

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

**Minutes of the 65th RIAC meeting
Thursday 9 October 2003
Copthorne Hotel, Birmingham**

Present:

Margaret Burns	Independent, Chair
Steve Ives	HSE, RIAC Secretary
John Abbott	Network Rail
Allan Baker	ROSCO
John Balmforth	Rail Passenger Interest
Dave Bennett	ASLEF
Mick Cash	RMT
John Cartledge	LTUC/RPC
Gerry Doherty	TSSA
Richard Gostling	RIA
Mike Lunan	RPC
David Madden	Heritage Rail Association
Aidan Nelson	Rail Safety and Standards Board
Andrew Steel	Light Rail (Travel Midland Metro)
Mike Strezlecki	LU
Rob Andrews	SRA
Peter Griggs	ORR
Gerry McKenna	Dept for Regional Dev. for Northern Ireland
Bob Smallwood	HSE
Elizabeth Gibby	HSE (item 3)
Robin Foster	HSE (item 3)
Peter Hornsby	HSE (item 3)
Michael Madeley	HSE (item 3)
Paul Howarth	HSE (item 3)
Gordon Thomas	HSE (observer)
Barbara Cahill	HSE (observer)
Maxine Burke	HSE, Minute Secretary

Welcome, introductions and apologies for absence

- 1.1 Margaret Burns (Chair) welcomed everyone to the meeting. She introduced Mike Lunan recently appointed as the second RPC representative; Garry McKenna observer for the Dept for Regional Development for Northern Ireland; and Gordon Thomas, (HSE) attending this meeting as an observer.
- 1.2 Apologies for absence were received from: Paul Abbott (Network Rail); Chris Leah (Network Rail) represented by John Abbott; Paul Reuter (AMICUS); Steve Bence (ATOC); Phil Dee (RMT); Mick Blackburn (ASLEF); Cynthia Hay (Rail Passengers Interest); Peter Edwards (BTP); Mike Biskup (DfT); and Alan Osborne¹ (HSE) represented by Bob Smallwood.

¹ Alan Osborne has since resigned from HSE. Allan Sefton is the new HSE Director of Rail Safety.

- 1.3 Members were advised of Les Philpott's (RIAC Secretary) recent promotion to a senior civil service post within HSE. RIAC thanked him for his contribution over the years and extended their best wishes for the future.

Identification of urgent business

- 1.4 No items of urgent business were proposed.

Minutes of 64th meeting held on 12 March

- 2.1 The draft minutes (version 1) were agreed as an accurate record of the meeting.

Matters arising

- 2.2 RIAC Secretariat apologised for not having progressed work on the draft concordat on the roles of respective parties in RIAC's working groups. It hoped to produce and circulate a draft before the end of the year. All other action points had been discharged.

Action: RIAC Secretariat

HSC draft discussion document "*Shaping future railway health and safety legislation*" (RIAC 03/13)

- 3.1 In introducing this item Margaret Burns explained that the Commission were keen to promote debate and ideas about the regulatory framework governing railways. Elizabeth Gibby went on to explain that the draft Discussion Document (DD)² set out options to update the main regulatory requirements for health and safety on the railways and to facilitate the development of industry schemes for the supply and accreditation of safety critical goods and services and licensing of key safety critical workers.
- 3.2 To achieve greater dialogue with, and input from, stakeholders HSE intends to hold two open meetings in London (19/11/03) and York (3/12/03). Elizabeth Gibby said her team would be happy to discuss the DD with stakeholders outside these meetings. The DD would be available on HSE's rail website from 27 October; the closing date for comments would be 31/12/03.
- 3.3 RIAC's views were sought on the strategic issues raised in the DD to inform HSC's consideration at its meeting on 14/10/03. In particular RIAC was asked to consider the:
 - scope of future legislative arrangements;
 - promotion of greater responsibility and accountability for health and safety in providers and operators of railway infrastructure and trains; and

²Discussion Document invites views from all interested parties before preparation of a Consultation Document containing formal regulatory proposals and for developing industry schemes.

