

Period 1 Data : 01/04/2020 – 02/05/2020

An explanation of these charts and terms used throughout this report is [HERE](#)

	Year	Period	MAA 19/20 P2- 20/21 P1
Passenger / Public FWI	2020-21	1.01	3.21



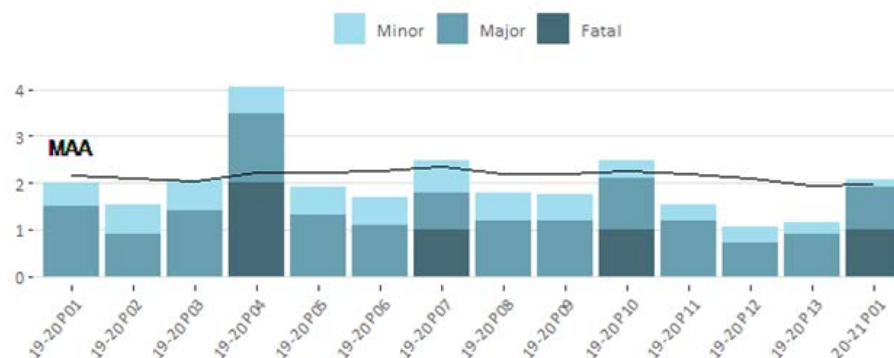
Passenger/Public FWI was **1.01** in P1.

The Moving Annual Average (covering the 13 periods 19/20 P02 to 20/21 P01) was **3.21**.

For the moving average since 2016/17, the lowest MAA was **2.3** for 16/17 P09-17/18 P08. The highest MAA was **5.43** for 18/19 P03-19/20 P02.

There was one passenger/ public fatality. This happened at North Acton, and was reported by London Underground.

	Year	Period	MAA 19/20 P2- 20/21 P1
Workforce FWI	2020-21	2.06	1.96

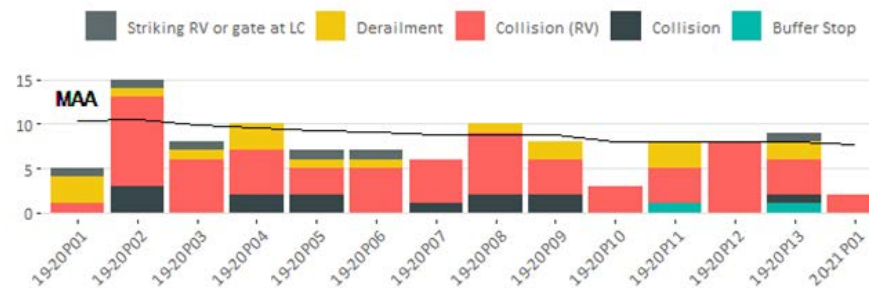


Workforce FWI was **2.06** in P1. The moving average (covering the 13 periods 19/20 P02 to 20/21 P01) was **1.96**.

For the moving average since 2016/17, the lowest MAA was **1.9** for 19/20 P03-20/21 P02. The highest MAA was **3.06** for 16/17 P06-17/18 P05.

There was one workplace fatalities in the period at Roade. There were nine major injuries reported in P1 - five by Network Rail, one by London Underground, one by train operators, one by tramways, one by Contractors.

	Year	PHRTAs	MAA 19/20 P2- 20/21 P1
PHRTAs (all sectors)	2020-21	2	7.77



There were **2** PHRTAs reported in P1. The moving average (covering the 13 periods 19/20 P02 to 20/21 P01) was **7.77**.

For the moving average since 2016/17, the lowest MAA was **7** for 19/20 P03-20/21 P02. The highest MAA was **11.62** for 16/17 P01-16/17 P13.

There were two collisions with road vehicles both reported by Keolis Amey Metrolink Ltd. They took place at Ashton under Lyne and Oldham King Street.

Activity since our last report

Rail Industry Coronavirus Forum

1. We have done a huge amount of work with train operators and the trades unions to agree updated guidance on the operation of trains and stations. Following consultation with DfT, we published our advice on 8 June.
2. We are also working with RDG in relation to the Department's idea to use volunteers on the railway to help members of the public. We have taken the line that volunteers should remain either on the station concourse or outside the station and they will need conflict avoidance training.

