MEETING: RSSB Board Meeting
DATE: 08 May 2014
SUBJECT: CIRAS Governance
SPONSOR: David Morris
AUTHOR: John Abbott

1. Purpose

This paper informs the board of the outcome of the CIRAS Committee’s review of its governance arrangements and invites the board to approve revised terms of reference for the Committee.

2. Background

2.1 In 2008 the board approved delivery of the CIRAS scheme being transferred to RSSB from the independent charitable trust and appointed the CIRAS Committee to independently supervise the scheme in accordance with a terms of reference.

2.2 During 2013 the Committee developed and approved the strategy for development of the scheme in CP5, the strategy reaffirms RSSB’s role in delivery of the scheme and a copy of the strategy is attached in Annex A.

3. The Governance Review

3.1 The review was carried out by a small working group of the Committee, supported by John Abbott and Paul Russell. A key focus was ensuring there was an agreed understanding of the respective roles and accountabilities of all relevant parties (particularly the board, the Committee and the RSSB executive team). To this end a RACI analysis was undertaken. The RACI analysis was subsequently reviewed by the RSSB Executive and then endorsed by the CIRAS Committee at its March meeting.

3.2 The Committee also discussed and agreed a draft of revised terms of reference for the CIRAS Committee that reflected the RACI analysis and introduced changes relating to the Committee’s membership and the quoracy of its meetings. The draft revised terms of reference are attached in Annex B and the RACI analysis in Annex C.

3.3 Following completion of the governance review, the Committee will now develop a suitable policy in relation to the future use of financial reserves and this will be submitted to the board for approval later this year.

4. Recommendations

4.1 The RSSB board is asked to NOTE the outcome of the governance review and APPROVE the draft revised terms of reference for the CIRAS Committee.
Annex A

Foreword

2014 will see CIRAS’s eighteenth year of operation. Since starting as a pilot scheme in Scotland in 1996, CIRAS has provided the rail industry with a confidential reporting and analysis system for health and safety issues raised by its workforce.

CIRAS was extended to all of the mainline rail and London Underground networks after the Ladbroke Grove disaster in 1999. At the time Lord Cullen said

“It is hoped that in the longer term the culture of the industry would be such as to make confidential reporting unnecessary. I accept that this situation may be a long time in coming to pass in the industry. In the meantime I fully support and encourage the CIRAS system”

Today the rail industry is rightly proud of its safety performance and CIRAS continues make an important contribution to maintaining and improving safety.

The scheme is overseen by a governance committee with representatives from GB rail companies, trades unions and independent members from outside the rail industry. The CIRAS Committee is independently chaired by David Morris and supported by Paul Russell, Head of CIRAS. In formal terms, the Committee reports to the RSSB Board and RSSB supports CIRAS’ day-to-day work. The Committee’s Terms of Reference (Annex A) set out the relationship. The scheme is funded, independently of RSSB, by member subscriptions. Many member companies are also members of RSSB, but there are others, such as London Underground, light rail companies and Eurostar, who are not.

In developing this strategy we have taken account of the changing face of the industry and anticipated future challenges. We have sought the views of subscribers and of staff who use CIRAS.

In addition to recognising that we need to review the governance of CIRAS (a key task for any organisation to carry out periodically), we have identified 5 strategic objectives:

- to maintain the integrity and effectiveness of our confidential reporting system;
- to provide value for money and to develop greater transparency of funding;
- to work with RSSB, our subscribers and other stakeholders to add value by making best use of CIRAS data to improve health and safety knowledge and performance;
- to improve awareness of, and support for, CIRAS and its services by effective marketing and stakeholder management; and
- to extend, where it is of benefit to subscribers and consistent with the objectives of the scheme, the scope of CIRAS’ operations and products and to seek out options for further development, conscious always of the need to avoid compromising the service we provide to the rail industry.
Annex A

Introduction

Great Britain’s railways are enjoying a period of almost unprecedented investment and growth. Passenger numbers are rising on both the national and urban networks. Substantial investments are modernising existing infrastructure and developing new capacity.

The railways are also delivering unprecedented levels of safety for passengers and are working hard to deliver comparable improvements in the safety of railway workers and the public.

Since 1996 CIRAS has provided the railway industry with a confidential incident reporting system, initially aimed at “safety critical” staff, but subsequently extended for use by all rail staff. We provide an independent, confidential route for any worker to raise safety concerns that either they feel unable to report to, or they feel have been dealt with inadequately by, their own organisations.