- circumstances in which third parties should play a role in maintaining health and safety on the railway and what role this should be.

3.4 The following points were made during the discussion:

- The DD should include an executive summary HSE agreed and said that this was already in preparation;
- Network Rail was developing proposals for an industry wide group to look at supplier accreditation;
- Some members welcomed the proposed withdrawal of HSE from direct approval of new/altered works, but questioned the 3rd party accreditation costs quoted in the draft initial regulatory impact assessments. HSE said it would welcome further information on costs that members could provide;
- The HSE's proposed withdrawal would place the responsibility on duty holders and some members wondered about the message such a decision would convey about the importance of safety. Members were advised that the proposed withdrawal was also about having more effective regulations and not about reducing health and safety standards. The approach being adopted was in line with European proposals. HSE agreed to revisit the DD to ensure there was no possibility of misinterpretation;
- Margaret Burns said the proposed move to less prescriptive legislation would bring the railways in line with other industries. She felt it should be the duty holder's responsibility to assess and manage the risks arising from their business. Members generally supported this approach;
- There was some union (RMT) concern about the thrust of the proposals as they saw HSC/E as a body they could turn to if they had issues relating to safety that they wanted HSE to consider. HSE noted that inspection and enforcement would continue as now;
- Members were reminded of their discussion in March on the issue of whether the Safety Critical Work Regs (SCWR) should be retained; there had been no real indication then that they should not. Subsequently, HSE sought HSC's steer and at that time, HSC felt SCWR should be retained. RIAC and HSC would be informed if feedback from the DD suggested the contrary;
- Members recognised the importance of good information for the Regulatory Impact Assessment (RIA). A full RIA would be published as part of the CD;
- Members felt that EU proposals for common safety targets were unclear. Industry wanted certainty on what was expected of it;
- There was some initial surprise at seeing medical fitness/standards issue appear in such a high level document; and

- It was felt the DD should not include reference to the phrase “Hidden limits” (para 304).
- 3.5 Elizabeth Gibby thanked everyone for their useful comments and looked forward to receiving their respective views on the proposals. She reiterated her offer of separate discussions with members on general or particular issues.

RIAC’s role in research work within the rail industry: feedback from the special RIAC meeting on 10/9/03 (RIAC 03/11³)

- 4.1 Margaret Burns reported on the meeting in September, which discussed whether RIAC had a strategic role to play in railway research and, if so, what that role and future priorities might be. RSSB’s head of research Andrew Sharpe attended in Aidan Nelson’s absence.
- 4.2 She said that it had been a useful discussion, which clearly revealed there was a role to be played in taking a strategic view of rail research promoting collaboration and avoiding duplication. This was also recommended by Sir David Davies in 1994 and later supported by Professor Uff and Lord Cullen. Attendees at the special concluded that industry’s Advisory Group for Rail Research and Innovation (AGRRI) could develop the role of overseeing railway research for the rail industry. However, some concern was expressed at the lack of representation of trade union and passenger interests.
- 4.3 Richard Gostling explained that AGRRI (which he chairs), was formed some time ago to bring together industry-wide stakeholders involved in research work (including health and safety). It meets once every two months to, amongst other things, maintain an overview of what is happening within the UK and Europe. It had also started work on identifying significant gaps in knowledge base. However, RIAC members advised that AGRRI did not have a formal status, and therefore could not impose its views on industry, (but rather operated through the appropriately senior industry players who form its membership).
- 4.4 In light of the work of AGRRI, those who attended September’s meeting felt RIAC would be duplicating effort if it established a separate forum to oversee rail research, Instead it was proposed that RIAC should work with AGRRI.
- 4.5 RIAC was therefore asked to:
- endorse AGRRI as the forum to provide an overview on railway research;
 - encourage AGRRI to provide regular reports to RIAC; and
 - promote collaboration with AGRRI from key stakeholders eg HSE, RSSB etc.
- 4.6 The following points were made during the discussion:
- there should be clarity on RIAC’s role, how it fits in with AGRRI and a statement produced to reflect this;
 - AGRRI should be invited to provide regular reports to RIAC; and

³ Some copies of this cover paper may contain a typographical error - para 8, line 2, should read “overseeing railway research in the rail industry”

- RIAC should review the situation in the future.

