

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

**Minutes of the 69th RIAC meeting
Thursday 10 February 2005
HSE Hope Room Rose Court London**

Present:

Margaret Burns	Independent, Chair
Maurice Hemingway	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
Mick Cash	National Union of Rail, Maritime & Transport Workers
Jo Twite	TSSA
Dave Bennett	ASLEF
Paul Reuter	AMICUS
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	Light Rail
Paul Hadley	Office of Rail Regulation
John Thompson	British Transport Police
Allan Sefton	HSE
Rob Andrews	SRA
Tom Hinds	Department for Transport
Mike Biskup	Department for Transport
Gary McKenna	Dept. for Regional Development (NI)
Robin Foster	HSE (item 4)
Michael Madeley	HSE (item 4)
Peter Hornsby	HSE (item 4)
Jeane Anderson	HSE, RIAC Acting Secretary
Gordon Thomas	HSE, RIAC Assist. Secretary
Lucy Elliot	OPC (item 7)
Ravi Govin	HSE Observer
Jackie Germain	HSE Observer (item 4)
Paul Howarth	HSE Observer (item 4)
Maxine Burke	HSE Observer (item 4)

1. Welcome, introductions and apologies for absence

1.1 Margaret Burns (Chair) welcomed everyone to the meeting. She introduced Tom Hinds from DfT; from HSE Jeane Anderson deputising for Alan Bell and Ravi Govin from the RIAC secretariat; Robin Foster; Peter Hornsby; Michael Madeley; Jackie Germain; Paul Howarth and Maxine Burke attending for item 4. She also said that Lucy Elliot from OPC Consultants would be joining the meeting to present agenda item 7.

1.2 Apologies for absence were received from John Abbott (NR- represented by Maurice Hemingway) Dave Chalkley (TSSA – represented by Jo Twite); Peter Hilton (BTP-represented by John Thompson); and Keith Norman (ASLEF – acting General Secretary and would be replacing Mick Blackburn on the committee).

1.3 Margaret Burns told members that John Balmforth (RPI) was unable to attend due to hospitalisation for heart surgery. Members agreed that Margaret would write to John to express the Committee's best wishes for a speedy recovery.

Action: Chair

2. Minutes of 68th meeting held on 2 November 2004

2.1 The draft minutes were agreed as an accurate record of the meeting.

3. Matters arising

3.1 Margaret Burns told members that an open committee meeting was being planned for 2005. Members were asked for suggestions on topics they wished to see on the agenda and a suitable venue for the meeting. It was considered that the open meeting would be held in Autumn 2005 and members were requested to send their contributions to the secretariat by 31 March. It was agreed that the secretariat would submit a paper outlining the issues for discussion by members at their June meeting.

ACTION: RIAC members

3.2 Margaret Burns thanked members for sharing their comments on the RAIB CD with the Commission. She said that members' views had been valuable in helping the Commission's to formulate its response on the document to RAIB. Carolyn Griffiths the Chief Inspector, Rail Accident Investigation Branch had recently written to major stakeholders and had outlined the timetable for delivery of the Regulations. Carolyn had also asked stakeholders on their position in relation to their readiness for implementation of the Regulations. Alan Sefton told members that the inspectorate's response had been that although the timescale has been increasingly challenging because of delays in RAIB's timetable for implementation, it was nonetheless aiming to be ready as required. Alan had, however, pointed out to RAIB that the inspectorate could accommodate any delay in implementation and would welcome a delay of 6 to 8 weeks to allow the tripartite protocol to be finalised. The delay would also allow time for the protocol to be circulated to industry parties and this would be particularly important since industry responses to the RIAB consultation had indicated that there was confusion over the continuing role of the police and safety authority following the establishment of RAIB.

Members expressed concern that they were yet to see the final regulations and were unclear on the lines of reporting and powers RIAB would have under the regulations.

Margaret Burns stated that it would be dependent on all players within the industry to make a contribution to ensure the success of the new arrangements.

3.3 Margaret Burns reported on the Worker Involvement Working Group that had met on 13 January. She said the meeting had been productive and the group had agreed to develop a blueprint of worker involvement good practice.

4. Legislative Reform - RIAC 05/02

4.1 Margaret Burns reminded members that the Commission had already decided that there would be specific requirements in the new rail safety regulations for safety critical work, and that an ACoP on the management of risk from fatigue was appropriate. The content of the ACoP, however, has been reviewed. Robin Foster introduced the paper by noting that the 3-year project to review and reform rail safety legislation was approaching completion. He thanked members of RIAC who had contributed greatly to the outcomes. He also thanked everyone in the HSE team for all their hard work.

