



Philip Willcox
Office of Rail Regulation
1 Kemble Street
London WC2B 4AN

5 Haddon Close
Boreham Wood
Hertfordshire
WD6 1UP

020 8953 8008

john.cartledge@londontravelwatch.org.uk

17 October 2012

Dear Mr Willcox

Consultation on ORR's approach to transparency

I am writing in response to the Office of Rail Regulation's current consultation exercise on its "approach to transparency", in my capacity as safety policy adviser to both Passenger Focus and London TravelWatch, the rail industry's two statutory consumer representative agencies. This reply relates solely to paragraphs 39 to 41 in your document, i.e. those devoted to safety.

The bodies on whose behalf I am writing have already responded (or will be doing so) in relation to the generality of issues raised, including train service performance, and nothing in this reply should be treated as in any way detracting from or conflicting with the content of those replies.

As far as safety performance and issues are concerned, we welcome the ORR's wish to enhance transparency of information regarding both its own role and activities as the industry's safety regulator and the achievements of the industry at large. In relation to your questions 3 and 4 in particular, we would therefore be keen to see more information released on the findings of your inspections and audits, and the performance of duty holders against specific KPIs. In relation to the latter, however, we are aware of and understand operators' natural concern that inappropriate comparisons should not be made or league tables drawn up which do not take due account of the widely varying size and operating characteristics of different companies' activities. We think it is very important, therefore that such data should be accompanied by suitably selected normalisers, and we would be happy to engage in a dialogue regarding the choice of these.

More generally, however, we would like to take this opportunity of registering our concern at a trend in the availability of safety performance data which has been apparent for several years. At least until recently. At one time, ORR (or its predecessor HMRI) was the principal source of such information, and its annual reports contained detailed tables covering the industry as a whole – together with much explanatory comment. But publication of the traditional lengthy HMRI annual report was discontinued some years ago, on grounds of economy, and ORR's safety reporting has become very much more succinct. The current version of its annual safety report has no statistical tables and the narrative deals only cursorily with non-mainline railways.

As far as the mainline rail system is concerned, this has presented few difficulties, because thanks to the work of RSSB far more data and analysis are now produced and published by the industry itself than was ever the case with HMRI, and the public is well served by this. But the mainline system is only part of the industry – and as far as passenger numbers are concerned, it accounts for fewer than half the total. None of the other sectors publishes safety information on a basis remotely comparable with that achieved by RSSB. As a result, it is far more difficult for members of the public to obtain any thing other than an extremely sketchy insight into the safety performance of either the light rail, metro, tram or heritage rail sectors.

We believe that this discrepancy is deeply regrettable, and ought to be redressed. On the newly-developed safety section of ORR's data portal, some tables include London Underground data but do not disaggregate them from Network Rail, while others show them separately, and some omit them altogether. None, as far as we are aware, cover any of the numerous other systems. Many of the heritage operations are very small, but this is not true of the light rail, other metro and tram networks.

The argument in our previous paragraph should be qualified in one respect. Under the ROGS regulations, mainline, light rail and metro operators are required to produce annual safety performance reports. The regulations require that these reports should contain (a) information on how the transport operator's safety targets are met, (b) the results achieved through putting the transport operator's safety plans into effect, (c) statistics for the common safety indicators listed in schedule 3 of the regulations, (d) the findings of safety auditing carried out "pursuant to the procedures referred to" in schedule 1 of the regulations, and (e) comments on any deficiencies or malfunctions relating to the running of vehicles or the management of infrastructure relating to the operation in question that may be relevant to the safety of that transport system.

On the face of it, this is a welcome exercise in transparency because as well as providing these to ORR, operators are required to put them on public deposit. But this is only in hard copy, at a place of their choosing. They are not currently required to make them available either by post or electronically, and some decline to do so, so in practice this is at best a very unsatisfactory gesture (and even this obligation does not extend to operators in the rest of the industry). Astonishingly, in a separate but concurrent consultation exercise on the revision of ROGS, ORR has proposed that the requirement even to produce such reports should be lifted from the non-mainline operators on which it is currently placed.

This appears to us to be wholly inconsistent with the ORR's professed desire to increase transparency. We strongly urge that this proposal is dropped and that, instead, operators are placed under a duty to make these reports freely available via (e.g.) their websites. We also believe that ORR could usefully give guidance on their form and content, to achieve a measure of cross-industry comparability, and should consider whether the duty to produce and disseminate such reports should be extended at least to the tramway operators.

Although industry-level data are of use in detecting overall trends, members of the travelling public are much more familiar with the identities of the individual train or tram operators on whose vehicles they travel. So from the end users' perspective, disaggregation of data to a lower level is often essential to render it meaningful. On the mainline network, this might be to Network Rail area or TOC/FOC, whichever is applicable. On the Underground, it might be sometimes be to individual lines. At present, this rarely occurs. TOC/FOC level data only routinely appear in RSSB reports on SPADS, and in occasional special topic reports. But this is very much a case of horses for courses. Disaggregation on a basis which is inapplicable to the nature of the subject matter is a misuse of resources – as we had occasion to point out when ORR briefly started to list rail injuries by local authority area, a practice which has since been discontinued.

We hope these comments are helpful. We will be glad to amplify them in any face-to-face discussions ORR may be minded to arrange in relation to the safety data component of this consultation exercise.

Yours sincerely

(signed)

John Cartledge

Safety Policy Adviser