Network Rail

3. We carried out inspections of Network Rail's arrangements to deal with the challenges of managing sickness absences, social distancing and maintenance work during COVID19. Overall, we found robust arrangements to manage risks where maintenance work and management supervision could not take place as normal. We also found that absence levels have remained manageable (so far) so that none of the more drastic provisions of the contingency arrangements needed to be invoked. Much of our work in this area has been focused on providing advice on appropriate face coverings, social distancing and organisational controls.
4. On 13 May, a Network Rail welding contractor, Renown Consultants Ltd was fined £450,000, with £300,000 in costs, following a five-week trial for failing to ensure that two of its workers were sufficiently rested to work and travel safely. In his closing remarks, the judge said that 'operations and managers knew what they were supposed to do in relation to fatigue but lip service was paid to these systems'. ORR's Communications team consider there was very good media coverage following the trial (for example, appearing in the Daily Express and on BBC News online, as well as regionally) and it is anticipated that the outcome will have a significant impact on the rail industry and beyond.

Passenger and freight operators (Mainline)

Inspections

5. An inspection protocol for dutyholder arrangements in response to COVID-19 has been developed by the team inspector that leads for emergency planning and sits on RDG's emergency planning group. This inspection protocol is now embedded in the proactive work of the team and has been shared with other teams in RSD.
6. The team have continued to respond to queries from all duty holders on risk assessment and control arrangements in response to exposure to workers and passengers to COVID-19. While inspectors have complied with lockdown measures, they have been highly visible with their duty holders through video conferencing, etc. and continued to inspect duty holders' response to COVID-19. Our focus has been management of the change brought about by easing of lockdown measures, the increased service frequency and predicted upturn in passengers. Inspectors report that mainline operators continue to manage the risks appropriately, and their plans are proactive. However, many duty holders report that current passenger numbers are not compromising social distancing. We will

now turn attention back to driver competence and maintenance of vehicles, as many duty holders have had to modify these activities to comply with Government/PHE COVID-19 requirements.

SPADs

7. The RDG KPI report provides a breakdown by operator of safety trends and is the most useful analysis for the team to target intervention. The April report details the number of Category A SPADs (SPADs attributable to operators) normalised to 'per million train miles' and shows monthly and annual moving average for 16 of the 18 passenger operators that are covered by the RSD Mainline Operators Group. The annual moving average (AMM) also shows a slight up-turn in the number of Category SPADs compared with April last year (+0.1). It also shows, for the last year, 8 operators have had an increased number of SPADs and 8 operators a reduction. In the March 2020 report, the AMM compared with March 2019 was higher (+0.32) than April 2019-2020. This indicates that the trend has levelled and may be starting to drop. However, there are some operators who stand out (C2C and Scotrail) with recent SPAD incidents, and this will be followed up by the team.
8. SPADs with a risk ranking above 20 are mandatory investigations and have resulted in enforcement action by the team, including the Improvement Notice served on Rail Operations Group on 28th April 2020. More recent mandatory SPAD investigations are shown in the investigations section below.
9. Going forward we will be looking at the industry's driver management competence to understand the underlying cause of SPADs, and other operational incidents, and how they identify appropriate corrective action. We are working with RSSB's Train Accident Risk Group to ensure the benchmark standards and processes for managing SPAD risk are being adopted by duty holders.
10. ORR supports the RSSB Driver Attention and Alertness Working Group. The group has now developed a set of principles around using technologies designed to monitor the attention and alertness of train drivers, a recurring underlying cause in SPADs. These principles were due to be presented at workshops in June 2020 but have now been deferred due to COVID-19 constraints. However, a literature review of what is currently available, with analysis of the results from these technologies, is currently underway.

Incidents & Investigations

11. Exempted s.30 (1) (a) (b)

12. Exempted s.30 (1) (a) (b)

13. Exempted s.30 (1) (a) (b)

14. Exempted s.30 (1) (a) (b)

Transport for London (TfL)

15. **New Transport Commissioner:** The Mayor of London Sadiq Khan has confirmed the appointment of Andy Byford as London's new Transport Commissioner, taking over from current Commissioner Mike Brown. Andy Byford's most recent role was President and CEO of New York City Transit Authority where he was responsible for developing a \$40bn five-year investment plan. He commenced his career in LUL before joining South Eastern Trains as Director of Safety & Operations.
16. **COVID-19 Inspection Plan:** The team has formulated a short-term COVID-19 plan (3-6months) around the ORR COVID-19 Emergency planning inspection protocol. This is set out in 2 stages, office

based information gathering and analysis followed by remote and field based inspection activity. We have re-prioritised our original 2020-21 inspection, reviewing what can be achieved with current reduced resource from mid Q2 onwards, dependent on continued impact of COVID-19.