4.7 It was agreed the RIAC Secretariat would write to the AGRRI chair on this issue.

Action: RIAC Secretariat

Draft conclusions from the Rail Regulator's Interim Review of Track Access Charges

5 Margaret Burns introduced Peter Griggs (ORR) to present this item. He reported on the progress to date and the next steps following Tom Winsor's (rail regulator) publication of his draft conclusions emerging from the review in July. The final conclusions were due in December 2003 and would probably have wide reaching implications for the rail industry (see annex 1 for full presentation details). Members were encouraged to comment on the 4th consultation document to be issued 16/10/03 and which would set out the Regulator's draft conclusions.

Report from RIAC's Working Groups (RIAC 03/14)

6.1 Steve Ives (RIAC Secretary) introduced the short paper covering the three working groups progress over recent months.

- Occupational Health WG – Tommy McDonald-Milner (head of health services for Marks & Spencer) was appointed as Chair of the reconvened group in May, and the group had met twice to date to develop its strategy. Steve Ives, and other representatives of the OHWG present at the RIAC meeting, were encouraged by the progress the OHWG had made. A further meeting was scheduled for November. RIAC agreed to invite Mr McDonald-Milner to the next meeting to discuss progress.

Action: RIAC Secretariat

- Also Mike Strezlecki said LU's health report (April 2002 – March 2003) would go to the LU Board w/c 13/10/03, and volunteered to seek their permission to circulate the 'in confidence' report to RIAC.

Action: London Underground

- Freight WG – unfortunately there were no representatives available to provide a report to RIAC. However, it was hoped the group's terms of reference and plan of work would be available for discussion at RIAC's next meeting.
- Human Factors WG - Aidan Nelson (RSSB) apologised for being unable to provide a full report. Some good work had begun with the development of its strategy but due to his recent ill-health this had yet to be completed. However, this temporary setback would be over come when the group meet in late October to finalise details. A report would also be made to RIAC in February 2004.

Action: WG Chairs

- 6.2 Margaret Burns suggested that it would perhaps be beneficial if she attended a future meeting of each of the WGs to discuss their terms of reference and plan of work.

Action: RIAC Secretariat/chair

Arrangements for RIAC's 3rd Public Meeting

- 7.1 Margaret Burns outlined the arrangements for the public meeting. She looked forward to hearing the public views on safety on the railways - passenger security (presented by June Bridgeman, Soroptimist International) and crowding on the railways (by John Cartledge). Members were encouraged to contribute/participate as fully as possible. Extensive promotional activity had been undertaken by the RIAC Secretariat to ensure as wide an audience⁴ as possible was reached.

Any other business

- 8.1 HSC's draft strategy 2002/05 This was first published in May 2002 and was currently being updated. The update has been produced to give more detail on the work HSC is taking forward under the five specific aims set out in the original strategy. RIAC was invited to forward their comments on the draft to HSE by 31 October 2003. RIAC's input would be reflected in the updated strategy to be put to the HSC on 9 December 2003.

Action: All

- 8.2 Working Time Directive – Dave Bennett (ASLEF) informed members that following the introduction of the Regulations in August, HMRI had put details of its handling procedures (dealing with enquiries and complaints under the new the Regulations) on HSE Rail website see www.hse.gsi.gov.uk/operational/nigms/railway

Meeting dates for 2004

- 9.1 RIAC Secretariat would seek members availability for a meeting in late June or early July to discuss the draft consultation document that will take forward the issues explored in HSC's DD *Safety on the railway - shaping the future*.

Action: RIAC Secretariat

- 9.2 Proposed dates for 2004 are:

- Tuesday 24 February (pm);
- Thursday 8 July (am); and
- Tuesday 2 November (am).

RIAC Secretariat
Oct 2003

⁴ Note: in total 90 people attended.