

Guidance for dutyholders reviewing controls that have been introduced to mitigate COVID-19 transmission.

Purpose and scope

1. This guidance sets out key principles which should be followed when considering the easing of COVID-19 related risk controls, as the UK, Scottish and Welsh Governments ('the Governments') change guidelines and legislation mitigating the risk of COVID-19 transmission.
2. This guidance is principally aimed at the assessment of COVID-19 risks in the workplace, for employees and contractors, while COVID-19 is still defined as a pandemic by the World Health Organisation (WHO), and the Governments.
3. Whilst this guidance is not intended to be used for the management of risks and controls relevant to passengers in relation to transmission of COVID-19, dutyholders should take account of the risk of transmission from passengers to employees and contractors.

Background

4. In April 2020 ORR published 'Practical guidance for operators on implementing COVID-19 public health advice on trains, trams and stations'. Subsequent revisions have aligned the approach to keep pace with government guidelines and legislation. These principles were enhanced, through a collaborative tri-partite approach by trades unions, dutyholders and ORR. More detailed principles were developed from the analysis of key tasks at workshops reporting to the Railway Industry Coronavirus Forum (RICF). However, these principles were only available to the mainline industry, even though they had clear relevance to all sectors in the GB rail industry.
5. COVID-19 is now a risk in the general population which we are unlikely to eliminate. We are still in a pandemic, however, evidence is now indicating that the mass vaccination programme is having a significant effect on the consequences of contracting COVID-19.
6. The controls put in place by rail industry dutyholders have been driven by risk-assessment. The Management of Health and Safety at Work Regulations 1999 requires that a risk assessment is reviewed where "there is a significant change in the matters to which it relates". Where controls are directly linked to COVID-19 related legislation and guidance, and the Governments remove these requirements (as more effective means of mitigating the risk of infection are in place), dutyholders should similarly review the risk assessments in light of these changes.
7. This approach needs to be consistent across all sectors of the GB rail industry, supported by trades unions and employees, and therefore ORR is publishing these principles, developed in collaboration with dutyholders and trades unions, to facilitate this consistent approach.

THE PRINCIPLES

PRINCIPLE A

Using risk assessment to review COVID 19 controls following changes to government guidance and legislation.

All risk assessments which are associated with the hazard of COVID-19 transmission should be reviewed whenever there is a change to the Governments guidelines and legislation which removes, modifies or introduces COVID-19 controls and restrictions.

Any control which has been introduced directly to comply with government guidelines and legislation, and not as a result of a risk assessment, (but not relating to requirements for passengers on board trains) should now use risk assessment to consider any risks associated with changing that control.

As the Governments announce changes to guidance and legislation, dutyholders will need to undertake the risk assessment reviews, consult on any changes, collaborate with other dutyholders (to ensure a consistent approach where necessary).

Sufficient time needs to be allowed for completing the reviews and communicating the changes to employees, before implementing any changes.

When considering changing any controls, dutyholders should:

- identify whether there are benefits to retaining the controls permanently or for an extended period, beyond controlling the risk of COVID-19 transmission;
- review risk assessments on a rolling basis as information and data emerge on the impact of relaxations and the effectiveness or otherwise of the controls;
- ensure that the risk assessment is suitable and sufficient and the changes are planned and managed; and
- consider the risk to employees who are particularly vulnerable to COVID-19, recognising that it may not always be possible to determine an individual's vaccination status.

Dutyholders should consider gradual easing of any restrictions, particularly with the need to keep service provision at current levels even if infections are increasing in the community.

Further information to support Principle A

COVID-19 controls which may have wider benefits

10. Controls which have been introduced to mitigate the transmission of COVID-19 may now have wider benefits which should be considered in the risk assessment reviews. This includes:

Cleaning and hygiene

11. There is wide acceptance by dutyholders, trades unions and the regulator that the cleanliness and hygiene regimes on stations, driving cabs, trains and in the workplace should continue while we are still in a pandemic. Whilst recognising that timetable enhancements may, on occasions, make it challenging to provide time in rosters to support cleaning, dutyholders and trades unions should collaborate on alternative arrangements to ensure that the level of cleanliness will continue to offer some control over COVID-19 transmission and a wider benefit in the control of infections such as common-cold and flu.

12. Maintaining the standard of cleanliness that has been achieved through the pandemic may provide reassurance to passengers and employees and restore confidence that the railway is a healthy and safe mode of travel and place to work.

Ventilation and air filtration

13. Continuing to maintain the changes made to enhance air circulation rates and filtration. (See Principle B, also).

Re-designed tasks

14. Where tasks have been re-designed to facilitate social distancing, but a wider health and safety benefit has been introduced, for example mechanising lifting tasks, continuing with that improved method of working.

