



Introduction - Strategy for regulation of health and safety risks

ORR's approach to regulating the health and safety risks in the GB rail industry:

This document sets out our approach to regulate the health and safety risks created and managed by businesses in the GB rail industry in accordance with GB health and safety legislation.

ORR also supports the objectives of the European Union (EU) policy and legislation for rail, which aligns well with our own strategy. We actively engage with the European Commission, the European Rail Agency (ERA) and other national safety authorities to influence the development of a harmonised European approach that remains consistent with the successful UK experience of railway safety regulation.

We use a risk assessment and risk ranking approach to identify the significant risks; this helps us to focus our resources on the highest identified risks where we believe we can make the greatest impact to improve the management of risk to comply with GB health and safety legislation.

An important part of our risk prioritisation process is to anticipate new and emerging risks or existing risks where we foresee that their significance may change.

Our strategic chapters explain how we are addressing the significant risks. The chapters, therefore, do not give a comprehensive commentary on all the risks on the railways. Each strategic chapter is regularly reviewed and where necessary revised to reflect changing risk profiles.

Britain currently has one of the safest railways operating in Europe, for passengers and for workers, this is a position we should strive to maintain and improve on to achieve ORR's vision of *zero workforce and industry-caused passenger fatalities, with an ever-decreasing overall safety risk*.

To realise our health and safety vision of *zero workforce and industry-caused passenger fatalities* we focus our resources on the highest identified risks where we believe we can make the greatest impact to reduce risk.

We will do this by:

- inspecting and assessing duty holders' compliance with health and safety law;
- conducting investigations of significant incidents;
- using our enforcement powers, where appropriate, to drive improvement in risk management;
- emphasising the importance of measuring and continuously improving safety culture as part of the overall business culture in an organisation;
- encouraging the industry to focus on low frequency/high consequence major hazard events that could lead to multiple fatalities;
- encouraging the industry to use a systems approach to risk management;
- working closely with domestic and European legislators and stakeholders to ensure the regulatory regime and the law continue to support our approach to safety management and risk reduction; and
- using the information gathered from our activities to inform our risk rankings and intervention activities.

Index of issues discussed

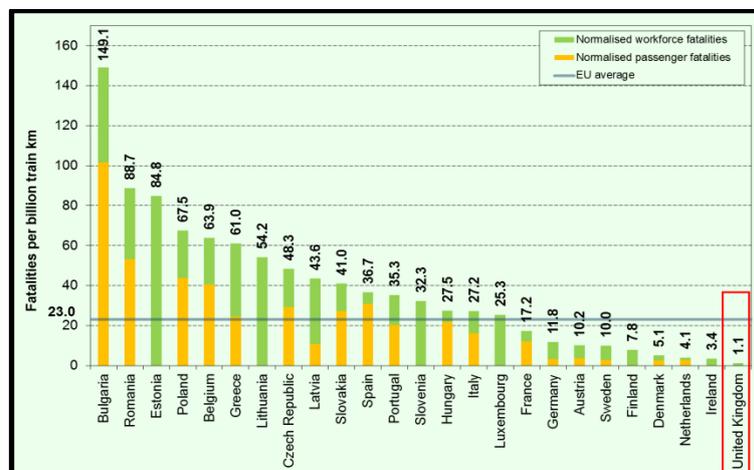
- Passengers and workers
- Members of the public
- Identification of Significant Risks
- Strategic Chapters
- Prioritised Risks
- Delivering the strategy for health and safety regulation
- Europe

Introduction

1. This document sets out our approach to regulating the health and safety risks created and managed by businesses in the GB rail industry in accordance with GB and European health and safety legislation.

