



Railway Industry Health and Safety Advisory Committee (RIHSAC)

Minutes of the 114th RIHSAC Meeting

Tuesday 12 November 2019

Room 7/8, 25 Cabot Square, London

Present:

Justin McCracken	ORR
Ian Prosser	ORR
Jen Ablitt	ORR
Tracy Phillips	ORR
Max Buffey	ORR
Anna O'Connor	ORR
Dawn Russell	ORR
Garry Stimpson	ORR
Matt Farrell	ORR
Paul Leach	RSSB
Simon French	RAIB
Garry McKenna	Department for Infrastructure NI
Rupert Lown	Network Rail
Yvonne Poole	TfL
Vincent Borg	ASLEF
John Cartledge	Co-opted passenger interest
David Porter	IOSH
Rob Miguel	Unite the Union
Bill Hillier	Heritage Railway Association
Tim Bellenger	London TravelWatch
Phil Barrett	Rail Delivery Group
Ken Slack	BTP

Welcome, introductions, apologies for absence, and actions from 2 July 2019 meeting

1. Justin McCracken (JM) welcomed everyone to the meeting, noted apologies and missing members as Mark Norton (DfT), David Davies (PACTS), Lilli Matson (TfL), Mark Ashmore (UK Tram), Alastair Young (Transport Scotland) and Jason Connelly (Transport Scotland). Paul Leach was attending on this occasion for Ali Chegini (RSSB), Rupert Lown had replaced Lisbeth Fromling as the Network Rail representative and Ken Slack was attending his first meeting for BTP.

2. Rupert Lown (RL) was asked if he could provide an update on action 113.1 on Lisbeth Fromling which concerned report backs from Network Rail's (NR) Safety Council that fragmentations were arising from NR's "100 day plan". IP stated that there was still some disquiet around the staff consultation processes within NR. RL confirmed that internal communications around Putting Passengers First remained a priority for NR.
3. Action 113.2 from the previous meeting required Sharon Mawhood and Marian Kelly to discuss potential TfL participation in the HWPG working group on health risk assessment. The relevant contacts and connections had been made to enable this so this action was discharged.
4. Action 113.3 required checking with Paul Appleton that ORR routinely received data on diesel emissions and that the issue was discussed regularly at senior bi-laterals. This was confirmed.
5. In respect of the draft minutes of the 2 July meeting, Bill Hillier (BH) commented that the wording in paragraph 17 should be reviewed to check it was suitable for a wider external audience before placing the minutes on the website. Subject to this, RIHSAC were content with the minutes.

Action 114.1: RIHSAC secretary to review the wording of the first bullet point of paragraph 17 before placing the minutes on the website.

Health and Safety Regulation Committee (HSRC) update

6. At its September meeting HSRC had discussed the tragic incidents at Margam and Waterloo, the recently published crowding position statement, and the rolling stock Strategic Risk Chapter (which reflected inputs and feedback from RIHSAC members and emphasised that introducing new and updating existing software were as important to manage as hardware). HSRC had also received a presentation on SMIS from RSSB that included how the quality of the data was assured.

Chief Inspector (CI) update

7. Ian Prosser (IP) started with an update on the Sandilands prosecution. The Crown Prosecution Service (CPS) had decided not to charge the tram driver with manslaughter. BTP had now handed the investigation to ORR and IP confirmed - in response to a question from John Cartledge (JC) – that ORR would first wait for the inquest to take place.
8. ORR's *Closing the gap* report had been published which was a "state of the nation" report on where the industry was with occupational health. The report highlighted the gaps, particularly that more attention needed to be paid to less visible health risks, especially mental health. RM3 was to be used in health, and improved data and reporting was required together with improvements in OH provision. The Network Rail clinics were cited as a great example.