Controls to facilitate social distancing

15. Dutyholders should consider retaining barriers and screens which have been introduced to protect staff where social distancing may be compromised, for example in road vehicles, ticket offices and information points, as they may also provide other risk benefits, such as improved safety and security to employees.
16. Some dutyholders have found that clear wayfinding, separating pedestrian flows, has improved the way people move through stations and this may have reduced the risk of slips, trips and falls. Managing crowd density on platforms, including the despatch corridor, has facilitated train dispatch which should improve risk control and may lead to fewer delays.

Hand-sanitisers

17. Continuing to provide hand sanitisers, particularly at locations where effective risk control requires people to 'hold-on', may encourage people to use escalator and stair handrails, with the assurance they can clean their hands after use. Some train operators predict this approach will reduce the number of falls at these locations.

Face coverings

18. Dutyholders should recognise that some staff may gain reassurance for their own health and well-being from continuing to wear face coverings, and not prohibit the wearing of face coverings.

Information and guidance to passengers

19. This guidance does not cover requirements for passengers on board trains (social distancing and face coverings) however, dutyholders have introduced improvements such as announcements and posters to allow passengers to make informed choices about when they can travel on services which are typically less popular.
20. Some operators have identified key services which are routinely busy and targeted maintenance and availability of vehicles to ensure these trains are not cancelled or formed from fewer vehicles than planned.
21. These activities will continue to help manage crowding on services and should be considered by other operators, particularly while we remain in a pandemic. However, passenger loadings should be regularly monitored to ensure the plans and information keep pace with demand.
22. Where the Governments have different legal requirements and restrictions, dutyholders may need to make arrangements to ensure employees and passengers understand that different restrictions may apply during their journey.

Other factors to consider during risk assessment reviews

Supporting staff

23. Dutyholders should check that there has not been skill-fade for employees, in managing situations which they may not have had to deal with since the start of the pandemic. Employees need to be supported, ensuring they still understand what they need to do to manage risks, such as crowding, and managing their own health and safety during activities such as undertaking revenue protection on busy trains.

Monitoring the effectiveness of any changes

24. The risk assessment review should include a plan to monitor the effectiveness of any changes implemented and act on the findings.

PRINCIPLE B

Maintain plans to react and adapt, keeping pace with government measures and scientific research, to control COVID-19 transmission

The experience of maintaining and operating the railway, whilst protecting staff and passengers, during a pandemic should not be lost by dutyholders. Emergency plans for dealing with COVID-19 variants and other high risk viruses should be maintained, so that dutyholders are in a state of readiness to restore or adapt established controls.

Dutyholders should, so far as is reasonably practicable, look towards engineering solutions which reduce the likelihood of transmission and make adaptations to existing fleets.

Further information to support Principle B

Restoring controls

25. Where the risk assessment reviews, set out in Principle A, conclude that controls may be changed, dutyholders should consider whether they may need to be restored promptly to keep pace with any changes in the Governments guidance or legislation. This may see a reintroduction of controls, such as social distancing and it may be appropriate, for example, to make continued provision for the reintroduction of previously used controls.

Engineering solutions

26. Dutyholders should continue to look for solutions which reduce the risk of COVID 19 transmission. Research into technological solutions to reduce transmission of COVID-19 and similar viruses through ventilation systems, should be prioritised. Concepts such as UV light treatment, improved filtration, modifying air flows and increasing air circulation rates should be explored.
27. Rolling stock owners should continuously look to reduce the risk of transmission, so far as is reasonably practicable, by making adaptations to the train crew and passenger compartment ventilation systems in existing rolling stock and new train fleets, as technology becomes available.

PRINCIPLE C

Collaboration between dutyholders and with trades unions and employees

The level of collaboration that has driven the successful introduction of COVID-19 risk control in the rail industry, through industry working groups and local consultation and engagement, should continue.

This is necessary to ensure a consistent approach and workable solutions for all ongoing activity around removing, adapting or introducing new controls to reduce the risk of transmission of COVID-19.

Further information to support Principle C

Engagement

28. Dutyholders should engage with trades unions and with each other, at a local level and national level, through risk assessment reviews and timing of activities, to ensure consistency of approach across interfaces. ORR inspectors will continue to work with all parties to help resolve any issues, share outcomes and drive this consistency, particularly where there would be a benefit across sectors.
29. Within organisations, local consultation around risk assessment and controls should align with any agreements and outputs from higher level negotiations. Timescales for implementing any changes may vary between dutyholders, depending on the state of readiness to effect the change effectively within each organisation.

Shared facilities

30. Where employees of more than one dutyholder share a facility, the dutyholders will need to collaborate to ensure that any risk controls and restrictions are applied by all parties, and complied with by all employees using the facility.