

**Office of Rail and Road  
Railway Industry Health and Safety Advisory Committee (RIHSAC)**

**Minutes of the 101st RIHSAC Meeting  
Monday 8 February 2016  
Rooms 1 and 2, One Kemble Street, London**

**Present:**

Justin McCracken	Chair, ORR non-executive director
John Abbott	RSSB
Susie Beevor	ATOC
John Cartledge	Passenger representative (Co-opted member)
John Collins	Angel Trains
Jill Collis	TfL
Gary Cooper	ATOC
David Davies	PACTS
Lisbeth Fromling	Network Rail
Bill Hillier	Heritage Railway Association
Mick Holder	ASLEF
Mike Lunan	Passenger representative (Co-opted member)
Garry McKenna	DRD Northern Ireland
Susan Murray	Unite
Alastair Young	Transport Scotland
Dilip Sinha	ORR, RIHSAC secretary
John Gillespie	ORR
Ian Prosser	ORR, HM Chief Inspector of Railways; Director, Railway Safety
Johnny Schute	ORR, Deputy Director, Policy and Strategy, Railway Safety
Jerry Mawhood	ORR, HM Inspector, human factors )item six
Colin Greenslade	ORR, Head of Strategy - items three and eight
Ian Raxton	ORR, HM Principal Inspector, railway operators )item nine

**Item one: Welcome, introductions and apologies for absence**

1. Justin McCracken welcomed everyone to the meeting. He noted that it was Lisbeth Fromling's first meeting as Network Rail's representative, and welcomed John Abbott of RSSB, Mick Holder of ASLEF, and Susie Beevor of ATOC.
2. Apologies for absence had been received from Dave Bennett of ASLEF, Steve Coe of TSSA, George Bearfield of RSSB, Stephen Chamberlain of the Welsh Government, and Robert Nichols of London TravelWatch/Transport Focus.
3. RIHSAC reviewed and accepted the minutes and actions arising from October 2015's meeting.

**Item two: Chief Inspector's update**

4. Ian Prosser, HM Chief Inspector of Railways, reported on developments since the last meeting. He reported that ORR made two interim appointments to its Chair and Chief Executive roles for 12 months. Stephen Glaister, previously a non-executive Board member, is now the Board Chair, and Joanna Whittington, formerly head of the railway markets and economics directorate, is now Chief Executive.

5. ORR has been engaging with the Department for Transport's review of the regulator's functions, which is expected to report in March. Ian thanked committee members for the substantial responses they have sent.
6. Ian noted that Nicola Shaw's review is also expected to publish at around that time. ORR published its response to the Shaw Report scoping consultation in January, noting that the role of the regulator needs to be considered in light of clear objectives for the rail industry and a vision for the overall industry structure. ORR set out the case for independent regulation and referenced our recent work on possible reforms to network charges, system operation and competition.
7. ORR has just concluded a consultation seeking evidence that may support its enquiries into the issues raised in the super-complaint made by 'Which?' regarding rail passenger compensation. The regulator needs to respond within 90 days of the complaint being lodged, which means our response should be submitted by 18 March 2016.
8. ORR hosted the biannual Plenary of the International Liaison Group for Government Railway Inspectorates (ILGGRI) on 24 and 25 November. In total, 40 delegates representing 20 countries attended the meeting, which Ian chaired. The meeting heavily focused on the upcoming 4th Railway Package, focusing on the 'Technical Pillar,' which is due to be implemented by 2019.
9. Last week, the Secretary of State for Transport approved signature by ORR of any agency agreement with the Health and Safety Executive. This will allow ORR to enforce in respect of safety by design issues relating to the operational railway on construction sites.
10. Replying to questions raised, Ian said that the response to the DfT's consultation into ORR's role had overwhelmingly recommended leaving the combination of economic and safety regulation alone, as it works well. There was certainly no suggestion of a change to its safety role. Justin McCracken said that he has recently met with the DfT teams handling the review, and could confirm what Ian said.

### **Item three: Review of RIHSAC's terms of reference**

11. Colin Greenslade, Head of Strategy, Railway Safety, introduced this item, on which a paper had been circulated to members. He said that ORR had decided to review the Terms of Reference again, having last done so in 2012. The current review proposed changes to enable RIHSAC members to be consulted by correspondence, and to increase the number of meetings from three a year to four.
12. In reviewing RIHSAC's membership, ORR noted that HS2 has agreed to join RIHSAC from January 2016 and a number of questions have been raised on other potential members. These were in Annex C.
13. The ToR indicates that ORR should be seeking RIHSAC's advice on developing and implementing ORR's strategy for improving standards of health and safety in the railway industry. As a result, ORR would like to consult RIHSAC, from April 2016, on revisions to the individual chapters of ORR's strategy for regulating health and safety risks. The schedule for doing so may mean that there would be advantage in RIHSAC meeting four times each year.