17. *Safety complaints*: The most immediate impact of COVID-19 is the significantly increasing demands of TU enquiries re LUL's Change Assurance Plan (see below) and provision of PPE. These require well substantiated responses that take account of the busy sub surface metro environment. This is already impacting on planned work.

London Underground

18. *COVID-19 Approach*: In line with Government requirements LUL increased its train service to around 80% of normal services by 18 May 2020. The restart was supported by a detailed Change Assurance Plan (CAP) prepared and reviewed in consultation with Unions. Service distribution is designed to reflect demand, in time and geography. Increase in demand has not been significant, at the time of writing.
19. *Union concerns*: Concerns raised by TUs (ASLEF direct to TfL team and RMT via I Prosser) – mainly on the issues of risk assessments, and the lack of task based assessment, and the provision of masks. Recent refusals to work on safety grounds in mess facilities due to inadequate social distancing generally relate to one depot with historically difficult relationships. The TfL team have reviewed the LUL CAP and sampled an associated functional risk assessment for train operations and have found no immediate concerns. We are monitoring refusal to work matters, and achieving social distancing in depots.

20. Exempted s.30 (1) (a) (b)

21. *Preliminary enquiries include (not exhaustive)*: We are making preliminary inquiries into a number of track worker safety related incidents that have occurred across the system: **Exempted s.31 (2)** Information will be used to inform inspection activity planned as part of our 2020/21 programme or work.

Crossrail

22. *Trial running delayed*: Trial running was due to start on 23 September but is likely to be delayed. Crossrail is currently reviewing its delivery schedule and we expect a further update in late July. We continue to work closely with all the parties and are looking closely at the assurance process.
23. *New rolling stock authorised*: RPP in conjunction with RSD has now completed the authorisation for Bombardier ETCS level 2 on Heathrow spur.

DLR/KAD

24. *COVID-19*: DLR are currently moving from crisis to recovery mode. Control measures for COVID-19 Social Distancing are all in place- e.g. markings in stations and on platforms, Passenger Service Agents now travel in the lead car and are protected by a perspex barrier, provision of surgical masks and gloves.

Airport people movers

25. *COVID 19*: All of the people mover system operators have put in place robust protective measures for staff in respect of COVID 19. These include social distancing for control room staff, shift handovers are kept to bare minimum of face to face contact (shifts are fully isolated) and the use of

PPE and facemasks etc. Gatwick Airport are trialing UV protection on the trains; this is also intended to boost passenger confidence.

Eurotunnel

26. Assessment of the ElecLink safety dossier by the binational CTSA working group and external experts is continuing. This dossier, originally submitted on 21 November 2019, has been closed for new and revised documents since 23 March 2020 unless supplementary information is requested by the CTSA working group.
27. The intention is for the IGC to reach a decision on whether to reinstate or withdraw consent for the project at its next meeting on 9 July 2020. The working group is drafting a report to enable the CTSA to provide its opinion to the IGC on the safety of the project by the end of June at the latest. This may be complicated by differences of opinion between the French and UK delegations on a number of key issues, although the group is working hard to resolve these.
28. Channel Tunnel operators continue to provide weekly updates to the CTSA on their contingency arrangements to deal with the COVID-19 pandemic. These are being kept under review.
29. On 8 June 2020 *The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to England) Regulations 2020* came into force in England only. This new legislation makes it an offence for operators (Eurostar and Eurotunnel in the case of ORR) to have carried persons arriving in England from outside the UK without those persons having been provided with specified information about coronavirus and what the law will require those persons to do on their arrival in England.
30. The ORR, alongside the Civil Aviation Authority and the Secretary of State for Transport (for arrivals by sea) are “authorised persons” for the purposes of the Regulations, which means we may issue a fixed penalty notice and prosecute in relation to passengers arriving in England by rail.
31. Both Eurotunnel and Eurostar are currently substantially complying with the requirements on a voluntary basis.

