

Parliamentary Advisory Council for Transport Safety



Submission to Independent Rail Review

1. Introduction: what is the Parliamentary Advisory Council for Transport Safety?

The Parliamentary Advisory Council for Transport Safety – better known as PACTS – was established by members of Parliament and transport professionals in 1981. It is now a charity and its objective is “to protect human life through the promotion of transport safety for public benefit”. It is independent, non-party political, and focuses on working with UK Parliamentarians, government, transport professionals, academics and stakeholders to promote and champion evidence based improvements in transport safety. It is unique in the UK in that it is active in road, aviation and rail safety, focused on Parliament, has over 100 member organisations from many sectors and no commercial interests. Please see website www.pacts.org.uk for more information.

PACTS has an active Rail Safety Working Party chaired by Carolyn Griffiths, former head and founding Chief Inspector of the Rail Accident Investigation Branch. Working party members are drawn from the major organisations involved with rail infrastructure, operations, governance and safety, including the trade unions and passenger groups. Members attend in an individual expert capacity, not necessarily as representatives of their own organisations. The working party members have been consulted on and contributed to this Rail Review submission. However, the views expressed here are those of PACTS and may not represent the views of individual members or their organisations.

2. Scope of this submission

PACTS acknowledges that the terms of reference for the Rail Review are wide ranging, but given PACTS’ core purpose, this submission seeks to focus solely on rail safety aspects.

PACTS understands the scope of the Rail Review is limited to the mainline rail system in Great Britain, and this is reflected in our comments.

This submission is deliberately succinct. There is a wealth of additional data, evidence and reference material that can be provided, should this be requested.

3. Overarching comments

This submission seeks to provide a meaningful safety-related input to the main themes identified for consideration in the Rail Review’s remit. Before doing this, however, PACTS wishes to offer the following overarching comments:-

The current safety performance of the rail system in Great Britain is the best in its 185-year history. Separate reports by the European Rail Agency, the Office of Rail and Road, the Rail Safety and Standards Board and Professor Andrew Evans of Imperial College all offer evidence of this historically unprecedented achievement and benchmark the British rail network as the safest large railway system in Europe. Nevertheless, fatal and life changing accidents do still happen. Any future changes to the organisation, management and delivery of the railway must not undermine its current safety performance, and should seek further to improve it.

Evidence both from rail and from other transport modes indicates that change always has the potential to increase safety risk unless specifically managed in such a way as to prevent this. The 2000/01 Cullen Inquiry into rail safety following the Ladbroke Grove collision starkly identified inadequately controlled safety hazards that had arisen directly (albeit inadvertently) from changes that were made during the restructuring which preceded privatisation of the railways in the 1990s. PACTS strongly recommends that the Review recognises the need systematically to identify and suitably mitigate risks that may arise from any recommended changes. Any subsequent implementation project must be resourced in such a way as to ensure that any consequential risks are mitigated before the commencement of revised operations.

The mainline rail system has numerous interfaces with other rail and transport systems. Any material changes to the mainline system have the potential to export risk to these other systems too. Such risks therefore need also to be suitably identified and collaboratively addressed with affected third parties.

The safety culture of all organisations is critically dependent upon the behaviour and values of their leaders, and this should remain a constant area of focus. It is important that this is positively recognised in this Review. Those charged with approving and implementing recommendations arising from the Review must both understand its safety implications and be able to ensure that all employees and stakeholders understand how safety is going to be maintained and improved through the changes and are able to act accordingly. In support of this, the Review team should also ensure that the industry maintains and further develops its collaborative working in order to deliver continuous improvements to rail safety and standards. The risk-based approach to safety management, which has underpinned the improvements in the industry's safety record, must be preserved. This requires that the modelling of cross-industry risk continues and is further developed, in order to provide the basis for evidence-based safety decisions .

The Review team is encouraged to revisit the Law Commissions' 2013 report and recommendations for the modernisation of level crossing legislation. These have the potential to deliver significant financial cost reductions and improvements to level crossing safety, but are no longer on the Department for Transport (DfT)'s agenda. Government officials and industry representatives also invested significant effort in the 2011-14 "Red Tape Challenge" review of regulations concerning (inter alia) train protection systems. The resulting proposals for change have not been implemented, owing to pressure on the legislative timetable. These too could usefully be resuscitated.

