

**Office of Rail Regulation
Railway Industry Advisory Committee (RIAC)**

**Minutes of the 91st RIAC Meeting
Tuesday 16 October 2012
Rooms 1 & 2, One Kemble Street, London**

Present:

Mike Lloyd	Chair, ORR Non-Executive Director
Dave Bennett	ASLEF
John Cartledge	London Travel Watch/Passenger Focus
John Collins	Angel Trains (ROSCO representative)
Miles Flood	British Transport Police
Bill Hillier	HRA
Anson Jack	RSSB
Andrew Livingston	Atkins Global
Mike Lunan	Passenger representative
Garry McKenna	DRD (Northern Ireland)
Colin Robey	CENTRO
Kevin Robertshaw	Network Rail
Peter Rowe	British Transport Police
Louise Shaw	ATOC
Allan Spence	Network Rail
Alastair Young	Transport Scotland
Ian Prosser	Director, Railway Safety, ORR, and HM Chief Inspector of Railways
Dilip Sinha	ORR, RIAC secretary
Michael Beswick	ORR
John Gillespie	ORR
Tracey Barlow	ORR, Non-Executive Director
Sharon Mawhood	ORR) item 4
Stefano Valentino	ORR) Item

Item 1: Welcome, introductions and apologies for absence

1. Mike Lloyd welcomed everyone to the meeting. He reminded members that the Committee had, at the last meeting, agreed revised Terms of Reference and Rules of Procedure for RIAC. It had also agreed to change its name to the Railway Industry Health and Safety Advisory Committee (RIHSAC). Tracey Barlow, the ORR Non-Executive Director who had chaired that meeting, had explained that the changes would need to be approved by ORR's Board before they could come into effect.
2. Mike explained that the process of approval has not yet been completed. RIAC is being included in a review by ORR's Board of all its committees, and once that has been completed, the changes will come into effect. Mike said that he does not anticipate any problems with the changes being approved (though he cannot prejudge this, of course), and he expects that the new processes will be operational before the next meeting (in February 2013).

3. Apologies for absence were recorded from Francis How of RIA; Robert Gifford of PACTS; Gareth Llewellyn of Network Rail; Mike Strzelecki of LUL; and Steve Coe of TSSA.
4. RIAC reviewed the minutes of the 90th meeting (12 June 2012), which included amendments received by the secretariat after circulation of the original draft. Members agreed the minutes as a correct record. All the actions from the June meeting were recorded as completed or in progress.

Item 2: Chief Inspector's Update

5. Ian Prosser reported on developments since the last meeting. He said that recruitment of a project engineer and an economist for ORR's Scotland office had taken place, following the appointment of Sue Johnston as Deputy Director for Scotland. Sue handles railway safety issues and policy matters related to Scotland. Staff in her office will work on ORR-wide projects, as well as Scotland specific ones.
6. The International Railway Safety Conference 2012 took place in London last week and was co-sponsored by ORR. The conference had been very successful, and was followed on Thursday 11 October by the Trade Union Workers Day, an event that ORR set up jointly with trade unions. It had focused on the need for collaboration between management and unions to achieve excellence in safety, and Ian Prosser believed it had been very useful. Dave Bennett confirmed that reports reaching him had confirmed that trade union safety reps had found it useful.
7. On 7 November 2012, ORR will be holding an occupational health event at Kemble Street, which a wide range of representatives are expected to attend. The Office has now promoted its Occupational Health Programme 2010-14 at a series of public events, and given the good reception it has received to date further similar events are likely to be held.
8. Ian Prosser concluded by reporting that ORR Chief Executive Richard Price will speak at the IOSH Conference on 20 November, and that ORR will hold a Transparency Conference in December to explain its plans to increase transparency of the railway industry's performance for passengers, funders and the wider public.
9. In discussion, Allan Spence explained the background to the International Railway Safety Conference. He had been involved with organisational arrangements for Network Rail, and he believed, like others who had spoken, that the event had been positively received by attendees.