Passengers and workers

2. It can be seen from the chart below that Britain currently has one of the safest mainline railways operating in Europe for passengers and for workers. We believe this is a position we should strive to maintain and continuously improve on which is why we have set ORR's vision of *zero workforce and industry-caused passenger fatalities, with an ever-decreasing overall safety risk.*

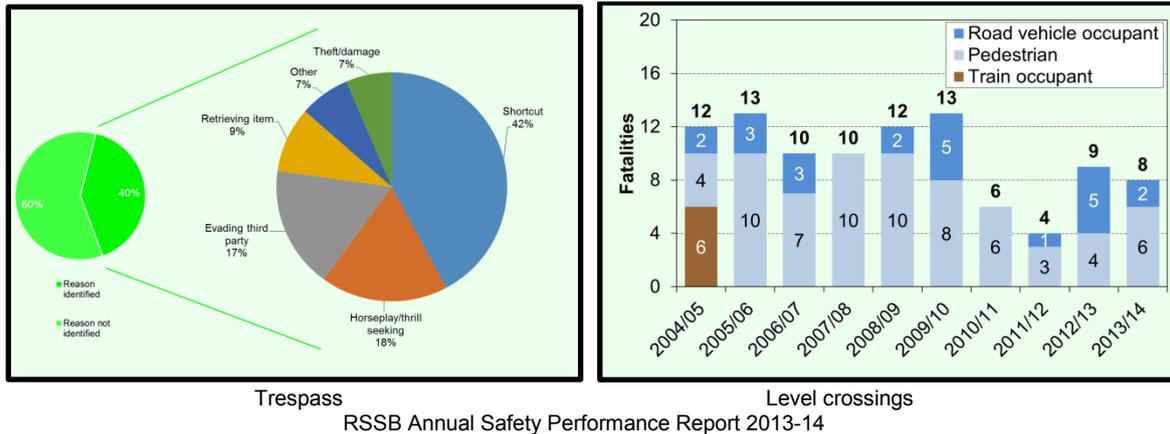


Passenger and workforce fatality rates on European Union railways 2008-2012
RSSB Annual Safety Performance Report 2013/14

Members of the Public

3. For the purpose of reporting rail health and safety performance, we use the term 'member of the public' to refer to a person who is neither a railway passenger nor a rail worker. In 2013/14 the total number of fatalities to members of the public, from all causes was 308 of which all but 29 were suicides or suspected suicides¹.

¹ RSSB Annual Safety Performance Report 2013/14



Identification of Significant Risks

4. We gather and analyse knowledge from our own and the industry's experience to identify areas of significant health and safety risk. To do this, we use information from a variety of sources including, but not limited to:

- Rail Safety and Standards (RSSB) Annual Safety Performance Report (ASPR)
- mainline accident and incident data collected in the RSSB Safety Management Information System (SMIS) and analysed using their Safety Risk Model (SRM);
- London Underground's safety and environment database (LUSEA) and their Quantitative Risk Assessment model;
- accident and incident data reported to us under the Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR);
- the Rail Accident Investigation Branch (RAIB) investigation findings;
- intelligence from our audit, inspection, investigation and enforcement activities;
- informed peer-reviewed opinion from specialist experts; and
- intelligence from EU data sources and other international developments.

Strategic Risk Chapters

5. We develop the strategic risk chapters by assessing risks and ranking them to identify their significance. Each chapter discusses a specific risk topic area and is structured to give some background about the topic; the current status of the associated risks; where we are seeking improvement and how we will endeavour to promote improved risk management. We do not intend that the chapters give a comprehensive commentary on all the foreseeable risks within that topic.

6. Our strategic risk chapters help us focus our resources on the highest identified risks where we believe we can make the greatest impact to reduce risk to move towards our vision of *zero workforce and industry-caused passenger fatalities, with an ever decreasing overall safety risk*. They also enable us promote the achievement of excellence in health and safety culture, management and risk control by the whole industry.

7. This does not mean that we do nothing with the other risk topics; we still carry out work on other risks by conducting investigations of incident and complaints, monitoring the risk profile of each sector and will add other areas of risk to our collective inspection programmes if we feel it is warranted.

Prioritised Risks

8. The risks are prioritised from our perspective as a regulator taking account of all relevant information from a number of data sources. However, employers must have arrangements in place to effectively manage risks in connection with their activities, irrespective of their priority to us as a regulator.
9. The Pareto 80/20 principle, 80% of the effects comes from 20% of the causes is applied to help us develop a targeted approach to influence improvement in health and safety. We also consider how other issues such as Political, Economic, Social, Environmental and Legal (PESTEL) factors.
10. An important part of our prioritisation process is also to anticipate new and emerging risks or existing risks where we can foresee that they may change in their importance.

