

**HEALTH AND SAFETY COMMISSION  
RAILWAY INDUSTRY ADVISORY COMMITTEE (RIAC)**

**Minutes of the 68<sup>th</sup> RIAC meeting  
Tuesday 2 November 2004  
HSE Globe Room Rose Court London**

Present:

Margaret Burns	Independent, Chair
Chris Leah	Network Rail
Paul Abbott	Network Rail
Chris Wadey	ROSCOS
Steve Bence	Assoc. Train Operating Companies
John Cartledge	London Transport Users Committee/RPC
Phil Dee	National Union of Rail, Maritime & Transport Workers
David Chalkley	TSSA
Steve Grant	ASLEF
Richard Gostling	Railway Industry Assoc.
David Madden	Heritage Railway Association
Mike Lunan	Rail Passenger Council
Aidan Nelson	Rail Safety and Standards Board
Mike Strzelecki	London Underground
Helen Goulding	Travel Midland Metro
Paul Hadley	Office of Rail Regulation
John Thompson	British Transport Police
Allan Sefton	HSE
Mark Bosly	Department for Transport
Mike Biskup	Department for Transport
Gary McKenna	Dept. for Regional Development (NI)
Robin Foster	HSE (item 6)
Micheal Madeley	HSE (item 6)
Peter Hornsby	HSE (item 6)
Pat Le Bruin	HSE (item 4)
Alan Bell	HSE, RIAC Secretary
Gordon Thomas	HSE, RIAC Assist. Secretary

**1. Welcome, introductions and apologies for absence**

- 1.1 Margaret Burns (Chair) welcomed everyone to the meeting. She introduced Helen Goulding representing Light Rail; Mark Bosly from DfT, from HSE Avril Adams and Pat Le Bruin attending for item 4 and Robin Foster, Peter Hornsby, Michael Madeley attending for item 6.
- 1.2 Apologies for absence were received from Rob Andrews (SRA); Alan Baker (ROSCOS- represented by Chris Wadey), John Balmforth (RPI); Mick Blackburn (ASLEF); Dave Bennett (ASLEF); Mick Cash (RMT); Cynthia Hay (RPI); Peter Hilton (BTP) represented by John Thompson; Paul Reuter (AMICUS).

## **2. Minutes of 67<sup>th</sup> meeting held on 8 July 2004**

- 2.1 The draft minutes (version 2) were agreed as an accurate record of the meeting subject to the following amendment in para 7.7, 4<sup>th</sup> line - delete 'Several members were nevertheless' and insert 'RIAC were'.

## **3. Matters arising**

- 3.1 The recent incident at Hednesford was raised under matters arising. Margaret Burns expressed the Committee's condolences to the bereaved families. Members were informed that the incident was being investigated jointly by BTP/HMRI
- 3.2 John Cartledge raised the issue of the effectiveness of the RIAC 's Open meetings. Margaret Burns stated that members had discussed the open meeting held in Edinburgh at the last RIAC meeting but it was intended to return to the discussion at a future meeting. John Cartledge asked for amendment to record of open meeting in Edinburgh. In the 2<sup>nd</sup> question from the floor, 'station crossings' should replace 'level crossings'.

## **4. Rail White Paper and implications for RIAC – RIAC 04/16**

- 4.1 Alan Bell introduced the paper and gave an overview of the recently issued DfT White paper on the 'The Future of Rail'. The paper was intended to give background information to assist members in the discussion.
- 4.2 The advisory relationship between the RIAC and the Commission and the role of an advisory committee following the transfer to ORR was raised and the point was made that general health and safety law would still apply to the rail industry. Margaret Burns advised members that deciding where the boundaries would be drawn between ORR and HSE enforcement was one of the key issues.
- 4.3 John Cartledge felt that there would still be a need for a pan-industry body to advise ORR and to ensure that there were effective links on general health and safety issues with HSE. Paul Hadley told members that ORR had yet to determine the role of an advisory body but he would report back the Committee's views on the issue.
- 4.4 Some members felt that sufficient committees were already in place. It was felt that they enabled structured consultation between the relevant parties and the need for a RIAC type committee was therefore unnecessary. Steve Bence said that ATOC members were not convinced that RIAC should continue. However, the general viewpoint was that further debate was needed when more detailed information became available.