4.2 Robin then noted the many positive aspects of the package, e.g.

- Replaces 3 sets of regulations (safety cases, safety critical work, ROTS approval) with one coherent set
- Regulates all railways and related transport systems in a coherent, proportionate way, based on requirement to have a safety management system containing certain basic elements
- Implements for the mainline railway the Railway Safety Directive, and so helps British operators to secure access to rail networks elsewhere in Europe
- Streamlines existing process and systems, e.g. less detailed safety cases, no need for 'material revisions', no need for operators to apply for, and HMRI to process, significant numbers of exemptions as happens now under the safety case regs
- Better targeting to risk, e.g. replacement of ROTS by the risk-based safety verification scheme, improved definition of work that is safety critical
- Sensible transitional arrangements extending over 2 years.

Robin said that the proposed new safety legislation would be more effective, better focused and more coherent with reduced bureaucracy and lower cost.

4.3 Robin acknowledged that RIAC had been correct in recommending that the new safety regulations should go forward with the proposed Interoperability Regulations, on which DfT would consult in the Spring. Robin considered that there could be a 6 months delay in the safety regulations being made and coming into effect because it would be sensible to wait until DfT had consulted on the Interoperability Directives. Delay would help to ensure consistency between the two sets of regulations, e.g. in the definition of the mainline railway. If DfT keeps to their present timetable the main provisions of the new safety regulations would come into force in April 2006, with a two-year transitional period until April 2008.

4.4 Garry McKenna told members that he expected that equivalent regulations to implement the Rail Safety Directive in Northern Ireland would be in place by the end of 2005.

4.5 Aidan Nelson noted the constructive meeting on the ACoP on 20 January, but said that if an ACoP was needed it should be applied to all industries and not just rail.

4.6 However, the union side found it difficult to reconcile the position taken by the employers since it had been the industry's line for sometime that they already applied the standards on safety critical work and in the proposed ACoP. However, the unions considered that industry needed to do more to manage risks from fatigue in safety critical work, particularly in relation to shift patterns and lengths. It was agreed that members would send any comments on the ACoP to Robin.

Action: Members

4.7 Robin told members he would arrange for copies of the final documents submitted to the Commission to be copied to members.

Action: R Foster

4.8 Members were of the opinion that DfT needed to communicate with the rail operating companies on implementation of the Interoperability Directives so there was a consistent process for design integrity on the mainline railway. Members noted that presently there was considerable uncertainty about the scope of the interoperability provisions.

4.9 Tom Hinds from DfT told members that the scope of the Interoperability Directives was currently under consideration, together with how the Department would take forward implementation.

4.10 Aidan Nelson noted industry's very considerable concerns about completeness of the RIA and expressed the industry's view that the Commission should not forward the new safety regulations to the Secretary of State after their meeting on 8 March. David Madden noted that HRA, although happy with safety management and safety critical work requirements in the new regulations, had concerns about the costs of safety verification.

5. BTP Strategic and 2005/06 Policing Plans

5.1 John Thompson gave an update on the BTP's Annual Policing targets for 2005/06. He briefly outlined key drivers in the plan and explained the key elements in the statutory framework and the National Policing Plan. John identified some key priorities that would be targeted such as reducing overall crime including serious and organised crime, reducing anti-social behaviour and increasing crime detection rates.

5.2 John then briefly outlined the Strategic Plan 2005-08 including the overarching priorities and targets that had been set for the 2005-06. A key element of the plan was working with partners and the railway community to prevent crime and promote public safety on the railways.

5.3 John explained the rationale behind the Complementary Policing philosophy, outlining the benefits that were expected to accrue from the policy. It was envisaged that some of the key benefits were a safer environment; real impact on anti-social behaviour; a demonstrable public commitment to safety and a stronger BTP/Industry relationship.

5.4 Members made some general observations that included support for the complementary policing policy, which would help as a deterrent to crime particularly in view of the policy to destaff stations across the network. John assured members that funding for sufficient policing resources, particularly in view of the potential threat posed by terrorism was an ongoing issue and the government had provided some direct funding.

5.5 Margaret Burns thanked John for his presentation and the information would be extremely useful for others in the rail industry.

6. Discussion on stakeholder fora post-HSC/HSE - RIAC 05/04

6.1 Margaret Burns informed members that ORR had asked for the views of RIAC on what consultation structure should be set up to advise ORR on health and safety

issues in the rail industry following the transfer of responsibility for the rail industry from HSC/HSE to ORR.