14. ORR undertakes an annual risk ranking exercise in the autumn of each year so that it can inform ORR's plans for the following year. The regulator would like to consult RIHSAC on the risk ranking outcome from this exercise.
15. Justin McCracken thanked Colin for his presentation. Members then discussed the proposals on members in Annex C, asking:
- whether TfL should be represented instead of London Underground. It was confirmed that TfL should be listed rather than London Underground;
  - whether RDG should be invited. Gary Cooper confirmed that RDG should be shown alongside ATOC and that he would represent both organisations; and
  - Passenger Focus was now Transport Focus.
16. Answering a question about possible membership for the Rail Accident Investigation Branch, Ian Prosser noted that its former Chief Inspector did not think this would be appropriate. Given that there is a new person in post, however, the committee agreed that ORR should approach RAIB again now to ask if it wished to join the committee either as a member or an observer.

**Action: Secretariat/Ian Prosser**

17. RIHSAC then turned to the proposal for four meetings a year. Members felt that while it was possible to review items in correspondence, they valued the interchange that took place in discussions across the table. For that reason, the committee decided that it would be preferable to accept the proposal for up to four meetings a year. This will start from the date of the next meeting (June 7).

**Action: Secretariat**

#### **Item four – RSSB draft industry health and safety strategy: update**

18. John Abbott of RSSB updated the committee on progress with the draft strategy since his last report (at the October 2015 meeting).
19. John reminded members that he had taken them through how the strategy had been developed at the last meeting. It is designed to provide a focus for leadership collaboration; to tell the health and safety story (with integrated links to other available resources); and to facilitate work by the industry on strategies for working together.
20. The consultation in October was aimed at developing content for the strategy. RSSB proposes that twelve key risk areas can best be dealt with through collaboration, and there are nine key management areas including safety by design, where this is also the case. John thanked members who have contributed to the consultation, and said that appropriate changes have been made. This particularly includes improvements in the areas of graphics and illustrations.
21. The final version of the strategy went to the RSSB Board for approval last month, along with a stakeholder engagement map, so that it could approve the next steps. RSSB is now engaging with individual duty holders including freight, where the RDG freight group is planning workshops with individual freight companies. Similar work is being done with Network Rail, and is planned with ATOC.

22. John said the target is for all duty holders to have endorsed the strategy and be clear what it means in practice. The industry health and safety meeting on 21 April is due to launch the strategy. After that date, RSSB will prepare materials to support telling the health and safety story, with a range of digital material planned for various levels on industry staff.
23. Concluding, John noted that the strategy will be reviewed six-monthly once it is in place. He offered an annual report to RIHSAC on progress made via the strategy, which the committee accepted.
24. Justin McCracken thanked John for the presentation, and discussion followed. Answering points raised, John noted that BTP was included among the organisation RSSB is consulting. However, he could see that providing material for the public to download would be a good idea, and help spread the message.
25. Asked which areas were proving contentious, John said there had been differences on how mature some areas of industry were – they didn't agree with the initial RSSB assessment. Gary Cooper noted that there were on-going open discussions on these issues.
26. Bill Hillier noted that the heritage railways would like to stay aligned with the strategy. John Abbott agreed that this was a good idea. Finally, John Cartledge noted that he was pleased that the strategy dealt with major issues and did not get into micromanagement.

**Action: RSSB to prevent an update on the strategy in 12 months**

#### **Item five: Railway Safety's workplan for 2016-17**

27. Johnny Schute, Deputy Director, Railway Safety, opened this presentation, which is given to the committee at this time each year. He reminded RIHSAC of the process Railway Safety Directorate undertakes, with a planning meeting in January, after which teams put forward work programmes for sign off by Chief Inspector Ian Prosser.
28. Johnny noted that the directorate has 111 FTE staff, reducing to 109 FTE by year end. As not all work full time, that amounted to a total of 129 people employed.
29. Addressing each of the workstream areas in turn, Johnny noted that the RSD route teams would focus on several areas, including level crossings, occupational health, workforce safety, asset management and electricity.
30. Looking at other teams:
  - Freight will look at the ECM update to ERM
  - Heritage will work on continued development of RM3
  - The TOC team will cover several areas: degraded working, vehicle incursion, low adhesion, multi-SPAD signals and more
  - The Regulation team will be pursuing RAIB recommendations; working on publication of annual H&S report; doing enhanced analysis and horizon scanning with improved date analysis; the RSSB five year review, and more
  - The Policy team will look at Safety by Design guidance to inspectors; engagement with Crossrail and HS2; level crossings – amendment to

legislation; and support to PR18 workstreams within ORR, ensuring that safety is properly considered. It will also continue to focus on Europe.