Trams

COVID-19

32. *Overall Approach:* All UK tram operators, and Tyne & Wear Metro, are following ORR guidance on implementing COVID-19 public health advice on board trams, at stations, and in depots. Precautions includes actions promoting social distancing; ceasing revenue protection activity; encouraging cashless payments; enhanced cleaning regimes; and use of PPE. Face masks are used in engineering depots where social distancing cannot be achieved. A significant proportion of staff have been furloughed.
33. *Funding:* The government has recently announced financial aid to four tram systems and Tyne & Wear metro.

Inspection

34. *New works:* Virtual meeting to assess governance and safety by design of project to extend Edinburgh Tramway. Advice given re design of trackform.

35. *Driver attentiveness*: Virtual meeting with TfGM to discuss progress with driver vigilance and prevention of overspeed technology trials and impact of COVID-19. Agreement to review methodology to derive SIL rating.

36. *Inspection plan 2020/21*: Inspection PID and supporting programme of work prepared.

Other

37. *LRSSB Funding*: DfT have provided further funding to LRSSB - £1.1M – which will be sufficient to allow them to progress their plan of work this year. There remains no clarity on future long-term funding unfortunately which is really essential to progress much of the longer term research planned.

38. *LRSSB Board meeting*: Attended virtual LRSSB Board Meeting. New Chair **redacted s.40 (2) (b)** (ex-logistics industry specialising in business transformation) in place; and new CEO identified (but appointment delayed due to COVID-19). First annual report issued with risk profile of sector. No surprises, and review forms a key part of our 2020/21 work. Principle area of concern for sector is COVID-19 impact on income and how this will affect safety related investment activity; and continued service provision.

39. *Simove trial* (continuous speed monitoring) continues at Manchester Metrolink with positive results emerging. Potentially an economic solution that delivers positive risk improvements.

Permissioning

40. Applications for an exemption from Railway Safety Regulations regulation 3 are due from Network Rail Infrastructure Limited and Chiltern Railway Company Limited. The applications relate to the switching off of ATP and fitting enhanced TPWS on the Chiltern route.

Heritage

COVID-19

41. *Looking at options to re-open.* All heritage railways, tramways and museums that ORR regulates closed at the beginning of the lock down. Due to social distancing challenge, a number of railways are stating they do not intend to re-open in 2020, including West Somerset Railway. However, some heritage railways are now exploring options to allow some form of limited re-opening and a few have commenced trial running.
42. *Guidance:* ORR published specific advice aimed at heritage railways to assist them prepare and implement their start up arrangements.
https://orr.gov.uk/data/assets/pdf_file/0010/42877/heritage-railway-recovery-plan-in-response-to-covid-19.pdf

Enforcement

43. *Extending compliance:* We agreed to an application by Bodmin & Wentwood Railway regarding their COSHH assessment Improvement Notice served due to conditions in woodworking shop.

Permissioning

44. *Rother Valley Public Inquiry:* As a result of COVID-19, the public inquiry into the extension of Rother Valley Railway has been delayed. A new date will be identified in due course.

Other

45. *West Somerset dispute:* Ongoing dispute between West Somerset Railway PLC and Somerset and Dorset Railway Trust regarding the former's proposal to evict latter from Washford Station and yard. ORR drawn into the matter due to an incorrect allegation that complaints had been made against the Trust and been referred to ORR. Media interest requiring attention and possible FOI application in due course.

Enforcement

Enforcement	2019-20		2018-19 end of year totals
	Since our last report and up to 05/03/20	Running total	
Improvement Notices	0	18	18
Prohibition Notices	0	4	3
Prosecutions	0	2	6
Source: RSD. Prosecution timings and hence numbers are often dependent on court timetables.			

