

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

**Minutes of the 66th RIAC meeting
Tuesday 24 February 2004
HSE, Rose Room, Rose Court**

Present:

Margaret Burns	Independent, Chair
John Abbott	Network Rail
Paul Abbott	Network Rail
Allan Baker	ROSCO
Steve Bence	Assoc. Train Operating Companies
Dave Bennett	ASLEF
John Cartledge	London Transport Users Committee/RPC
Phil Dee	National Union of Rail, Maritime & Transport Workers
Richard Gostling	Railway Industry Assoc.
Cynthia Hay	Rail Passenger Interest
Mike Lunan	Rail Passenger Council
David Madden	Heritage Rail Assoc.
Aidan Nelson	Rail Safety and Standards Board
Paul Reuter	AMICUS
Mike Strzelecki	London Underground
Rob Andrews	Strategic Rail Authority
Michael Haizelden	Office of Rail Regulator
Gerry McKenna	Dept for Regional Dev. for Northern Ireland
Peter Hilton	British Transport Police
Mike Biskup	Dept for Transport
Tommy MacDonald Milner	Marks and Spencer (item 7)
Allan Sefton	HSE
Adrian Terry	Halcrow (item 3)
Elizabeth Gibby	HSE (item 4, bullet 1)
Jane Lumb	HSE (item 4, bullet 2)
Peter Hornsby	HSE (observer for item 4)
Michael Madeley	HSE (observer for item 4)
Gordon Thomas	HSE, RIAC Assist. Secretary
Maxine Burke	HSE, RIAC Minute Secretary

Welcome, introductions and apologies for absence

- 1.1 Margaret Burns (Chair) welcomed everyone to the meeting. She introduced Allan Sefton, HSE, who replaced Alan Osborne as Director of Rail Safety; Michael Haizelden ORR's temporary representative; Peter Hilton, BTP, following Peter Edward's retirement in January 2004 and Gordon Thomas, RIAC Secretariat, who replaced Steve Ives.
- 1.2 Apologies for absence were received from John Balmforth (Rail Passenger Interest); Mick Blackburn (ASLEF); Mick Cash (RMT); Gerry Doherty (TSSA); Chris Leah (Network Rail) represented by John Abbott; Andrew Steel (Light Rail); and Alan Bell (HSE) the new Secretary of RIAC.

Identification of urgent business

- 1.3 No items of urgent business were proposed.

Minutes of 65th meeting on 9 October

- 2.1 The draft minutes (version 3) were agreed as an accurate record of the meeting.

Matters arising

- 2.2 RIAC Secretariat reported that the draft concordat on the roles of the respective parties within RIAC's working groups had been prepared and would be circulated to the working group chairs for comment.

Action: RIAC Secretariat

- 2.3 Mike Strzelecki (LU) confirmed he had obtained permission from LU's Board to circulate its health report (2002/03). He apologised for the delay in circulating it to members. RIAC Secretariat confirmed receipt and would arrange for its distribution¹.

Action: RIAC Secretariat

- 2.4 Margaret Burns reported that she had attended a Human Factors Working Group (HFWG) meeting. She welcomed the opportunity to participate in the group's discussion to finalise its strategy and look at achievable objectives over the next two years. It had been agreed that she would attend the occupational health working group's meeting on 23 March and arrangements would be made for her to attend a freight working group meeting.

Action: Chair/Freight Chair/RIAC Secretariat

Rail Review

- 2.5 Before the substantive agenda items were discussed Margaret Burns reiterated HSC/E's message that it considered it to be 'business as usual' until the Department for Transport's (DfT) Rail Review findings were announced in late Summer 2004. She felt it was important industry did not put issues on hold believing this to be an interim period. It was also her view that whatever the outcome of the Review there would always be a need for a pan-industry group/forum such as RIAC and its working groups (see agenda item 5).

Tebay Rail Incident

- 2.6 Margaret Burns expressed her condolences on behalf of the committee to family and friends of the 4 Carillion track workers who were killed and conveyed best wishes for a speedy recovery to the 3 injured in the incident on the West Coast main line at Tebay in Cumbria in the early hours of Sunday 15 February 2004. She introduced Allan Sefton (HSE) who gave a brief update on the investigation's progress.

¹ The first part of the LU health report was circulated to RIAC members 27/2/04, the rest would follow shortly.