30. Justin McCracken thanked Johnny for the presentation, and discussion followed. Answering questions, Johnny confirmed that the work on sub-groups listed under RSSB is internal to ORR. He also apologised that there was a slide missing for the TfL team work.
31. John Cartledge noted that ORR no longer publishes the former HMRI Annual Report, due to overlap with RSSB statistics. However, there was no set of comprehensive statistics available for anywhere except the mainline, and he wondered if this could be addressed. Ian Prosser agreed that this is the case, but noted that ORR is trying to find ways to report more data on other railway sectors. Mick Holder noted that HSE no longer exclusively uses RIDDOR reports to produce statistics, as they are known to be inaccurate due to under-reporting.

### **Item six – Developing and maintaining staff competence**

32. Jerry Mawhood, HM Inspector human factors, introduced this presentation. He noted that ORR is reviewing and updating Railway Safety Publication RSP1 “Developing and maintaining staff competence”. Jerry does not believe that a major revision is needed. Broadly, we propose adding content on the integration of Non-Technical Skills into competence management systems, and updating the references.
33. ORR now seeks an initial informal view from a cross-section of contacts (RIHSAC plus a small number of other contacts) on any necessary changes to the guidance. If respondents agree that the suggested minor changes are sufficient, ORR will draft the changes and then formally consult the industry on the updated draft, with a view to publication in summer 2016.
34. Jerry said that the current guidance was understood and well respected in the industry, but was now out of date in several respects. It makes no reference to recent progress in competence management, especially Non-Technical Skills; the suite of recent RSSB good practice guidance; or changes in skills development bodies etc.
35. ORR sent a summary of ORR intentions to 27 organisations in November – RIHSAC, employers and industry bodies; government and advisory bodies; and trade unions. Everyone who responded supported ORR’s proposed approach.
36. In GB rail, there are stubborn themes in incidents e.g. problems from attention, distraction (e.g. SPADs); multi-tasking, prioritising, communication (e.g. signallers); and assertiveness (e.g. CoSSes). These all fall under the umbrella term “Non-Technical Skills”, and ORR would like to update the guidance to include reference to them. The committee supported the proposed approach to reviewing the document.
37. Explaining the next steps, Jerry said that ORR will hold a consultation from end Feb – end May 2016. It will finalise the revised guidance in June, and publish it on the ORR website in July.

### **Item seven – level crossings update**

38. John Gillespie opened this presentation. He said he planned to update RIHSAC members on the revision of level crossings chapter (Chapter 4) in ORR's health and safety strategy document and ORR's continuing efforts to secure law reform. These topics have previously been discussed at RIHSAC in October 2014 (level crossings in general) and February 2015 (law reform).
39. Network Rail has the safest level crossings and is the safest railway in Europe in terms of the number of bad events happening. There has been no confirmed fatality (other than suicides) at a level crossing since March 2015, the longest period ever without one
40. John explained that around 2,000 crossings are passive (e.g. user worked) and the others are active (e.g. half barriers). He talked about the accident statistics for crossings as against elsewhere on the railway.
41. ORR's health and safety strategy document, first published in 2012, sets out its approach to regulating the health and safety risks created and managed by businesses in the rail industry. Chapter four looks strategically at how we regulate level crossings risk to drive continuous improvement whilst reflecting the "real world".
42. John explained that ORR has revised the chapter in an effort to be forward looking and outcome oriented, with a clearer sense of priorities. The new text is clear on where responsibilities lie, and will set out our targeted inspection activity on particular aspects of risk management. It will stress the importance of using design improvements and knowledge of human factors to reduce LX risk over time, and reflect that Network Rail is developing its own level crossings strategy.
43. Comments are welcome from RIHSAC, and the revised ORR strategy chapter will be circulated. ORR will then take the final, revised Chapter 4 for internal approval and publish as soon as possible afterwards on the website.