Item 3: McNulty: 16 months on

10. Michael Beswick, ORR's Director of Rail Policy, introduced this item. He explained that members had requested that an update be provided on progress in implementing the McNulty Report in the year since it took place, along with any other relevant developments. This presentation was designed to provide that update.
11. Michael said 16 months have now elapsed since the McNulty report. Before turning to it, he would set out a little bit of background regarding the railway. He explained that the industry's income (including subsidy), amounted to around £11.5 billion per year - £6bn from passengers, £4bn from the UK and Scottish governments; and £1bn from other sources. In turn, its expenditure was around £11bn, with a roughly 50:50 split between network and train operation costs.

12. There has been huge growth over the past 15 years, with passenger km increasing from 30 to over 50 billion per year. All evidence points to this growth being sustained. But the downside of this good news is that it has required a large increase in public sector financial support, peaking at £6bn per year and currently running at around £4 billion p.a. This cost arose from paying for investment and the growth in passenger km.
13. Michael Beswick then turned to the McNulty report. It had proposed a 30% reduction in industry costs from 2008 to 2018. This was expected to result in industry expenditure being around £3bn per year lower by 2018-19 than in 2008-9.
14. Sir Roy McNulty had made several recommendations. These included creating an enabling environment to create industry leadership; less detailed government involvement; more devolved decision-making; more effective incentives; and a move towards a single industry regulator.
15. McNulty's report suggested that focusing on key areas should deliver greater efficiency and consequent savings – these areas include asset management; safety and standards; information systems; rolling stock; and lower cost regional railways.
16. The Government had responded to the McNulty report by publishing its Command Paper in spring. It sought to provide better value for the passenger and set out a more strategic role for government; a more efficient industry; and better information and more access to data.
17. Michael explained that the proposed changes are being implemented in various ways – including alliances between Network Rail and train operators; via ORR's Periodic Review programme; and via a new Rail Delivery Group made up of senior industry representatives, which is seeking to drive change from within the industry itself.
18. Michael briefly explained some of these methods for change:
 - Alliances – Network Rail currently has a 'deep' alliance in Wessex with South West Trains, which includes an integrated control room. This looks to be successful so far, and future franchises could have similar alliances in place from the start of the franchise;
 - Transparency – this involves providing more and better (i.e. more accurate) information for users. It includes transparency of industry costs and provision of information to passengers at stations;
 - Rail Delivery Group – this has set out priorities including providing industry leadership; asset management; contractual and regulatory reform; producing a technical strategy; and more.
19. Franchising is another area where change is possible. The Government's franchising policy now has to be reviewed following developments in the West Coast franchising competition held earlier this year; and the Government's Command Paper identified possible changes to ORR's regulatory role in future, which may include some aspects of franchise monitoring.
20. Mike Lloyd thanked Michael Beswick for his presentation, and discussion then followed. Mike Lunan opened by asking about transparency. While he welcomed passengers having more information about ticket prices, there didn't seem to be much in the way of information about performance or safety. Bill Hillier agreed, asking whether ORR intends that service information for individual lines should be made public, rather than just at TOC level. Michael Beswick said that was the case. Anson Jack noted that providing information on subsidy given to individual services

would require some technical assumptions about cost and revenue allocation to be made, so publishing at this level would be a political decision.

21. Mike Lunan said that he had heard concerns from a Swiss electronics firm last week about difficulties involved in becoming a supplier. Allan Spence said that Network Rail is working hard to make it easier for firms, and that changes are likely with regards to prequalification. Ian Prosser noted that one of the aims of ORR's PR13 process is to ensure that the best suppliers are chosen, including those from outside the UK when necessary.
22. John Cartledge believed there was an underlying message from McNulty – "there are too many staff". However, all the surveys show that passengers want more (or at least more visible) staff, not fewer. Despite proposing cost reductions, the report had also suggested an increased number of railway bodies - a National Safety Task Force – (which had already been ruled out by the industry) and a Rail Systems Agency. Anson Jack agreed, saying the report had not made its view on the role of RSSB clear – the proposed bodies seemed to be aimed at replacing it.
23. Replying, Michael Beswick said that McNulty had proposed reducing staff as a result of increasing productivity. He believed the industry has a good safety record, but safety is not always achieved in the most efficient way. Ian Prosser agreed, saying that report claimed that the industry does not manage risk optimally. It supported the use of a maturity model such as ORR's to help with this.