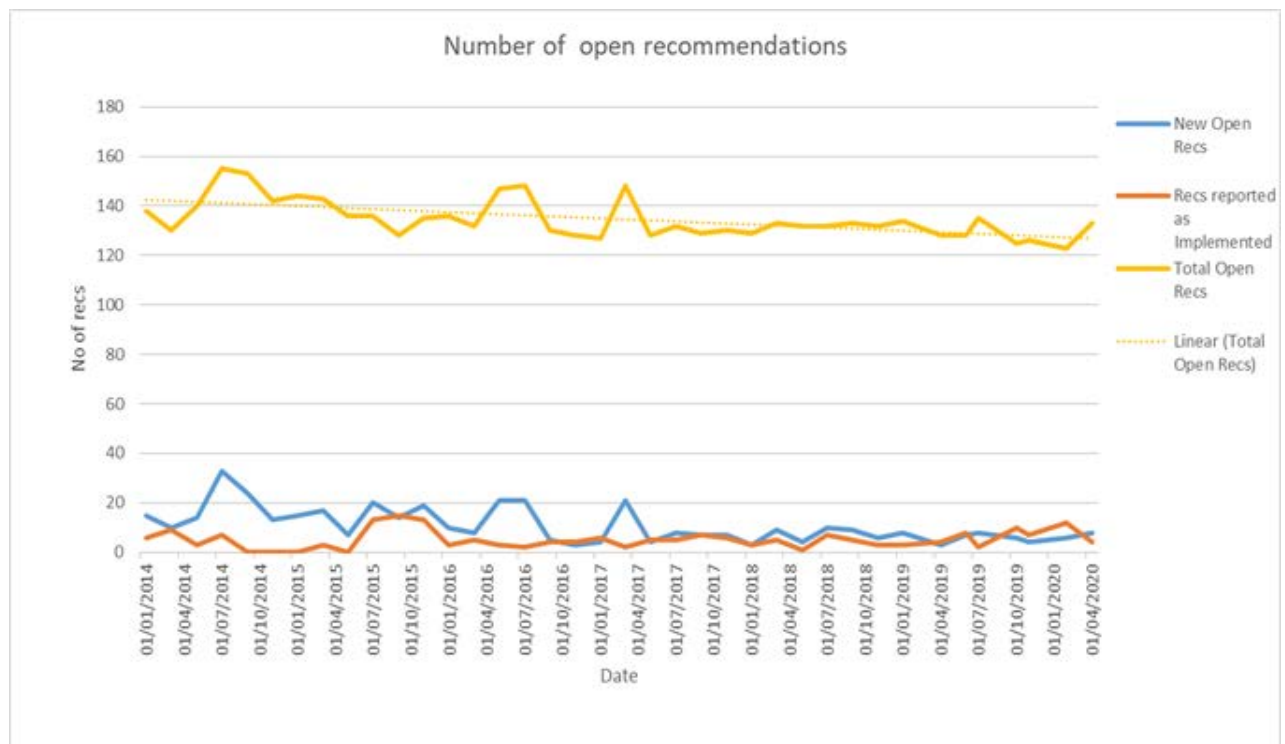
46. Since the Covid-19 restrictions were imposed courts have only been hearing priority cases – predominantly matters relating to custody, detention and bail, urgent matters such as terrorism or domestic violence etc. We have been advised by members of the Bar that they expect the backlog of other cases will take 18 months to clear. One of our cases (a guilty plea) has been re-listed from March 2020 to April 2021.

47. Exempted s.42 (1)

RAIB

48. RAIB have published the following reports since the previous report to the Board:

- Class investigation into factors affecting safety-critical human performance in signalling operations on the national network
- Train collision with material washed out from a cutting slope at Corby, Northamptonshire on 13 June 2019
- Loss of brake control on a sleeper train approaching Edinburgh on 1 August 2019



Glossary

AMT – Annual Moving Total. This refers to total count which has occurred in the last 12 months of the relevant scope.

FWI – Fatalities and weighted injuries; is an agreed industry approach to measuring harm. It combines fatalities, major injuries and minor injuries in to a single composite measure. 1 FWI = 1 fatality or 10 major injuries or 200 ‘class 1’ minor injuries or 1000 ‘class 2’ minors.

LRSSB – Light Rail Safety Standards Board; is a new independent industry safety body mirroring the long-established RSSB that aims to improve the safety performance of trams and other light rail systems and encourage the sharing of good practice.

MAA – Moving Annual Average; this is a technique to get an overall idea of the trends in a data set; it is an average of any subset of numbers.

Major injuries – Major injuries include permanent injury, dismemberment, loss of bodily function or even death.

PHRTAs - Potentially High Risk Train Accidents (PHRTAs) are a categorization of train accidents that have the greatest chance of resulting in fatal accidents. For example, train collisions, buffer stop collisions, trains striking road vehicles, derailments and trains being struck by large falling objects;

PIM – Precursor Indicator Model. A risk model managed by RSSB that measures the underlying risk from train accidents by tracking changes in accident precursor events (i.e. acts, conditions or events that may or did, lead to a train accident). It is limited to train accident risk and the mainline railway only.