- 2.7 Allan Sefton apologised for not being able to provide an extensive report at this stage. This was because the incident involving a runaway flat-bed trolley which struck and killed 4 track workers and injured a further 3, was the subject of an on-going joint investigation by British Transport Police (BTP) and HSE's HMRI. He reported that there was excellent co-operation between the bodies on all aspects of the investigation. HSE's primary focus would be to establish the root cause of the incident and whether there had been any breach of Health and Safety Regulations. HSE was also taking action to ensure lessons being learnt were being applied at once by dutyholders to flat bed trolley use across the industry.

Rethinking Construction – Respect for People – presentation by Adrian Terry

- 3.1 Margaret Burns introduced guest presenter Adrian Terry. Mr Terry formerly Project Director for Rethinking Construction now works for Halcrow as the Group Staff Development Manager. The aim of the presentation was to provide RIAC with an insight into work and initiatives undertaken by other industries and to consider parallel elements within the railway industry.
- 3.2 Rethinking Construction was initiated by the Construction Task Force report which identified a commitment to people as one of five drivers for change that had to be addressed to make UK construction world class. The principles are:
- Client leadership;
 - Integrated teams throughout the delivery chain; and
 - Respect for people.
- 3.3 The objectives are to achieve radical improvements in the design, quality, customer satisfaction and sustainability of UK construction and to be able to recruit and retain a skilled workforce at all levels by improving its employment practices and health and safety performance. A feature of Rethinking Construction was the establishment of continuous targets for the construction industry.
- 3.4 The report identified seven targets for improvement – profitability, productivity, quality, safety, predictability, capital cost, and turnover and profits. The Task Group also recognised that none of these could be achieved without attention to the people involved in construction activities. The suite of six toolkits gives practical guidance and reaching the Standard shows how the toolkits support key industry standards.
- 3.5 In the discussion members were supportive of the key messages highlighted by Mr Terry and in particular some felt there were particular benefits for their individual sector of the industry. Margaret Burns thanked Mr Terry for his excellent informative and thought provoking presentation.

HSC draft Discussion Document (DD) Safety on the Railway – *Shaping the future*

- 4.1 Margaret Burns introduced Liz Gibby (HSE) to present feedback on the responses to the DD and to outline the proposed way forward. Liz Gibby thanked those who provided comments on the DD, in total 67 responses were

received. She said there had been a positive response to the process of engagement and dialogue adopted by HSE. (see annex 1 for the presentation which highlights the main comments received on safety management, ROTS, safety critical work, supplier accreditation, licensing and rail safety management).

4.2 RIAC was asked:

Safety management

- Should there be core duties for all railways and tramways?
- Should permissioning continue for other railways (outside interoperable railway) except for trams and functionally separate railways operating at <40kph.

ROTS/design

- Should ROTS be revoked for non-interoperable railways and replaced with 'life-cycle' models for higher risk systems?

Safety critical tasks

- Should there be a national safety rule requiring systems for managing fitness and risks from fatigue?
- Does RIAC agree that the requirement for systems to manage competence, fitness and risks from fatigue should apply to all employers and those in control of staff undertaking safety critical work?

Overall approach

RIAC were asked whether it agreed with:

- Interoperable railway – SMS, interoperability, systems for fitness and fatigue, formal permissioning;
- Higher risk non interoperable railway – SMS, design verification, systems for fitness and fatigue, formal permissioning;
- Lower risk non-interoperable railway – SMS, no permissioning regime.

4.3 Points made during the discussion included:

- Members asked for more time to provide a considered detailed response to the questions posed by Liz Gibby, but members were content with the overall architecture and philosophy;
- Steve Bence (ATOC) expressed his concern at the statement of there being “widespread support for accredited national licensing scheme for train drivers”. He pointed out that all TOCs opposed a national scheme. It was important that HSE should be aware of this;
- Phil Dee (RMT) thought contractors outside the safety management regulations were at highest risk and believed that a duty on employers on the railway, outside the permissioning regime, to ensure staff were competent to undertake safety critical tasks was important; and
- It was crucial to know how the SMS duties would be defined, so that duty holders knew what was expected and that there was sufficient safeguards for staff.

4.4 RIAC's view was also sought on the proposed HSC paper (HSC/04/25 tabled at meeting) on the future of the main regulatory requirements for health and safety on the railways and the development of industry schemes for the supply of safety critical goods and services and licensing of key safety critical workers, which would be submitted to the Commission on 9 March. Margaret Burns thanked Liz Gibby and her team for the work done to date and

encouraged members to provide their thoughts and comments ahead of the Commission's meeting on the 9th. Comments should be sent to Liz Gibby by Friday 5 March.

