



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

### Minutes of the 112th RIHSAC Meeting

Tuesday 2 April 2019

Room 2, One Kemble Street, London

#### Present:

Justin McCracken	ORR (RIHSAC Chair)
Ian Prosser	ORR
Jen Ablitt	ORR
Tracy Phillips	ORR (acting RIHSAC secretary)
Anna O'Connor	ORR (for items 6 and 7)
Mark Ashmore	UKTram
Phil Barrett	RDG
John Cartledge	Co-opted (passenger interest)
Ali Chegini	RSSB
Paul Clyndes	RMT
John Collins	Angel Trains
Jill Collis	TfL
Lisbeth Fromling	Network Rail
Bill Hillier	HRA
Mick Holder	ASLEF
Vincent Borg	ASLEF
Garry McKenna	Department for Infrastructure, NI
Rob Miguel	Unite the Union
David Porter	IOSH
Jas Sekhan	British Transport Police

#### Item one: Welcome, introductions, apologies for absence and safety moment

1. Justin McCracken welcomed everyone to the meeting and apologised for any confusion over the start time – RIHSAC meetings started at 1.30 with tea and coffee available from 1pm; this would be made clearer for future meetings. Justin noted that Ali Chegini was now the representative for RSSB, Vincent Borg was attending with Mick Holder as Vincent would become the ASLEF representative when Mick retired, and Jas Sekhan was attending as the BTP rep on this occasion in place of Andrew Knight and Nisa Carey. Apologies had been received from David Clarke (RIAGB), David Davies (PACTS), Jason Connelly and Alastair Young (Transport Scotland).

2. RIHSAC reviewed and accepted the minutes and actions arising from the 15 January 2019 meeting subject to one query – Rob Miguel did not recognise the comment against his name at paragraph 26 concerning trams being referred to as “pedestrian friendly”. This would be picked up outside the meeting.

**Action 112.1 – RIHSAC secretary to clarify the minutes in respect of comments following Ian Skinner’s reference to “trams being pedestrian friendly”.**

3. Verbal updates were provided on the actions:
  - o a further update was provided on action 110.2 from the 16 October RIHSAC meeting and the proposed meeting to discuss leadership and culture between ORR, David Porter, and RSSB. This followed comments David had made in his paper, circulated to RIHSAC, which challenged whether ORR and the industry had the right amount of focus on leadership and health and safety competence. The meeting had taken place on 11 March and ORR and RSSB had provided an overview of what they were each doing in the area, efforts to engage at senior levels, how RM3 was being used to help pick out indicators to help challenge leadership and self-assess, and which RSSB products were targeted at senior leaders and how these were being taken up and used. Discussions also covered whether senior executives understood their health and safety responsibilities - particularly at middle management level – and whether guidance and training in this area needed to be rail specific. The good guidance produced by HSE and training provided by AD Little were noted; Ian had spoken at the latter which was attended by a number of TOC MDs with an exam at the end. Jill Collis also mentioned a British Safety Council course for senior executives and the NEBOSH course. Jen Ablitt set out the next step which was a system safety workshop run by RSSB for a high level leaders group; ORR’s Strategic Risk Chapters (SRCs) on competence and leadership would be used to guide activities. David clarified that the meeting had not discussed the SRCs themselves and was more generic; Jen confirmed that all SRCs had a review schedule and the competence and leadership/culture ones were not due for imminent review nor did the outcome from the meeting suggest that they should be. Mick Holder thought that good messages for the leadership guidance or during bilaterals with senior staff would be to ensure that safety policies were up to date and that risk assessments were reviewed regularly.
  - o Action 111.1 – the 16 October meeting minutes had been amended to add the word “request” to paragraph 11.
  - o Action 111.2 – Anna O’Connor had done some further work on the electrical safety policy since discussions at the last RIHSAC and this version would be sent to RIHSAC for comment shortly.
  - o A number of comments had been received after the last meeting following Ian Skinner’s presentation on and circulation of the new SRC on tramways and these had been reviewed and reflected as appropriate in the final version now on the ORR website.