9. On the Margam track worker fatalities, the investigation had been handed to ORR and IP had met with the families on two occasions. Network Rail had produced an interim report and RAIB was also to do so with the final report expected mid-2020.
10. The Waterloo fatality had been the first on London Underground infrastructure in 20 years. BTP was still investigating. IP also mentioned the A1 Newark case which was in court where two workers had been killed in a highways incident when travelling between work sites. ORR's views had been challenged (unsuccessfully). More generally, it was becoming clearer that employers were now starting to recognise the fatigue elements of work travel.
11. Two documents were being reviewed and RIHSAC members' views would be sought – guidance to the 1999 Railway Safety Regulations (RSR) and the 2016 *ORR health and safety regulatory strategy* document. BH welcomed consultation on the revised RSR guidance as this was regularly referenced and members noted that previous work to revise the Regulations had not proceeded.

Emerging business priorities for 2020/21, following annual Risk Assessment and Risk Ranking (RARR) exercise

12. Jen Ablitt (JA) introduced this item. The slides had been previously circulated and reflected the emerging outcomes from the initial risk ranking workshops. She clarified that it was an internal exercise but it used various sources of data. A paper had also been provided to members setting out a wider project to review and improve the process for future years.
13. JA brought attention to the slide that illustrated the top 12 risks with arrows representing the change in those risks since last year's exercise. She explained that the RARR was a granular exercise, based on the understanding of each risk, that then grouped those risks into themes. A number of points were made in discussion:
 - David Porter (DP) asked how the output of the process was validated to ensure that it was credible and Anna O'Connor (AOC) explained the significant discussion and challenge that occurred as part of the process and how bringing the outcomes to Committees such as RIHSAC helped provide scrutiny;
 - Tim Bellenger (TB) expressed surprise that PTI risk had decreased given the number of trap and drag incidents that had occurred. AOC explained that it had actually remained static and some improvements had been noted such as door edging, so relative to other risks it had decreased slightly but remained high on the list (6th out of the 60 potential risks considered);
 - TB also asked whether cognitive overload featured and AOC stated that now that ORR had strengthened its human factors expertise it would be possible to incorporate this in future years;
 - Bill Hillier (BH) would like to see reference to driver recovery after incidents;

- RL remarked that on driver fitness, industry's awareness and approach regarding the intake of alcohol was strong but needed to improve in relation to drug use;
- on risks arising from software systems, Simon French (SF) noted that although the risk was recognised there was limited information available in SMIS and that there was a need to upskill;
- SF thought safe use of User Worked Crossings (UWC) needed more emphasis in the rankings given the number of accidents and near misses and the archaic law/arrangements in relation to authorised users. AOC explained that ORR would be focusing its efforts on how NR implemented its level crossings strategy, a large part of which related to passive crossings and UWCs, and continuing to work with DfT on improving signage, ;
- JC reminded the Committee that through the Parliamentary Advisory Committee for Transport Safety (PACTS) discussions had been initiated to push for the reactivation of work to implement the Law Commission recommendations on level crossing law;
- JC also commented on the number of unexplained acronyms in the presentation which, as it would be viewable to those outside of the industry, should be made more accessible;
- BH expressed concerns around the loss of knowledge and corporate memory, particularly in the heritage sector with its age profile; and
- RL noted that workforce driving was not included; NR does 100 million miles per year alone. IP clarified that incidents would be picked up in railway reporting.

Industry Platform Train Interface (PTI) Strategy – progress

14. Paul Leach (PL), RSSB, talked through his presentation on the Platform Train Interface (PTI) strategy (previously circulated to members). He explained that - the focus was now on looking to refresh those areas where it was known that work had been more limited and to take a wider consideration of the risk factors given that train dispatch only helped to manage around 50% of the overall PTI risk.
15. He provided an overview of several projects around PTI, including workshops planned on steps and gaps, the PTI risk assessment tool and PTI Bowtie at the end of 2019. He also outlined work to improve accessibility of stations and apps that had been developed for both staff and passenger use. In discussion:
 - Matt Farrell (MF) stated that new technology was already coming in that would “close the gap” such as new fleets at Greater Anglia. ORR's policy was that you could not be assessed as at the higher level of maturity in RM3

unless you were exploring and collaborating in the potential use of new technologies;