Unlike analogous services elsewhere in the world, CIRAS is funded by the industry. In recent years we have delivered our service whilst significantly reducing costs.

We are now developing our plans for the future. This strategy sets out our vision and defines broad objectives, whilst emphasising the need to continue meeting the needs of our subscribers and fulfilling stakeholder expectations. We have decided to that the timeframe for our strategy should align with the mainline railway’s financial control periods, the next of which starts in April 2014. The strategy therefore covers the period from 2014 to 2019. Some essential preparatory work forms part of our 2013/14 Business Plan.

The strategy will be delivered by means of annual business plans, and delivery will be overseen by the CIRAS Committee, which comprises representatives of all industry sectors, trades unions and independent experts. The CIRAS Committee will review the strategy regularly and report progress on its delivery to the RSSB Board.
Annex A

Our Vision

Our vision is to be the confidential reporting service of choice for transport operators and railway infrastructure managers.

Our Mission

Our mission is to improve health and safety performance by

- providing an alternative confidential reporting channel for all staff, whatever their role, to raise health and safety concerns where their internal company reporting systems have proved unresponsive or where staff feel unable, for whatever reason, to use internal reporting systems;
- facilitating timely resolution of concerns raised by staff;
- providing subscribers with a reporting system that complements their internal systems and encourages staff to use internal systems whenever possible;
- communicating and engaging with our subscribers and their staff to exploit learning opportunities.

Our Values

Our strategy builds on six core values:

- we protect the confidentiality of all those who raise concerns;
- we are independent of any subscribing organisation;
- we collaborate with subscribers and stakeholders to exploit learning opportunities arising from our work;
- we value and develop our staff’s talents, initiative and leadership;
- we are honest and ethical in all we do;
- we deliver on our commitments, and are accountable for our performance.
Annex A

Developing our strategy

Our strategy focusses on five fundamental areas. These are shown below;

![Strategic aim diagram]

Figure 1: Strategic aim diagram

The CIRAS offering

At the centre of our strategy is our unique offering – a robust, reputable and trusted service that ensures staff can raise, and have resolved, safety concerns in a way that ensures personal confidentiality.

Everyone – companies, the regulator and trades unions - works to encourage staff to raise safety concerns directly with their employers. Direct reporting is by far the most effective way to ensure rapid action on safety concerns, but depends crucially on the extent of trust between staff and their managers as well as the availability and awareness of local reporting systems. During CP5 we expect that all employers will strive to continue improving their safety culture, including raising the level of trust between workforce and management, and improving their own reporting systems. It is however unrealistic to expect that the need for a complementary, confidential reporting system will disappear. We believe it particularly important that staff working for contractors, sub-contractors and suppliers understand how to access CIRAS.

We do not expect our core service to change radically over the period of this strategy. Our first strategic objective is therefore to maintain the integrity and effectiveness of our confidential reporting system. An early priority will be an assurance regime for all processes, systems and data security. This regime will also provide valuable feedback on how to continuously improve operation of the scheme.

In recent years a key priority for CIRAS has been improving our efficiency – delivering our service at lower cost. Our expenditure has fallen by almost a third over 6 years.
Annex A

CIRAS is funded by subscriptions from the organisations participating in the scheme. Subscriptions were based originally on the number of safety critical staff in an organisation, but the basis for charging has not been reviewed to account for either the extension of our service to all rail workers or changes in the industry. In 2013/14 we will review existing and future subscription charges and work to develop a robust and fair funding formula which is robust enough to generate the income necessary to support the scheme.

Over the years awareness of CIRAS has risen and, in consequence, employees of companies that do not subscribe to CIRAS have contacted us with safety concerns. We estimate that over 170 companies now use CIRAS without contributing to our funding. We need to address this.

Our second strategic objective is to continue improving value for money and to develop greater transparency of funding.

CIRAS has approximately £800k of financial reserves. As we deliver this strategy, we will need to use some of the reserve to finance implementation of this strategy. However, we believe that a scheme like CIRAS should maintain reserves at least equivalent to 3-4 months’ running costs. We expect that changes to our subscription regime may result in using some of our reserves to ease transitional effects but we do not intend routinely to use reserves to cover operating costs.

Learning

In response to reports we endeavour to make sure that the member of staff who raised the concern is aware of, and wherever possible satisfied by, their employer’s response.