Delivering the strategy for health and safety regulation

11. To realise our health and safety vision of *zero workforce and industry-caused passenger fatalities* we focus our resources on the highest identified risks where we believe we can make the greatest impact to reduce risk. We will do this by:

- using structured inspections and audits, investigate incidents and complaints, to help us assess the maturity of duty holders' risk management and business culture and use our Risk Management Maturity Model (RM3) to present our findings;
- using our enforcement powers, where appropriate, to drive improvement in risk management; take prompt action to deal with serious risks; to meet legal requirements; and when appropriate, duty holders are held to account in the courts for health and safety failings;
- emphasising the importance of measuring and continuously improving safety culture as part of the overall business culture in an organisation;
- encouraging the industry to focus on low frequency/high consequence major hazard events that could lead to multiple fatalities;
- encouraging the industry to use a systems approach to risk management;
- using the information gathered from our activities to inform our risk rankings and intervention activities to ensure they remain appropriate;
- working closely with domestic and European legislators and stakeholders to ensure the regulatory regime and the law continue to support our approach to safety management and risk reduction; and
- maintaining a structured and auditable competence management system to ensure we have the necessary organisational capability and professional competence.

12. We publish and apply our decision-making criteria on how we enforce compliance with legal requirements within the legal framework and how we deal with non-compliance through our Enforcement Management Model (EMM) and enforcement policy statement.

13. Our strategy for addressing the risk priorities aims to complement and not duplicate or contradict industry activity, unless there is clear justification. Our work is not restricted to our traditional activities of:

- authorising;
- certifying and supervising safety management systems (SMSs);
- inspection;
- investigation; and
- enforcement.

But also includes:

- intelligence-gathering;
- policy development;
- working with stakeholders, including Government departments;
- industry bodies;
- worker representatives; and
- other enforcing authorities

Europe

14. Most railway-specific safety law originates from Europe. ORR works closely with the Department for Transport (DfT) to ensure that GB has the right legislative framework and meets its European obligations. European measures are designed to promote market opening across the EU and to improve the competitiveness of rail, while ensuring a robust safety regime is in place.

15. As the influence from European policy grows, and the tasks and responsibilities of the European Union Agency for Railways (ERA) expand, the effectiveness of policies and strategy at the domestic level will be increasingly determined by the success of our engagement within Europe. Our input and influence within the European framework is fundamental to our strategic aims for the industry to achieve excellence in health and safety culture, risk control and in asset management. It is also vital that our engagement in Europe ensures that the cost and administrative implications of EU legislation and processes are minimised, while at the same time ensuring that EU initiatives aimed at market opening are accessible to GB companies.

16. ORR supports the objectives of the EU policy for rail, which align well with our own strategy. We actively engage with the European Commission, the European Union Agency for Railways (ERA) and other National Safety Authorities (NSAs) to influence the development of the harmonised regime (much of which is being developed by ERA).

17. We have been successful in ensuring the safety management system remains at the heart of the European safety regime. This has ensured responsibilities are placed appropriately on duty holders to manage risks on the railways and NSAs to govern the safety regulatory framework and to test the effectiveness of duty holders' arrangements. The common safety methods (CSMs) on safety certification, risk assessment and supervision have also been heavily influenced by GB practices.

18. Our engagement in ERA work streams is targeted at the areas which have most implications for GB and where we are best placed to influence, including development of:

- The Railway Safety Directive and its supporting regulations such as the Common Safety Methods;

- The Railway Interoperability Directive and the associated European technical specifications for interoperability (TSIs);
- The European Rail Traffic Management System (ERTMS); and
The train driver licensing Directive.

19. Our strategy for achieving this is to:

- work collaboratively with industry, DfT, ERA and other EU railway safety regulators to actively influence the development of the European safety regulatory framework;
- promote the successful GB regulatory approach as a cornerstone in the development of European harmonisation measures;
- support activities to ensure full and harmonious implementation of European legislation in other Member States, including by increasing cooperation and ties with other National Safety Authorities (NSAs);
- help to facilitate a coordinated GB approach to policy and implementation;
- ensure that changes to EU legislation are communicated to the industry in a clear and timely manner;
- assist the industry or its representatives, through dialogue, in the interpretation and implementation of new legislation; and
- ensure our own staff competence in this area by keeping them informed of developments and trained in any new processes.



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