- 6.2 Members in discussion were of the opinion that a similar format to RIAC should be continued under ORR leadership with input from HSE. There was support for the tripartite nature of RIAC and members regretted the potential loss of this structure with its loss of benefits.
- 6.3 Members were unanimous that the quality of the chair is important. Some members considered that the new advisory body should have a non-executive Chair. Others considered that it would be more appropriate to have a Chair that represented ORR so that the new forum is seen to be advising ORR.
- 6.4 It was also felt that the transition period was crucial and there would be a need for continuity for a year in terms of having a Chair and Secretariat, until RIAC knows what powers will be transferred. One member considered that changes to RIAC and RSSB should be reviewed together.
- 6.5 Steve Bence did not think the sub groups should continue since they didn't seem relevant to an advisory committee structure.
- 6.6 The RPC representatives expressed some reservations about whether the element of "public interest" membership introduced to meet a Cullen recommendation had yet fully delivered the benefits sought (i.e. that of helping both the industry and its regulator to engage more effectively with the concerns of the public at large regarding its safety performance and priorities). They suggested that the creation of a successor body to RIAC under ORR auspices offered a timely opportunity to reflect upon experience to date. This could usefully be linked to the forthcoming review - already agreed – of the form, content and value of the annual open meetings that had been initiated for the same reason.
- 6.7 Margaret thanked members for their views and said they would be articulated to ORR.

7. Recruitment tests for track workers

- 7.1 Lucy Elliott from the Occupational Psychology Centre (OPC) gave a presentation on an innovative research project undertaken by the OPC Psychologists on behalf of Her Majesty's Railway Inspectorate (HMRI) and the Health and Safety Executive (HSE).
- 7.2 The HMRI had undertaken key work around competence management and assurance within the rail industry, and from this identified a management and assurance system for the railway that consisted of 15 principles. These included but were not limited to; training, re-assessment and monitoring, records and recruitment and selection. The effectiveness of all the stages of such a system are however limited by the quality of the safety-critical employee recruited in the first place.
- 7.3 The OPC had previously carried out work on the recruitment and selection processes for key safety-critical roles within the rail industry. This past research had shown that a rigorous selection process for train driver applicants (in

particular) involving psychological tests and exercises was delivering to the industry more effective trainees, and importantly safe and effective train drivers in the job. It was with this knowledge and experience in mind that the OPC was awarded this particular project.

7.4 The project had two aims. Firstly to demonstrate the key stages required in the development of a robust selection process for safety-critical employees. Second to develop and trial an effective selection process for safety-critical roles in the industry.

The piloting process involved:

- Identifying the key characteristics required for safe and effective performance in a range of safety-critical activities undertaken on the track that had not previously been analysed.
- Selecting suitable assessment tools to measure these key characteristics
- Trialling these assessment tools with track worker applicants and existing track workers (with the help of Amec Rail, Rail maintenance company)
- Validating the assessment tools by demonstrating, wherever possible, the link between performance on the assessment tools and performance in training and on the job, including safety performance.

7.5 The results demonstrated that scores on a range of assessment tools were linked to performance in track training and success on the job, including a link to safety performance. The findings also demonstrate the key stages required in a robust selection process for safety critical employees.

7.6 The methodology used was restricted and the sample sizes were limited. Therefore implications and conclusions need to be interpreted with a little caution. However, the project does provide a very important first step with regard to the safe and effective recruitment of track workers. Nonetheless, the study has identified some important implications for how the UK rail industry recruits and trains its track workers.

[Copy of slide presentation electronically sent to members and full report available at <http://www.hse.gov.uk/research/rrhtm/rr271.htm>]

8. Reports from RIAC's Working Groups

8.1 Margaret Burns invited the working group chairs: Paul Abbott, Aidan Nelson and Steve Bence 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 and in particular highlighted the work being undertaken on occupational health by Michael Woods' team in RSSB. Steve also mentioned the work being done by HSE's Linda Varney and in particular the recent publication on workers returning to work.

8.3 Aidan Nelson reported on the Station Safety Conference held in Birmingham on the 9th November. Aidan told members that the conference had been well received and the group were now exploring ways on how to keep good practice at the forefront of peoples' minds and continually seeking improvements. He also

told members that work was progressing on the Human Factors' pages within HSE's website and a decision would need to be taken on where it would reside when HSE Rail moved to ORR.

8.4 Paul Abbott, chair of RIAC's Freight Working Group outlined the issues that were both strategic and detailed that had been considered by the group over recent months and included:

- the need for guidance on stowage, inspection of contents and security implications for containers as an input to safe carriage;
- the wish to align national and European freight train operational requirements in two principal aspects – explosive weight limits and on train dangerous goods segregation requirements; and
- an update of the Carriage of Dangerous Goods and the Use of Transportable Pressure Equipment Regulations.

9. Any other business

9.1 Margaret Burns told members that it was Paul Abbott's last meeting before his retirement. Margaret thanked Paul for both his work on the Committee and also his chairmanship of the Freight Working Group and wished him a long and happy retirement.

10. Date and venue of next meeting

10.1 16 June 2005, Globe Room Rose Court