Action: all

Conventional Interoperability Regulations (RIAC 04/02)

4.5 Jane Lumb (HSE) presented this paper. She explained that DfT had published its Consultation Document (CD) on 'Railway Interoperability – Conventional Rolling Stock and Infrastructure', which set out the draft implementing regulations for the Conventional Interoperability Regs. It was expected the implementing regulations would be laid before Parliament's 2004 summer recess. RIAC was invited to:

- note the contents of the paper; and
- provide comments on the draft HSC response to DfT's CD ahead of HSC's meeting on 9 March.

4.6 During the discussion the following points were made:

- Members felt that although the Trans European Network (RIAC 04/02 annex b) map had been agreed at EC level they questioned the accuracy of details. The SRA were working on a clarification of which routes were included on the map;

Action: SRA

- ATOC was supportive of the aims contained within para 13-14 but only as long as they were achieved;

Action: HSE

- RIAC agreed the draft HSC response (RIAC 04/02 annex a) should reflect the Committee's concerns over the practicalities and the difficulties associated with the introductory phase;
- It was also suggested that a mechanism be put in place to extend the 6 month grace period to allow additional time for projects already underway to be completed without changing regimes;
- It was noted that not all TSIs would be available and some members felt the notified standards were not suitable for the new regime; and
- The industry hoped that the disapplication of ROTS and coverage of the interoperability regime could be appropriately co-ordinated so that duty holders were only dealing with one regulatory regime.

4.7 It was agreed that the guidance lacked clarity and this would need to be addressed in the submission to DfT.

Action: HSE

The Department for Transport's Rail Review

- 5.1 Margaret Burns explained that the Review would take a fundamental look at the rail industry including safety. HSE as well as other stakeholder (including Network Rail, RPC, RSSB etc) views would be sought on the challenges facing the industry and positive aspects of the current arrangements would also be welcomed. She said DfT was yet to issue its terms of reference and timescales.
- 5.2 Bill Callaghan's letter (tabled for information) of 19 January to Alistair Darling gave HSC's immediate response to the announcement. The letter stated HSC/E's three key messages, which it considered the review should take account of:

HSC/E key message 1

- HSE believes in sensible health and safety, which is about managing risks – not eliminating them at any cost. HSE's aim is to ensure that foreseeable and preventable harm is avoided. This is part and parcel of good performance in the railways as elsewhere.

HSC/E key message 2

- The regulator for railway safety must be truly independent of industry and its economic regulators, and must also have the teeth to require things to be done by enforcing the law. This is an important part of public assurance and is why Lord Cullen recommended that HSE retain its rail safety role after the Ladbroke Grove collision.

HSC/E key message 3

- HSC/E looks forward to working with DfT on the review: and is developing proposals to simplify the legal framework, and are working with the industry on the application of its own standards.
- Any changes in arrangements should ensure or improve upon current levels of protection for passengers and workers.

- 5.3 Other points made:

- Mike Lunan (RPC) reported that his organisation would use the information provided in Alistair Darling's statement as the foundation for its submission which was due on 28 March. He agreed to confirm whether it was possible to share the details before the Minister's announcement in the summer; and

Action: RPC

- Heritage Railways confirmed it would also be submitting views and would use the opportunity to remind the Minister of Heritage Railway's existence.

- 5.4 Margaret Burns advised members that the Review would be discussed at HSC's meeting on 9 March.

RIAC Public Meetings

- 6.1 Gordon Thomas (RIAC Secretariat) reported that approx. 90 people attended RIAC's 3rd public meeting, held last October in Birmingham. The two main presentations by June Bridgeman, Soroptimist International, on passenger security and John Cartledge, LTUC, on crowding on the railways were well received. A note of the meeting can be found on HSE Rail website: <http://www.hse.gov.uk/aboutus/hsc/iacs/index.htm>
- 6.2 Members were encouraged to forward suggestions which they thought would capture the public's interest for discussion at the next public meeting scheduled for 7 July in Edinburgh (venue to be confirmed). It was noted that the Scottish agenda on rail issues differed to the UK eg crowding on Scotrail was not as great a problem in peak rush hour as it was in the south, but that tourist routes become very crowded in summer months. There is more of a seasonal variability as distinct from a daily one.