## **5. RAIB Consultation Document**

- 5.1 Avril Adams briefly highlighted the issues in the Consultative Document (CD) that had been tabled because it had only been issued by RAIB four days before the meeting. The key continuing issues for HSE to be addressed were: the protocol arrangements for investigation; reviewing or revising internal investigation procedures and recommendations handling.
- 5.2 Chris Wadey asked if the arrangements on site would be in line with those followed by AAIB and MAIB. Avril Adams said that RAIB would be drawing on the experiences in other sectors but there were some differences.
- 5.3 The committee commented on the added complexity as a result of the new set of interfaces on site following an incident. It would be important for all the bodies involved to work closely together to ensure that the arrangements worked. It was agreed that a single protocol would be helpful in achieving this. Chris Leah suggested that a re-enactment /role-play exercise would help the different bodies to practise their responsibilities throughout the different stages of an incident.
- 5.4 RIAC suggested that there should be an overarching protocol setting out the main principles between the various bodies involved and supported by any necessary bilateral arrangements. They drew attention to the need to take into account the civil police (as well as BTP), Scotland and Northern Ireland within any protocol arrangements.
- 5.5 The Chair said that when the paper for HSC had been written this would be sent to RIAC members. Any views could then be sent to her and she would reflect these when the Commission discussed the paper.  
Action HSE Rail Policy
- 5.6 It was agreed that members would also copy their RAIB submissions to the Secretariat, if available, by 7 December to enable the Commission to be advised of stakeholders view when they met on 8 December.  
Action: Members

## **6. Legislative Reform**

- 6.1 Robin Foster updated members on the responses received to the Consultative Document (CD). He told members that meetings had already been held in London and York to allow stakeholders the opportunity to discuss the issues and a further meeting was planned for Edinburgh. He told members that there had been a positive reaction to the proposals in the CD.
- 6.2 However, there had been concerns expressed by stakeholders that it would have been preferable to have delayed the safety reform until the two proposed CDs on DfT's Interoperability and the Rail Accident Investigation and Reporting Regs were published. RAIB's CD had just been published.
- 6.3 Robin told members that the Secretary of State had approved HSC's timetable for the introduction of the legislation.
- 6.4 Members were of the opinion that the safety legislation would not need to be implemented until 2006. Robin informed members that as it had been accepted that it would take the industry and the safety regulator two years to

move from the present to the EU regime, there was risk of infraction if implementation was delayed. British operators, wanting to operate elsewhere in Europe, would also be disadvantaged if they were unable to have a Part A certificate from April 2006.

- 6.5 There was also debate on why there is a need for the competence and fitness assurance in Part 4 of the proposed legislation. It was pointed out that employers had gone on record that there was good compliance on this aspect across the industry. Since the proposed legislation was in line with current guidance it was difficult to understand why employers would want it left out of the new legislation. Another viewpoint expressed was that although the industry's perception is that it is good and will get better, the public perception is different.
- 6.6 Margaret Burns in summing up said that given the diverging views expressed during the course of the consultation on the subject the Commission would look again at this issue.

## **7. Worker Involvement Statement**

- 7.1 Alan Bell introduced this paper, which had been prepared following the discussion on worker involvement in the rail industry at the Committee's July meeting.
- 7.2 Subject to inviting representatives from TSSA and RIA members approved the working group and its membership. The Secretariat would contact members for their availability and arrange a meeting.

Action: Secretariat

## **8. Working Groups' updates – oral reports**

- 8.1 Margaret Burns introduced the working group chairs: Steve Bence, Aidan Nelson and Paul Abbott to report on the work of their respective groups.
- 8.2 Steve Bence gave an outline of the recent work of the Occupational Health Working Group. The Group had considered the Noise at Work Regs; the RSSB role in relation to health and the case for and against an Occupational health Unit. The group had also reviewed the extent of the remit to cover health issues under the Track Safety Group and DWP's Vocational Rehabilitation Consultative Document.
- 8.3 Steve said that ATOC has Occupational Health events planned to exchange good practice and it was also mentioned that the larger companies such as Network Rail have resources to take forward the issues in-house. Margaret Burns said that identifying a champion to sell the business case was the important aspect in progressing the work. It was agreed that the smaller companies were in greater need and the Group was a useful conduit for transferring good practice. In particular issues such as the work undertaken by LUL had been well received by the group and had been very useful in generating interest in occupational health
- 8.4 Aidan Nelson reported on the Station Safety Conference, which would be held in Birmingham on the 9th November. The Human Factors Working Group was jointly hosting the event and RSSB and members were given

copies of the programme. Aidan outlined the principal topics and said speakers came from a broad spectrum of the industry. It was expected that there would be over 100 delegates from employers, safety representatives and the passenger sector.

- 8.5 Paul Abbott, chair of RIAC's Freight Working Group outlined the issues considered by the group over recent months, they included:
- providing input to proposals for new Regulations and guidance documents such storage of dangerous goods;
  - consideration of the differences in freight train operating arrangements between the Railway Group Standards and RID; and
  - Carrying out joint container inspections with the Maritime and Coastguard Agency and HSE.

## **9. Dates of 2005 meetings**

- 9.1 10 February, Hope Room Rose Court  
16 June 2005, Globe Room Rose Court

## **10. Any other business**

- 10.1 Margaret Burns told members that it was Chris Leah's last meeting before his retirement. Margaret thanked Chris for his work on the Committee and wished him a long and happy retirement.

RIAC Secretariat