4. Rail Review recommendation areas – safety issues and opportunities

Commercial models

Freight

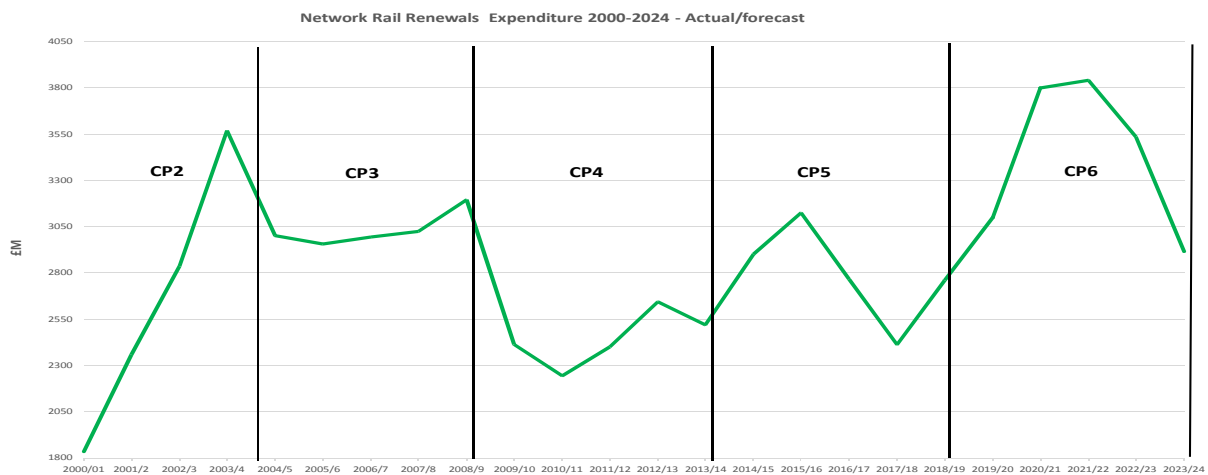
PACTS advocates transferring freight from road to rail in order to deliver wider societal benefits, and encourages the review team to consider how to make rail freight more commercially attractive. The DfT's 2017 annual road casualty report confirmed that 414 fatalities and a further 2,723 serious injuries that year involved heavy and light goods vehicles. There are clearly also other major environmental and air quality arguments in favour of switching freight from road to rail.

Performance incentives and impact on safety

Experience of the current franchising process has revealed problems caused by delay in implementing level crossing enhancements and closures/replacements. This delay sometimes prevents the implementation of passenger timetable improvements, in some cases for years. Any new commercial and performance incentives need to consider the impact on behaviours and, as a consequence, whether there is the potential for adverse safety outcomes to result.

Control Period ‘boom and bust’

The implications of ‘boom and bust’ workloads in Network Rail’s budgetary Control Periods (CPs) need consideration. In every CP since this system was set up, there has been a lumpy profile to the renewals workload (illustrated in the chart below). This is inefficient. We believe that with a smoothed renewals profile, costs could be significantly reduced and the potential for securing an adequate number of skilled suppliers would increase. A way needs to be found to ensure that significant design and planning work is undertaken in good time to allow the next CP’s projects to “hit the ground running”.



Source: Railway Industry Association based on figures from Network Rail

A survey conducted by the Rail Industry Association in 2018 amongst 120 rail business leaders showed the impact that this ‘boom and bust’ approach was having on businesses, with more than four in five of the respondents who saw these workload peaks and troughs saying that they had a negative impact on their organisations. As a result 61% have frozen recruitment, 50% have chosen not to employ a staff member and 45% have decided not to invest funds in their organisation. Nearly all (96%) said that more must be done to smooth out peaks and troughs in rail spending in future. This risks suppliers withdrawing from the market and threatens the survival of small and medium-sized employers with specialist products and services.