Action: All

Reports from RIAC's Working Groups (RIAC 04/01)

- 7.1 Margaret Burns introduced the working group chairs: Tommy MacDonald Milner, Aidan Nelson and Paul Abbott to report on the work of their respective groups.
- 7.2 Tommy MacDonald Milner independent chair of the OHWG provided an outline of the OHWG's strategy and plan of work (RIAC 04/01 annex 1). The Strategy fulfilled the first part of the group's remit, which was to "develop a strategy and action plan for RIAC, promoting improved occupational health in the railway industry, consistent with HSC's Securing Health Together". The aim of the Strategy was to gain general commitment and ownership from the industry to an occupational health agenda. The four key objectives for the group's initial focus would be to:
- Produce examples of rail related occupational health actions which have had demonstrable business benefits;
 - Act as a "portal" to ideas and good practice;
 - Produce railway specific guidance on key issues where general guidance is inadequate; and
 - Influence others.
- 7.3 Tommy MacDonald Milner thanked LU for their invaluable contributions to the group's work to date and acknowledged that the action plan still required some work eg expansion of its milestones and outcome etc. RIAC was asked to endorse the strategy and proposed objectives within the plan as well as to clarify whether there were resources that working groups such as OHWG could call upon as and when the need arose.
- 7.4 The following points were made during the discussion:
- Margaret Burns advised that RIAC did not "command" resources such as finance and therefore could not provide the reassurance requested. However, RIAC could influence the rail industry and its duty-holders to commit resources. Members felt that collective influence above and

beyond RIAC's representation would be more successful and agreed to return to this issue at a future meeting;

Action: All

- It was felt that there was significant crossover between OHWG and HFWG eg webpages. RIAC also welcomed the concept of an event such as a conference;
- Members agreed OH was an issue that the duty holders must now get behind and make happen;
- It was noted that many companies did not have the statistical information to assess the cost of occupational health on their companies;
- LU was highlighted as an exemplar (having published its Health Report which would be circulated to RIAC for information). Members felt that LU and BTP could provide the model/benchmark for a convincing business case, which was considered critical to the success of OHWG's strategy;
- Mike Strzelecki pointed out that LU was struggling to fund some of its health plan fully. He suggested that if others wished to bring the issue to the forefront within their respective organisations and keep it there members could adopt a similar approach to his department's which was to constantly remind LU's Board of the cost of sickness;
- Aidan Nelson (RSSB) felt it was important to try to articulate boundaries so that the OHWG did not duplicate the work of other bodies within the industry (eg RSSB); and
- BTP said that OH was very pertinent to them. In 2003 they had introduced various interventions, which reduced sickness per officer from 15 days per year to 10.2 days.

7.5 RIAC endorsed the strategy and proposed actions and supported the need to think about RIAC's influencing strategy. Margaret Burns thanked Tommy MacDonald Milner for the work his group had done to date and looked forward to attending the OHWG meeting on 23 March.

Human Factors WG (HFWG)

7.6 Aidan Nelson outlined the strategy (RIAC 04/01 annex 2). It concentrated on identifying and developing various tools and techniques, which could inform the industry and raise awareness about human factors. This in essence mirrored the objectives highlighted by the OHWG eg the development of a webpage, hosting a conference etc. RIAC was asked to endorse the strategy and the three priority actions which the HFWG would progress over the next two years, develop a human factors webpage; hold a human factors station design conference; and carry out a gap analysis of information available to the industry on the subject.

7.7 RIAC agreed the strategy and the way forward for the group and although Network Rail did not see station design as a priority for industry, it accepted the point that this subject had wider audience appeal.

Freight Working Group

7.8 Paul Abbott, chair of RIAC's Freight subgroup (RIAC 04/01 annex 3 tabled at the meeting) outlined the issues considered by the group over recent months, they included:

- providing input to the development of the new Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regs work;
- 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.

7.9 Once completed the group's programme of work would be submitted to RIAC for endorsement.

Action: Chair Freight WG/RIAC Secretariat

7.10 Members agreed with John Abbott's point that HMRI's support would be necessary if the industry was to make progress with UK/continental practices. RIAC noted the specialist nature of the Freight group's work and thanked Paul Abbott for his report.

Any other business

HSC's Workplace Health and Safety – a new strategy for Great Britain (tabled)

8.1 Margaret Burns announced the launch of the HSC's new strategy to *Improve Future Standards of Workplace Health and Safety in GB* on 23 February 2004, by Des Browne, Minister of State at the Department for Work and Pensions and Bill Callaghan, HSC Chair. The Strategy sets out a new direction for health and safety system and, the roles of HSC, HSE and local authorities (LA), focusing on making risk management relevant to the modern world of work. HSE and LAs will target resources on the areas of greatest need and be less active where risks are well managed. In those areas, there will be greater emphasis on advice and support.

Date of next meeting

9.1 The date for the next meeting would be the public meeting on Wednesday 7 July (pm) followed by the main committee meeting on Thursday 8 July (am) in Edinburgh, venue to be confirmed.