Item 4 – Managing work related stress in the rail industry

24. Sharon Mawhood, an inspector working on ORR's health programme, introduced this presentation. She said it aimed to look at the scale of the stress problem in the industry; where the industry is now and where we want it to be in future; and what ORR is doing to facilitate this change.
25. Sharon said that Health and Safety Executive data showed that stress accounted for 10.8 million lost working days in 2010-11. Stress accounted for over a third of all work related ill health, with workers taking an average 27 days off.
26. The railway industry currently has no reliable data on incidence of work related stress. Many industry companies do not measure work related sickness absences, including stress. But published figures in NR's Annual Return 2012 report 738 stress referrals to BUPA in 2012, with 20% having a work related element. Using estimated costs from HSE cost model, at £4000 per case, this could amount to a cost to the business of £2.95 million.
27. As well as the financial costs, there are compelling moral and legal reasons for employers to act. There are proven links between stress and mental ill health, physical illness and harmful behaviours (abusing alcohol, poor diet etc.), as well as legal duties under health and safety, but also employment law, to manage work related stress. ORR believes the industry is generally good at secondary intervention – helping individuals to cope better with stress and at tertiary intervention – post incident trauma support and counselling services. But it is not so good at primary intervention - preventing harmful levels of stress arising in the first place. To deal with this, ORR is promoting use of a preventive, collective approach to stress management, such as the HSE Management Standards approach. It is focusing on showing the business benefits of proactive stress management, and working to share examples of what works using case studies and buddying to facilitate learning.
28. ORR recognises that a real cultural shift in how the industry manages work related stress may take some time. However, there is emerging evidence of real progress

in occupational health management, with wider recognition of the benefits to rail businesses. More rail companies are demonstrating strategic thinking on health management, including stress. And RSSB has projects under way to deliver better intelligence and share good practice.

29. Mike Lloyd thanked Sharon for the presentation. In the debate:

- Dave Bennett noted that publication of the 2012 biennial TUC survey results is expected next week. ASLEF will be analysing returns from their members, which should provide insight into rail specific health issues.
- Anson Jack noted the on-going work by RSSB, to explore better health data collection and also to promote good practice by sharing of information;
- Allan Spence noted that time lost through stress may be only partially due to work. That is why NR is focusing on wellbeing rather than just occupational health;
- John Cartledge said there appeared to be a focus on front-line staff, and suggested that managers presumably had stressful jobs too. Michael Beswick said that this assessment was correct, and Sharon Mawhood added that the Management Standards approach captures all job roles, including managers;
- Andrew Livingston said that his organisation (ISLG) had seen little information on occupational health. The level of data currently available was poor. He wondered if human resources staff might be wary of following standards on stress management, in case this was seen as admitting that work practices cause ill health and led to financial claims from employees. John Gillespie said this was a fair point, but that those companies who proactively manage stress are in a much stronger position to defend any civil claims. He added that HR professionals had been invited to ORR's occupational health event on 7 November.

Item 5 – AOCL+B: a presentation on level crossings

30. Allan Spence, currently on secondment from ORR to be Network Rail's Director of Safety Strategy, introduced this presentation. He said that while at ORR he had decided, after various level crossing incidents, to "do something" about AOCL+B. He then wrote to Network Rail in 2010 about steps he thought it should take to improve management of level crossing risk. While he is on secondment to NR, he has had a chance to witness some of his recommendations being put into action.

31. Allan explained that there is now a single national level crossing team at Network Rail. The company's strategy is to close 750 crossings during 2008-13 (that's 10% of the total). Suppliers have been invited to tender for work at groups of crossings, saving time on handling locations individually. New technology is being introduced to detect trains, at a fraction of the cost of equipment previously in use. And better information is becoming available about crossing users. As a result of all this, risk caused by level crossings is now around 19% lower than in 2008. Network Rail now has 100 level crossing managers, each one of whom has full responsibility for 60 crossings.