4. For the safety moment Lisbeth Fromling noted the spike in near misses over the last two months and outlined the programme of work that Network Rail (NR) was undertaking to raise awareness and highlight the issue through use of CCTV footage.

### **Item two: HSRC update**

5. Justin provided an update from the 25 March HSRC meeting. The main item on the agenda was an annual update from Chris Gibb, Non-Executive Director and Chair of the Safety, Health and Environment (SHE) Committee at NR. Chris had been attending HSRC for each of the last four annual updates and Justin noted that this was the most in-depth discussion to date and centred around the planning and preparation for organisational changes and a shift to regions, track worker safety, fatigue management, and progress with RAIB recommendations. HSRC had also cleared the trams SRC mentioned above following comments from RIHSAC members and had taken an annual report on health and safety performance in the Channel Tunnel that had flagged a number of key areas of current work.

### **Item three: Chief Inspectors update**

6. Ian Prosser advised RIHSAC that he was intending to revise and refresh document *ORR's health and safety regulatory strategy February 2015*; that guidance on a No deal Brexit had been issued explaining what it would mean in relation to safety certification, train driving licensing etc; and that GTR had been notified that ORR proposed to fine it in relation to the provision of passenger information following the timetabling inquiry and awaited a response. He thanked all the organisations that had contributed to the revision of RM3 and outlined the industry workshops planned (10 April in Birmingham aimed at trams and light rail, 11 April in Doncaster aimed at FOCs, 15 April in York aimed at TOCs, 15 April in Milton Keynes for NR, 16 April in London for NR, 18 April aimed at TfL).
7. Ian also advised that a new suite of guidance covering the train driving licencing regime would be published at the end of the month, that the Million Hours Challenge (a rail industry initiative to support the work of the Samaritans) had launched formally and more organisations were signing up, that ORR was engaging with NR on the forthcoming organisational changes stressing the importance of keeping focus on health and safety, that track worker safety remained a key issue and that attempts were being made to set up a meeting between NR and RMT leaders (RMT had written recently about their concerns on track worker safety). An industry/TU workshop had been held by ORR on vigilance devices and Jackie Townsend, Trams Operations Limited, had outlined some of the benefits and the importance of engaging with the workforce before introduction.
8. The next RIHSAC was not until 2 July so Ian highlighted some of the likely headlines of his annual report. The three key challenges – supporting our people, pressure on the system, and technology – would remain. Other areas would be improving culture through leadership, the importance of working with the Samaritans, track worker fatalities and near misses. The report would note that the year had seen the lowest number of fatalities at level crossings (2) which was testament to the work of industry and ORR over the last 7 – 8 years. Other areas of comment would be SPADs, objects on the line, operating irregularities, safety by

design, fatigue, introduction of new trains, integrity of software systems, trespass and suicide, and an update on the Sandilands recommendations. The detailed content of the report would be worked up over the next couple of months.

9. Rob Miguel commented that HSE was taking the threat of cyber security very seriously and Ian advised that ORR was developing training for its inspectors, linked to the integrity of software systems, and continued to focus on safety by design to ensure relevant interfaces were identified and secured. Lisbeth Fromling informed members that NR had a confirmed budget for technology and thought that generally industry leaders needed to educate themselves on the opportunities and risks from its introduction.
10. John Cartledge asked whether any decision had been reached regarding prosecutions following Sandilands, as the continuing uncertainty (and the inability of the Coroner to proceed with the inquest) was stressful for victims, the bereaved and potential defendants alike. Ian advised that the last time ORR had met with the Crown Prosecution Service (CPS) it was still looking at certain pieces of evidence. ORR was in a good position to decide its next steps once CPS had made its decision.
11. Paul Clyndes remarked on the recent suicide of a rail worker who had used the infrastructure to take his own life, even though he would have been more aware than most of the impact this would have on other rail workers. He asked that industry think about what it could do to address this worrying issue.
12. David Porter asked about how ORR assured itself that it was discharging the Common Safety Method for supervision and Jen Ablitt outlined the requirement to use evidence to determine and develop a strategy for supervision. David wanted to take the opportunity to look at the CSM and come back for further clarification on how ORR met its requirements where he considered it necessary.
13. Mick Holder stated that, whilst the level crossing fatality figures might have improved, he still considered that the best option was to close more crossings. There remained a number of serious near misses so careful messaging was needed around level crossing risk. He also advised RIHSAC that ASLEF was holding 2 or 3 training days on ERTMS and it was sensible policy to engage at the development and planning stages for this and other new technology.