In addition we use *The Reporter*, published 5 times a year, to inform the wider industry of the concerns raised with us, and their resolution. We are refreshing *The Reporter* (now called *The Newsletter*), in editorial and design, to increase its readership appeal.

Our website (www.ciras.org.uk) was refreshed in 2011, and provides easy access to a wide range of material, including back-copies of *The Reporter*, and a range of “sector reports” that bring together CIRAS data in respect of, for example, train operating companies, freight operations, etc.

We believe that CIRAS, working together with the rest of RSSB, sector forums and other co-operative industry groups could do more to exploit learning opportunities generated by the scheme. CIRAS has built up data that could be better exploited for the benefit of the industry. There is also scope for sharing CIRAS data with other transport sectors, and for investigating whether and how CIRAS can contribute to increasing the railways’ knowledge of relevant risk issues in other industries. We also anticipate that new or enhanced services could be developed with individual subscribers or groups of subscribers to provide new or improved sources of intelligence.

Our third strategic objective is therefore to work with RSSB, our subscribers and other stakeholders to add value by making best use of CIRAS data to improve health and safety knowledge and performance.

Engagement

We have had considerable success in raising awareness of CIRAS among railway workers. We have achieved this mainly by advertising in industry and trades union publications, but including our contact number on Sentinel cards has also been a major contributor.
Annex A

We have been less successful in maintaining engagement with senior managers in the industry, and with other key players such as DfT and ORR.

Whilst developing this strategy we have consulted with senior players in the rail industry as well as front-line users. Senior staff told us that we needed to engage more, be more transparent and continue providing value for money. Front-line staff felt that retaining our independence from subscribers and ensuring confidentiality were important.

We are clear that we need to continue our engagement with front-line staff. In addition we intend to build better relations with senior representatives of subscribers. We will therefore develop a formal stakeholder engagement plan as well as a marketing plan. The latter will include our use of industry conferences and updating of our merchandising materials.

Our fourth strategic objective is to improve awareness of, and support for, CIRAS and its services by effective marketing and stakeholder management and providing information of benefit to subscribers.

In particular, we are investigating the possibility of a CIRAS conference in 2013/14, both to mark our 18th year of existence, and to develop links with other transport industries that use confidential incident reporting systems.

Scope

CIRAS was established and is funded by the mainline or heavy railway system, along with London Underground, and our scope of operations is currently limited to railways. We are planning to extend our scope to service light rail, industrial railways and the heritage rail sector.

It is evident from discussions with some of our subscribers that there may be scope for developing our service to include other transport operations, such as bus services. This could enable multi-mode operators to have a single confidential reporting system. We recognise the challenges that this would involve – not least the need to ensure that our subscribers in the rail industry do not subsidise a service provided to operators working in other transport modes. But we would be surprised if we failed to find synergies between rail and other transport modes in their approaches to health and safety risk management. The possibility of providing services to non-transport organisations will not be ruled out. As we explore these possibilities, we will ensure that our core business – providing a confidential reporting service for the rail industry – is not compromised and remains our primary focus.

Product enhancements

At present, anyone using our website can access all of its content. All our subscribers access an identical service, and some non-subscribing companies benefit from our service. As we develop improved analysis of our data, or new products, it may prove possible to justify differential access to different products. It may be feasible to have different subscription levels, depending on the service we provide.

One additional service might include ‘confidential post-incident reporting’. This would allow company investigations into incidents to obtain information from personnel who are unwilling – perhaps because of potential disciplinary issues – to disclose what they know about an incident. Companies could encourage the use of CIRAS. We would gather
Annex A

and analyse data and, whilst retaining confidentiality, provide feedback to the investigation team.

Our fifth strategic objective is to extend the scope of CIRAS’ operations and products and to seek options for future development, where it is of benefit to subscribers and consistent with the objectives of the scheme, conscious always of the need to avoid compromising the service we provide to the rail industry.

Governance

It is now 5 years since RSSB became legally responsible for CIRAS. RSSB is currently reviewing its organisation and governance and it is important that CIRAS’ unique role as an independently-funded body, whose membership extends beyond the RSSB community, is recognised. We intend to co-operate fully with RSSB’s review, and to contribute by undertaking our own review of the CIRAS Committee’s terms of reference and governance.
### GOVERNANCE AND ADMINISTRATIVE ARRANGEMENTS

**GOVERNANCE:** The CIRAS Committee is an independent Committee overseen by the RSSB board. The CIRAS Committee steers and directs the work of CIRAS. The RSSB board provides governance oversight to ensure that the policies of RSSB are complied with and ensure the scheme’s financial and reputational health. The RSSB board also provides strategic advice and guidance on the activities carried out by CIRAS.