- Rob Miguel (RM) asked if specific risks or locations were being prioritised for improving PTI. PL clarified that the work was broader and more strategic in scope, not location specific, taking a human factors approach that looked at engineering opportunities together with passenger and staff behaviour.
- MF agreed that PTI should not be treated in isolation and should be managed alongside crowding and stations. TB stressed the importance of a whole industry response. There were some examples of initiative but also examples of fleets being ordered now with limited evidence that PTI risk had been properly taken into account. The onus should be on those specifying requirements of new fleets to be cognisant of PTI issues. SF agreed that it was disappointing that good practice was not more widespread; and
- IP confirmed that ORR wants to look at a number of issues with the introduction of new fleets, including how the authorisations process works and what opportunities that provides for earlier regulatory oversight.

Proposed revision of Strategic Risk Chapter 9 *Occupational health* – Anna O'Connor

16. AO had previously circulated a few slides setting out the proposed approach to the revision of Strategic Risk Chapter 9. She stressed that the objective was to sustain the improved industry approach to leadership and collaboration on occupational health and to summarise ORR' prioritised activity over the next few years as resources for proactive investigation were limited. Points made in discussion were:

- RM was pleased to note that microbiological risk to workers was covered as many sectors did not focus adequately on prevention of exposure;
- on effluent onto track, there was agreement that the industry was not where it should be. IP informed the Committee that the HSE Committee had discussed it recently. The plan remained to eradicate the practice but the introduction of modified or new fleets was behind schedule. The issue was driven by DfT franchise commitments but some fleets were being withdrawn.
- Ken Slack (KS) asked how degraded eyesight and hearing was captured under health surveillance and AOC noted the pioneering work undertaken by NR with increased access for workers to health screenings and clinics in these areas;
- RL said that recent figures showed a decline in sickness levels which NR was reviewing; and
- JC encouraged a wider conversation on mental health, to cover workers and passengers.

17. AOC agreed to send the draft Chapter out for member comment in the next couple of weeks.

Action 114.2 – AOC to send draft revised Strategic Risk Chapter on occupational health to RIHSAC members by end November 2019.

Consultation on revised Strategic Risk Chapter 4 *Level crossings* – Anna O'Connor

18. AOC introduced this item and reminded members that the approach to this revision had been outlined at the previous RIHSAC meeting. The draft chapter had now been circulated and some helpful comments already received from RIHSAC members. There was still the opportunity for members to circulate more widely and provide further comment.

19. She advised the Committee that following legal advice there was now less scope to revisit the Order process but some valuable work had been done on the approach and a greater emphasis on risk assessment which would be included in revised guidance to industry. Points made in discussion were

- TB referred to the outstanding recommendation following Elsenham for staggered stations to have ticket machines on both sides of the track. AOC remarked that some money from Control Period 5 had been used to put in machines;
- DP queried whether the chapter set sufficiently clear expectations with defined success criteria. AOC confirmed that ORR had clear ideas and baselines for proposed inspections that were linked to the implementation of NR's level crossings strategy; and
- JC questioned whether footpath crossings should be higher priority and that the role of other governing bodies beyond Highways England should be included in the chapter. IP stated that footpath crossings had in recent years been the focus of closures or the application of new technology. SF returned to his concerns about UWCs and said he would drop AOC a line on this.

Action 114.3 RIHSAC members to provide any further comment on the draft revised level crossings Strategic Risk Chapter by 22 November.

Forward planning

20. SF offered to deliver a short presentation on the likely themes in the 2019 RAIB annual report at the February meeting.

Action 114.4 RIHSAC secretary to add an item on likely themes of RAIB's 2019 annual report to February RIHSAC agenda.

Meeting review

21. As this was the first meeting at Cabot Square, it was agreed that more consideration to the layout of the room would be helpful for future meetings, including the possibility of screens on other sides of the room for presentations.

Action 114.5 RIHSAC secretary and support to consider best room layout for future meetings

Next meeting scheduled for 18 February 2020.

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