#### **Item four: Chief Inspector of RAIB's annual update to RIHSAC**

14. Simon French, Chief Inspector of RAIB, delivered his presentation (previously circulated to members) which provided an overview of RAIB's work over 2018, identified the key areas of safety learning, and emerging themes.
15. Simon's presentation generated a lot of discussion and comment, summarised below –
  - Rob Miguel thought that there should be more emphasis on improvements required in the management of the use of zero hours contracts and the supervision of those workers on them; the November 2018 fatality at Stoa's Nest Junction was a track worker on such a contract. Simon noted that RAIB had addressed this before following the Saxilby fatality and assured RIHSAC

that it remained of significant concern as did the number and type of track worker near misses being seen.

- John Cartledge emphasised the need for good quality communication between the people on site and the signaller controlling access. Simon noted that planning and implementing protection was not fully controlling the risk; it was still reliant on communication. RAIB had launched a class investigation to look at the reliability of information from signalers in respect of level crossings but also more generally – what causes errors and what more can be done to support safe decision making? Lisbeth agreed that current planning systems were not optimal and that the way schematics were currently laid out in the system could be improved. Lots of development work was underway in NR in this area.
- Paul Clyndes asked how satisfied RAIB was that 13% of its recommendations remained un-implemented and how the safety learning in those reports could be kept alive. Simon advised that only 3% of RAIB's recs had been rejected and expected that the other 10% of the 13% would be implemented over time; his view was that some recs could be responded to more quickly but others could legitimately take several years to implement. Lisbeth remarked that NR was making efforts to assure itself that once recommendations on NR were reported as implemented they remained so.
- Paul also considered that there should be a ban on red zone working, enforced by ORR, and that the role of planners needed to become more professionalised.
- Ali Chegini noted Simon's comments that it was early days on the Cambrian line investigation following a failure of ERTMS safety critical software but wondered whether it was likely to highlight issues with the ERTMS standards or their implementation. Simon thought that the guidance and safety validation process were sound so RAIB's focus was on how the process had been implemented, in particular how the safety requirements had been defined and then checked as being met.
- John Collins questioned whether the software considerations in this investigation would extend to rolling stock as well as signaling. Simon confirmed that there was likely to be wider learning derived from the investigation which was one of the reasons why it would take some time. Ian Prosser remarked that some software issues had already arisen with new rolling stock and a workshop was planned with the sector on introducing new trains. Simon advised that an aspect of RAIB's investigation into the Cambrian failure would be the level of supervision and oversight by the client.
- David Porter queried the quality of monitoring and leadership around recommendation implementation, how dutyholders assured that the failure that led to the incident wasn't repeated, and how ORR built this into their inspection plans. Simon commented that he thought RAIB's recommendation wording had got smarter and Ian confirmed that ORR undertook its own assurance to check recommendations and their implementation had effect.
- Mick Holder commented on the impact the public could have on the perception of incidents – the detraining at Lewisham following Twitter exchanges and a

recent implication that a driver was drunk for example (but when breathalysed was not). Ian agreed that this was one of the factors in his “pressure on the system” theme where the rapid way that we communicate could lead to people taking unsafe decisions highlighting the need for communications with passengers and between drivers and signallers to be accurate and timely.

