture, in 12 months' time to assess industry progress.**

### **Railway safety and cybersecurity (Paul Appleton)**

17. Paul Appleton gave a presentation on cybersecurity, bringing attention to the improved awareness the industry now had for potential risks in the software-based systems that are now commonplace.

18. Points made in discussion were:

- Ali Chegini advised members that RSSB was producing 'Taking Secure Decisions' following the release of version 3 of 'Taking Safe Decisions' last year. This addressed much of what Paul had mentioned and should be coming in the next year or so.
- David Porter was interested in exploring how some of the risks that may arise from the software side of things would also create problems with the interface with users, and how these human factors elements were being factored in alongside these technical issues. Paul responded that whilst ORR had contact with organisations throughout the process, its formal role tended to come in at the end stage, but ORR is keen to engage at the start of a process to promote safety by design. He advised RIHSAC that ORR has a team dedicated to human factors.
- Simon French agreed that considerations around the human interfaces should be at the start of development of new systems, not at the end. He thought the most important thing was defining exactly what you want the software to do, noting that a programmer was often just following a specification and didn't necessarily have a deep understanding of trains.

### **Forward planning**

19. Justin commented on the upcoming agenda in June and noted that it looked quite full but if anyone had any ideas, not just for June but for future meetings as well, they should contact Max Buffey. RIHSAC had agreed to have a further item in 12 months to discuss track worker safety issues so this would be added to the programme.

20. Tracy mentioned that in the upcoming June meeting, Geoff Spencer from the National Freight Safety Group would be joining Patrick Talbot on freight safety and Geoff had requested to become a member of RIHSAC from June onwards.

Assuming there were no objections from members Justin McCracken would formalise this via a letter to Geoff.

**RIHSAC 118.5: RIHSAC secretary to prepare a letter for Justin McCracken to formally invite the National Freight Safety Group to become a member organisation of RIHSAC.**

### **Meeting review**

21. Justin McCracken commented that he thought the meeting went smoothly, even though held online again, and thanked everyone for their discipline and forbearance in the online environment. ORR would continue to hold the meetings virtually but would get back to being in the same room again once the situation allowed. He reiterated the request to keep suggestions coming for agenda items.

**Next meeting schedule June 2021 – exact date TBC.**



## Glossary of abbreviations

ASLEF	Associated Society of Locomotive Engineers and Firemen
COSHH	Control of Substances Hazardous to Health Regulations
CP	Control Period
DfT	Department for Transport
DI, NI	Department for Infrastructure, Northern Ireland
ESPF	Établissement public de sécurité ferroviaire
FOC	Freight operating company
GDPR	General Data Protection Regulation
HMRI	Her Majesty's Railway Inspectorate
HS2	High speed 2
HSRC	Health and Safety Regulation Committee
IGC	Intergovernmental Commission (on the Channel Tunnel)
IOSH	Institution of Occupational Safety & Health
ISO	International Standards Organisation
LHSBR	Leading Health & Safety on Britain's Railways
LUL	London Underground Ltd
MOU	Memorandum of Understanding
NR	Network Rail
ORR	Office of Rail and Road
OH	Occupational health
PACTS	Parliamentary Advisory Committee on Transport Safety
PPE	Personal protective equipment
PTI	Platform train interface
RAIB	Rail Accident Investigation Branch
RDG	Rail Delivery Group
RIHSAC	Rail Industry Health and Safety Advisory Committee
RM3	Risk management maturity model
RMT	Rail Maritime & Transport Union
ROGS	Railways and Other Guided Transport Systems (Safety) Regulations 2006
ROI	Republic of Ireland
RARR	Risk assessment and risk ranking
RSD	Rail Safety Directorate (of ORR)
RSSB	(formerly) Rail Safety and Standards Board
SRC	Strategic Risk Chapter
TBC	To be confirmed
TfL	Transport for London
TOC	Train operating company
TSSA	Transport Salaried Staffs Association
TUC	Trades Union Congress