Accountability and structures

PACTS has sought to identify the positive safety attributes of the current mainline rail organisation and then identify where further improvements could be made.

Positive attributes to build on
Strong independent safety regulator.

Independent, “no blame” root cause accident investigation capability.
Safety reporting, data and analysis.
The system safety risk model to inform decision making.
Proactive local risk control through well developed safety management systems.
Informed safety decision-making based on the legal principle of “reasonable practicability”.
A comprehensive and well developed system of rules and standards.
Robust change control and safety validation processes.
Independent confidential staff reporting system for safety concerns.
Collaboration within the industry to deliver continuous improvements to rail safety and standards.

Improvement opportunities
There is no organised facility for the retention and communication of corporate memory.
There is disjointed research (including “blue sky” research) and innovation, with insufficient focus on implementing existing research findings. Security of long term funding will be required along with empowered leadership capable of directing and resolving issues where a number of different organisations with potentially competing priorities are involved.
There is no system-wide decision-making authority which can determine the long-term direction for whole railway and make informed decisions concerning funding, accountability, benefit flows, etc.
There is a large number of organisational interfaces which require multiple and duplicate risk mitigations. This Review is an opportunity to simplify safety management.
The current processes for approval of new and modified vehicles, technology and equipment can be complex, time-consuming and add significant cost.
There needs to be better and more ‘open’ safety benchmarking both between rail operators and between rail and other leading industries, to identify good practice and ensure its adoption across the system.
Rail organisations’ understanding of the industry standards sometimes leads to misinterpretation and thus to unnecessary risk aversion.
The large number of individual safety management system holders means that risk assessment and management capability is diluted across many different employers. This results in some organisations lacking in-house capability.
Interior design of modern rail vehicles needs to be better adapted to the requirements of future passengers, particularly those who are older or have reduced mobility. Current British rail vehicle designs are dictated by commercial, capacity and crashworthiness requirements.
A clear route to managing the post-Brexit rail standards environment

Financial sustainability

As indicated in the 'Commercial models' section above, over the last two decades the railway supply chain has endured a regular cycle of expansion and then contraction due to budgetary pressures. The impact of this has been not only to inflate purchase costs but also to cause difficulties with the recruitment and retention of safety-critical employees. Closer partnership working with the supply industry and continuity of work should deliver cost reductions, improved workforce capabilities and operational safety outcomes, as well as addressing skills shortages.

New technology, changing work practices, the impact of 'boom and bust' and cyclical changes in franchises all require the development of an overarching and long-term rail workforce plan which, if successfully carried out, should help to deliver a more efficient, competent and safety workforce.

Improved industrial relations

The rail workforce is a repository of significant risk knowledge, but unfortunately this is not always adequately engaged in the early stages of projects and plans. Earlier meaningful workforce consultation has the potential to improve both safety and industrial relations. The early involvement of those responsible for the regulation of safety and assurance of safety risk also has the potential to reduce the likelihood of divergent interpretations between management and workforce.

The railways, along with many other business sectors, are facing major technological change. This new technology has the opportunity to deliver significant safety improvements but will inevitably impact on workforce roles. There is a need to engage both the workforce and wider public to explain the safety benefits of new technology.

Future gazing

The rail system needs to become more adept at proactively identifying and preparing for changes in society, for example a significant increase in the number of elderly and persons of restricted mobility travelling by train has a positive societal benefit but may import additional risk to the railway system.

New design and technology offers significant opportunity to improve capacity, performance and safety risk. The current GB rail network lacks a suitably empowered, and resourced system wide organisation to prepare and implement such transformational opportunities.

5. Final observations

PACTS observes that the 2011 McNulty study of the rail industry's value for money identified a number of system weaknesses which have not been adequately addressed in the subsequent years and which appear to be still relevant. We recommend the Review to take account of these matters.

The terms of reference set by the Secretary of State for Transport call for a deep and wide ranging review of the rail industry. PACTS strongly recommends that any changes proposed by the Review undergo a specific safety validation.

6. Further contact

This submission has deliberately been kept short. If you wish to discuss any of its contents in more detail, please contact David Davies, Executive Director, PACTS.

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