16. Justin McCracken concluded by thanking Simon for his informative and thought provoking presentation.

#### **Item five: UKTram update**

17. Mark Ashmore, UKTram, talked through his presentation (previously circulated to members) that provided an update on the funding position and structure of the Light Rail Safety and Standards Board (LRSSB) and the development of a risk model for the tramway sector and a tram accident and incident reporting database. [Post meeting note – DfT funding for UKTram/LRSSB was received on 3 April.]
18. Justin noted the momentum of the work and was encouraged to see that UKTram was looking at international models and systems to identify best practice. David Porter asked how the sector was maximising safety management system learning following Sandilands and Mark confirmed that lessons learnt from Sandilands were a key element of the work of UKTram and LRSSB. Mark agreed to keep RIHSAC informed as issues moved forward.
19. Ali Chegini outlined briefly the work RSSB had been doing post Sandilands, in particular the outcomes from a workshop held in June 2018 to consider any lessons learnt in relation to mainline operations. A number of initiatives had been developed falling under the auspices of two working groups – the Risk Management Capability Group and the Train Accident Risk Group – covering the management of safety related communications to the public, developing skills for drivers, and fatigue. An update would be included in RSSB’s annual report to be published in June.

#### **Item six: Revising Strategic Risk Chapter 4 Level crossings**

20. Anna O’Connor presented her slides (previously circulated to members) which set out how the revision of the SRC would be confined to providing updates and reflecting developments but would not be substantial because the risk landscape had not changed significantly.
21. David sought clarification as to how big a problem level crossings now were and what job still needed to be done. Anna confirmed that there were still things that could be put in place to reduce harm at crossings but “sfairp” was a factor. In the previous control period ring-fenced funding had been given to go above sfairp. NR had undertaken bow tie analysis to identify the crossings where there was potential for catastrophic risk and these were now well protected. In this control period ORR would be challenging NR’s sfairp decisions as appropriate.

## **Item seven: Network Rail's management of health and safety in CP6 – ORR's approach**

22. Anna presented her slides which set out ORR's scrutiny of NR's plans for CP6 and the issues and challenges as we enter the control period. Time was tight so discussion was limited but Paul expressed concern about the lack of ring fenced funding in this control period and limited "wins" from earlier ones. Justin asserted that its absence would not mean that ORR would not still push for improvement where it was required, in the area of track worker safety for example. Ian confirmed that there was a range of safety equipment and technology developed centrally (and trialled) in previous control periods and the routes and regions would now have their own budgets with which to buy it; Lisbeth agreed that there was such demand from the routes. David Porter stated he had some comments on Anna's presentation but, given the time constraints, agreed to submit them in writing.
23. There was some discrepancy around the report backs Lisbeth had received of discussions between RMT reps and NR's Safety Council and the position and concerns that Paul Clyndes expressed around the "fragmentation of the industry" that would arise from Andrew Haines' 100 day plan in RMT's view. Paul and Lisbeth were asked to discuss this offline and report back to the next RIHSAC meeting.

**Action 112.2 – Paul Clyndes and Lisbeth Fromling to discuss concerns around potential fragmentation as a result of the 100 day plan and report back to RIHSAC at its next meeting.**

## **Items eight and 9: Forward Plan and Meeting review**

24. Members were asked to forward any comments on the forward plan to Tracy Phillips. Justin noted that the next meeting was likely to be the last in Kemble Street as ORR was due to move to Canary Wharf in September.

**Action 112.3 – all RIHSAC members to review the proposed forward programme and provide any comments to the RIHSAC secretary.**

25. Finally Mick and Paul were thanked for their many contributions to RIHSAC as representatives of ASLEF and RMT and wished well in their respective retirements.

**Next meeting scheduled for 2 July 2019.**

## 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
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
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
ROI	Republic of Ireland
RSD	Rail Safety Directorate (of ORR)
RSSB	Rail Safety and Standards Board
SRC	Strategic Risk Chapter
TOC	Train Operating Company
TSSA	Transport Salaried Staffs Association
TUC	Trades Union Congress