**FREQUENCY:** The Committee will meet four times a year, for up to 2 hours

**MEETING MANAGER:** Head of CIRAS

**MEMBERS:**
- An independent Chair, appointed by the RSSB Board on the advice of the Committee
- Up to four, and not less than two, independent members, appointed by the Committee
- Seven representatives from the main-line rail industry, namely Network Rail (one member), Passenger Train Operating Companies (two members), Freight Train Operators (one member), Infrastructure Contractors (up to two members), and RSSB (two members, one of whom should be a non-executive director of RSSB)
- Representatives of CIRAS member organisations which are not members of RSSB, namely:
  - Transport for London (one member)
  - Other organisations, or groups of organisations, as agreed by the Committee (up to three members)
- Railway trades unions (up to three members)
- The Head of CIRAS

**NOTES:**
1. “Independent members” means members who are not in full-time employment in the transport industry
2. The Committee may appoint a Deputy Chair from amongst its members
3. Members shall be appointed for renewable terms of three years

### CONTEXT

Effective management of health and safety risk requires good information about incidents, and about circumstances that might lead to incidents. Transport operators and infrastructure operators, together with their contractors, encourage employees to report incidents and health and safety concerns in accordance with their safety policies and arrangements. It is however well understood that employees may be unwilling, for a variety of reasons, to report incidents and health and safety concerns to their employers. Trade union safety representatives provide an alternative route for trade union members, and other employees, to raise concerns. CIRAS provides a third mechanism by which employees’ health and safety concerns may be reported confidentially to their employers, and which ensures that their employer’s feedback is given to the employee raising a concern.

### PURPOSE of the CIRAS Committee

To provide, independently of the RSSB Board, strategic direction and operational oversight of the Confidential Incident Reporting and Analysis System (CIRAS).

### RESPONSIBILITIES and ACCOUNTABILITIES of the CIRAS Committee

- To develop, review and approve a strategic plan for the development of CIRAS
- To develop and approve Annual Business Plans, including annual budgets and the levy formula, for the work of CIRAS
- To oversee the delivery of CIRAS’ Annual Business Plans, in particular by reviewing quarterly operational reports from the Head of CIRAS
- To assure that CIRAS has effective systems to ensure the confidentiality of reporters
- To assure the RSSB Board and CIRAS members that business risks associated with CIRAS are properly assessed and effectively managed
- To assure the RSSB Board and CIRAS members that CIRAS’ performance and processes are appropriately audited and reviewed
- To assure CIRAS members that the support RSSB has agreed to provide to CIRAS is delivered
- To maintain appropriate membership of the Committee
- To consider whether the Committee wishes to make independent input into the RSSB’s Annual Report
AGENDA ITEM: C1

OPERATION

The quorum shall be eight, which must include at least one independent member (excluding the Chair), a representative of Transport for London and two members representing the main-line railway industry. Where a meeting is not quorate it may proceed on an ad-hoc basis. Decisions reached at an inquorate meeting must be ratified by a subsequent quorate meeting.

Decisions will be reached by consensus whenever possible. Where, exceptionally, a vote is needed the result shall be determined by a simple majority. In the event of a tied vote, the Chair shall have an additional casting vote.

Agendas and papers for CIRAS Committee meetings will be issued at least 5 working days in advance of a meeting. Draft notes of meetings will be circulated to members within 10 working days of the meeting.

The CIRAS Committee will submit an annual stewardship report to the RSSB Board.

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### Annex C – Governance Group final draft RACI for consultation

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**Definitions:**
- **Accountable** - The Accountable person is the individual who is ultimately answerable for the activity or decision. This includes "yes" or "no" authority and veto power. The key issue is that whilst "responsibility" can be delegated to others, accountability cannot, essentially the 'buck stops here'.
- **Responsible** - The Responsible person is the individual(s) who actually completes the task. The Responsible person is responsible for action/implementation. Responsibility can be shared between individuals (but the sharing needs to be made clear that is jointly held). The degree of responsibility should be determined by the individual with the "Accountability".
- **Consulted** - The people/group who provide information and with whom there is two-way communication.
- **Informed** - The people/group who are kept informed about progress and with whom there is one-way communication.