#### **Item eight – crowding policy: update**

44. Colin Greenslade opened this presentation. He explained that industry success with the continual increase in passenger numbers is creating more frequent events of crowding and ORR hosted a well-attended industry seminar on 7 October 2015 to consider the impact of growth and identify best practice and encourage the industry to review its approach to effective crowd management. ORR at this time signalled its intent to review its own policy on crowding. The industry accepted that it could and must do more to effectively manage current and future growth.
45. The Rail Safety and Standards Board's Passengers on Trains and Stations Risk Group (PTSRG) has agreed to take the outputs from the seminar forward through a working group comprising RSSB, Network Rail, South West Trains and ATOC. We will continue to engage with PTSRG to understand and encourage progress to ensure that momentum is not lost.
46. ORR has a published policy on on-train crowding - however this does not cover aspects of crowding at stations or at the Platform Train Interface (PTI). Passengers are concerned about on-train crowding, a view often entangled by perceptions of perceived poor value for money and service received. Travelling on crowded trains is a consistent cause for complaints.

47. ORR's current policy is silent on other aspects of crowding on stations and at the platform-train interface (PTI) where there is a higher risk.
48. ORR last reviewed its policy on crowding in 2009-10, the outcome of which was a formal policy position in relation to on-train crowding. We are now reviewing and enhancing this policy so that it also encompasses station crowding and risks arising from the platform-train interface; is clear that it is applicable to non-mainline operations as well; and sets out the industry commitment that has been given – through the PTSRG – to take forward this important issue.
49. As well as consulting RIHSAC ORR is also (simultaneously) conducting some external consultation using a small group drawn from participants in the ORR hosted 7 October cross-industry seminar. Our aim is to publish our revised policy by March 2016.
50. Justin McCracken thanked Colin for the presentation, and discussion followed. Members noted that there was a higher risk at the PTI. John Cartledge noted that users' views would be somewhat different – they think crowding turns into overcrowding, and the railway does nothing about it. Colin Greenslade confirmed that this issue is being considered and had asked for this to be reflected in any revised guidance.
51. There was some discussion about the drafting of the document. Members were not persuaded that it should include a section on “how passengers can help”, certainly as drafted, with suggestions such as travel at a different time. They believed the onus lay on the railway to find a solution, not the paying passengers.
52. Colin agreed to take the comments received into account in a further amendment to ORR's policy.

**Action: Colin Greenslade**

#### **Item nine - Safety by design: update**

53. Ian Raxton introduced this presentation. He said it would look at what Safety by Design is; why what ORR is doing now is different; and how we measure success
54. Safety by Design is shorthand for Health and Safety by Design. It is fundamentally the principle that thinking about and then designing out hazards at an early stage in a project is more effective, and more cost effective, than either making changes later on or not at all. “Hazards” includes how things are built and constructed, used by staff and by passengers, maintained and dismantled at the end of their life.
55. When ORR talks of inspecting ‘safety by design’ now, it does not mean a return to the intrusive, blanket, approach of ROTS, but rather more focus on checking that change management is working properly and that key risk priorities are being properly addressed. This will be a proactive approach.
56. The proposed new strategic chapter will set out clearly for industry what ORR's expectations are on the topic, so that they understand what we will expect to see as representing good practice – and what complying with the law means for designers.

57. As well as the new strategic chapter, ORR is reviewing and re-publishing the key elements of the old Railway Safety Principles and Guidance to set out our minimum expectations of standards of new work, and giving clearer guidance to inspectors on what to look for as representing good practice in projects.
58. ORR will also be entering into a new agreement with HSE to ensure that ORR has enforcement responsibility over the aspects of design that relate to the operation of railways.
59. Justin McCracken thanked Ian for his presentation. He invited members to send their comments to Ian by 22 February. The Secretariat will circulate an electronic copy for ease of reference. Justin noted that Ian agreed it would be right to consult RSSB's infrastructure standards committees while progressing the work.

**Actions: Secretariat (circulation), Ian Raxton**

### **Item 10 – Meeting review**

60. Justin McCracken explained the issues behind the proposed change of date of the next meeting, apologising that he could not make the date of 7 June. After discussion, the committee agreed to stick to that date rather than 4 July, with the meeting to be chaired by Ian Prosser.
61. The room for the next meeting will be arranged so that members are closer together than under the current arrangement, and meetings will be scheduled every three months (to fit the work outlined by Colin Greenslade earlier). The committee will take items on cyber security, detrainment by passengers and the platform / train interface during the next 12 months.

### **Next Meeting**

Tuesday 7 June 2016, from 1230-1600 at One Kemble Street.

Dilip Sinha  
RIHSAC Secretary  
February 2016