Rail industry periods – The railway uses 4-weekly accounting periods rather than calendar months. There are 13 periods in a year. These normally start on a Sunday.

RIDDOR – Reporting of injuries, diseases and dangerous occurrences regulations 2013. RIDDOR requires that the person responsible for an incident related to the railway, must notify the ORR of all reportable injuries (specified within the regulations), fatalities and dangerous occurrences. Mainline duty holders do this via the SMIS system and all non-mainline operators report via the ORR’s website. A weekly report of RIDDOR events is distributed around RSD to allow inspectors to take actions when necessary.

RSSB – Rail Safety and Standards Board. An independent industry safety body that is financed by its members within the mainline railway. RSSB carries out research and develops industry agreed standards that assist its members to improve safety and comply with legal obligations.

SHEP – Safety, Health and Environment Performance report. Network Rail’s report for every period, it details significant incidents including: workforce injuries, SPADs (Signals passed at danger) and wrong side infrastructure failures. The purpose of this report is mainly for internal reporting and governance, however Network Rail voluntarily distributes it periodically to external stakeholders (including ORR).

SMIS – Safety Management Information System. A database managed by RSSB, which is used by all mainline duty holders to report all safety related incidents.

WSF – Wrong Side Failure. When a fault/failure leads to a less safe state, as opposed to a right side failure (RSF) (when the failed state is still safe or becomes safe). e.g. A signal that loses power and does not show a colour is a RSF (as drivers know to stop at a blank signal). A signal that has a power surge and shows a green aspect, when it should be red, is a WSF.

Chart explanations

Passenger and Public Harm

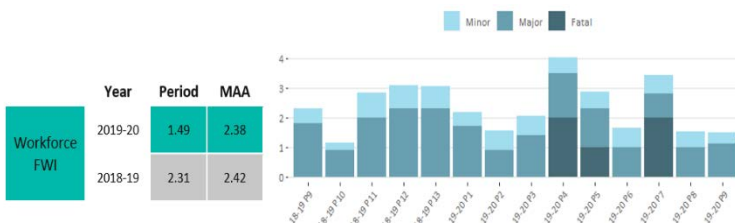


This chart covers actual harm to passengers and members of the public across all sectors regulated by ORR. The x-axis is a time series for each [rail industry period](#) in the past year. The y-axis shows harm in that period measured in [FWI](#). It

does not include fatalities that are known to be suicides but does include fatalities that are of unknown cause. Subsequent investigation may determine an unknown fatality is a suicide.

The table adjacent to the chart compares overall [FWI](#) for the reporting period with the same period last year and the moving annual average ([MAA](#)) of periodic [FWI](#) for this reporting year so far with the previous reporting year at the same stage.

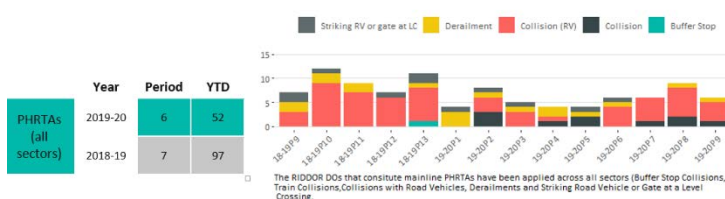
Workforce Harm



This chart covers actual harm to all railway employees and subcontractors across sectors regulated by ORR. The x-axis is a time series for each [rail industry period](#) in the past year. The y-axis shows actual harm in that period measured in [FWI](#).

The table adjacent to the chart compares overall FWI for the reporting period with the same period last year and the moving annual average ([MAA](#)) of periodic [FWI](#) for this reporting year so far with the previous reporting year at the same stage.

Potentially High Risk Train Accidents



This chart shows the number of potentially high risk train accidents ([PHRTAs](#)) that occurred across all sectors regulated by ORR. It is a lagging indicator of risk that reflects potential harm rather than actual harm from incidents. The x-axis is a time

series for each [rail industry period](#) in the past year. The y-axis shows the number of events in that period broken down by event type.

The table adjacent to the chart compares overall numbers of events for the reporting period with the same period last year and the moving annual average ([MAA](#)) of periodic [FWI](#) for this reporting year so far with the previous reporting year at the same stage.