32. Kevin Robertshaw, Network Rail's Director Route Asset Management, East Midlands, then gave a presentation. He explained that the focus on AOCL-Bs is designed to focus on road/rail risk mitigation. There are no changes to speed limits, or attempts to introduce new designs. The idea is to have a standard installation that can be rolled out quickly at each location. The only change involves installation of a barrier, designed to work in the way road users are familiar with at other level crossings.

33. The barriers are designed to deter road users from driving across the track (racing the train) where there is no barrier to deter them. The barriers are connected to the LC circuitry using a simple system, so they are easy to install. The first installation was commissioned at Ardrossan Harbour on 29 April 2012. The next, at Wraysholme, is expected to be in service by November 2012.
34. Kevin gave a detailed description of the installation procedure for the system at level crossings, and showed pictures of it in action.
35. Kevin concluded by explaining the priorities of the project. Early stakeholder engagement is important, to ensure that people understand what is happening and why. Measures are taken early to assess and mitigate risks at each crossing. In addition, each installation is different – adaptations are made as necessary to suit that particular crossing.
36. Mike Lloyd thanked Allan and Kevin for the presentation. A short discussion followed, in which Mike Lunan asked if it was the case that to a road user the crossing would appear to be the same as an AHB crossing. Kevin Robertshaw confirmed this was so. Mike said that developments were taking place on his local line (Scotland's "Far North" route), and he was delighted something was being done.

Item 6 – Consultation on the ROGS regulations

37. Stefano Valentino, Senior Executive, Railway Safety Policy, introduced this presentation. He explained that ORR is currently consulting on changes to the 2006 ROGS regulations; the 2006 Enforcing Authority regulations; and the 2010 Train Driver Licences and Certificates Regulations. Stefano also drew attention to HSE's consultations on changes to the RIDDOR regulations and to HSWA (the Health and Safety at Work etc. Act 1974).
38. ORR is proposing:
 - To amend ROGS to give effect to EU regulation EU/445/2011 (to bring entities in charge of maintenance within ORR's enforcement regime via ROGS);
 - To amend the Enforcing Authority regulations to give ORR inspectors power to enter and enforce in certain premises;
 - To clarify that metro, heritage railways and light rail systems are excluded from the definition of "mainline railway" in ROGS; and to amend the Train Driver Licensing regulations to reflect this changed definition; and
 - To make other changes in ROGS as detailed in the presentation (Note: this is available on ORR's website).
39. Stefano explained that HSE is consulting on changes to RIDDOR to remove the requirement to report certain incidents, detailed in the presentation. The Executive is also proposing amending HSWA to exempt some self-employed people, except in high risk industries.
40. The ORR ROGS consultations close on 23 October. HSE's consultations close on 28 October.
41. Mike Lloyd thanked Stefano for the presentation. A short discussion followed, which Bill Hillier opened by asking about differences between ORR's and the DfT's definitions. It was suggested that he and Stefano Valentino could discuss the issues outside of the meeting.
42. John Cartledge said that the official passenger bodies would be strongly opposed to the removal of certain branch lines from the scope of the Safety Directive (because

this would place them outside the scope of the Common Safety Indicators and Targets), and to the proposed removal of the requirement for metro systems to produce and publish annual safety reports (because this was inconsistent with ORR's declared commitment to transparency). He argued that all major systems – including light rail and tramways – should not only be required to produce such reports but also to publish them electronically, thus making them much more readily accessible.

Next meeting

43. The next meeting will take place on 12 February 2013. The agenda will include a presentation on European issues; an update on the Strategic Elements Project strategy after a few months of practical implementation; and an item on preparedness for emergencies such as stranded trains.

Next Meeting

Tuesday 12 February 2013, from 1230-1600 at One Kemble Street.

Dilip Sinha

RIAC Secretary

October 2012