



PACTS WRITTEN COMMENTS
ORR'S REVIEW OF RSSB'S FUNCTIONS, GOVERNANCE AND FUNDING
ARRANGEMENTS

Friday 30th April 2010

The Parliamentary Advisory Council for Transport Safety (PACTS) is a registered charity and an associate Parliamentary Group. Its charitable objective is "**To protect human life through the promotion of transport safety for the public benefit**". Its aim is to advise and inform members of the House of Commons and of the House of Lords on air, rail and road safety issues.

Based on our role within the industry, it was considered unhelpful to contribute to the shorter or the more extensive questionnaire provided by ORR. However, it was felt that certain areas of consultation could benefit from a PACTS perspective. Some general points have been outlined below.

RSSB's Primary Objective

PACTS recognises that there is a potential disparity between the Primary Objective of RSSB as set out in the constitution agreement and the Purpose stated in the 2009-14 Business Plan. It is clearly important that these complement each other. We also recognise that individual railway operators have the prime responsibility for the management of health and safety within their undertakings. In its position, RSSB has a unique opportunity, as an organisation central to the railway industry, to raise standards, to challenge procedures and to assist in the achievement of good practice throughout the rail sector.

We would therefore suggest that both the constitution agreement and the Business Plan should adopt a similar wording along the following lines:

"The role of RSSB is to help its members to continuously improve and develop health and safety risk management, thereby facilitating the reduction in risk to passengers, employees and the affected public, aiding compliance with obligations under health and safety law and assisting the delivery of business objectives.

"It seeks to achieve this through the provision of high-quality support services to members where such services will assist with better knowledge and co-operation within the industry and where they can be provided at a cost-effective level.

"Such support services will assist with the development of consensus within the industry through the provision of impartial, research-based analysis, knowledge and technical expertise. They will also support the industry in its contribution to international decision-making."

Industry Leadership on Health and Safety

It is clear from the experience within other industries and within companies that commitment to health and safety must begin at the highest level. It must also be reflected in all aspects of a company's management and activities.

The establishment of a leadership forum for health and safety by RSSB is a laudable initiative that should be encouraged. The challenge for the industry will be to ensure that the lessons learnt within this group are applied throughout the industry and that they are carried through with the full support of both employers and employees. The forum ought also to include within

its membership members from outside the rail industry to challenge the industry to go as far and as fast as it can, within the constraints of reasonable practicability, and to act as advocates for safety.

Data Collection, Analysis, Modelling and Reporting

The public availability of data managed by RSSB is an important contribution to the overall analysis of safety. This level of accessibility offers a model to the rest of Europe and is to be welcomed.

One perennial issue remains the relationship between data published by RSSB and the ORR itself. While those who are acquainted with the data sets in detail will understand why the numbers do not always match, a clearer explanation of the differences for the non-specialist public would be helpful.

On the issue of two sources of data, it is also important to highlight that, as a private company, RSSB does not have a legal requirement to make safety data publicly available. It is important that the ORR itself maintains an adequate capability to undertake its own safety analysis.

Dissemination of Research and Good Practice

PACTS welcomes the role of RSSB in commissioning, managing and disseminating the research programme. The research reports published by RSSB make an important contribution to knowledge within the industry and to wider transport safety. The work, for example, on passenger perceptions of safety and understanding of risk has helped to inform deliberations about safety management on the road network of Great Britain.

The RSSB website has a wealth of material of interest and application to both the rail industry and other transport modes. It is laudable that reports are placed in the public domain and are free to download. The regular e-mail update on the research programme is also a helpful addition to knowledge of the research outputs.

At the same time, browsing of the research section of the site is not particularly easy. PACTS would urge RSSB to undertake a review of the site to ensure that maximum public benefit is achieved from this resource.

It would also be worth giving consideration to an annual event to disseminate the findings of the research programme. RSSB speakers have regularly attended PACTS' events to highlight key aspects of the research programme and to update members on projects and findings. A more structured programme of dissemination would enable a wider appreciation of the nature and scale of the programme.

Occupational Health

PACTS recognises that occupational health is an important issue in terms of managing and improving productivity. As the risk profile of the industry changes over time, it is right to consider the priority that should be given to different aspects of health and safety. It remains important that RSSB should maintain a sense of the bigger picture – the safety of the rail

network as a whole – of which occupational health is a part. The first step should be to undertake a scoping study looking at the management of occupational health in the rail industry both in the UK and in other EU countries and in other industries. The conclusions from such a study would provide more tangible evidence about the extent to which a focus on occupational health would offer the potential for improved performance of the rail industry.

Governance

Since RSSB is a company limited by guarantee, the first responsibility of its directors must be to ensure that the company abides by company law and is meeting the aims and objects set out in its Business Plan. It may therefore need to review its own structure to ensure that this is fit for purpose. One possibility would be to establish the leadership forum as a fully fledged sub-committee of the Board with responsibility for the safety advocacy function of the company.

If that route were to be adopted, it would also be important to include external non-executives who could act in the role of “critical friend” and challenge the rest of the Board to ensure best practice was adopted.

Question 12f asks for views about the Advisory Committee of which Robert Gifford, Executive Director of PACTS, has been a member since 2001. The value of this group is that its membership is representative of the rail industry as a whole, including, for example, trade union representatives whose views might otherwise not be heard in the RSSB Board meetings. Both PACTS and Passenger Focus sit on the Advisory Committee, occupying positions that might be termed “acting in the public interest”. PACTS would urge the ORR to support the continuation of the group but would also accept that a review of its terms of reference, membership and regularity of meetings would be appropriate.

For more information on any of the issues raised in this response, please contact

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