



Philip Wilcox
Office of Rail Regulation
1 Kemble Street
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Dear Mr. Wilcox,

ORR's Approach to Transparency – a consultation

I am pleased to attach RSSB's response to the above consultation and apologise for the slightly late submission.

I will be pleased to attend the workshop on 10th December and look forward to receiving the details regarding this in due course.

Yours sincerely

Colin Dennis
Director Policy, Research and Risk

RSSB responses to the consultation on ORR's Approach to Transparency

Consultation document <http://www.rail-reg.gov.uk/upload/pdf/transparency-consultation-july-2012.pdf>

The ORR has published a consultation document to gain views on their approach to transparency. They believe transparency is important in driving the behavioural changes necessary for industry reform, delivering better value for money and a more customer focussed industry. Their view is that improved transparency will:

- Hold the sector to account by reputation in absolute terms and by comparison;
- Hold ORR to account in how they discharge their statutory responsibilities, in the substance of their decisions and what they spend;
- Exposure where the industry spends the money it receives and on what, to enable passengers, funders and taxpayers to consider whether they are getting value for money and to support informed choices about future spends including at local level;
- Enable passengers and freight customers to exercise choice where available and to match the service or product to their needs; and
- Stimulate the design and introduction of new consumer led services and products by third party developers with potential downstream commercial applications.

The questions and the RSSB responses are listed below.

National Rail Trends Portal

Q1: We would like to hear consultees' views on the content and functionality of the NRT Portal. For example:

RSSB response: RSSB provides the safety data for the mainline railway that the ORR presents on the NRT Portal. Given this we have little need to use the portal itself to extract safety information, although we do make use of some of the main line related data such as passenger journeys.

- **Is our strategy of publishing official statistics and other key performance metrics, while encouraging the industry to publish everything else, the right approach?**

RSSB response: Encouraging the publishing of data is supported. Having a single source portal to access the data is a much easier way for users to obtain the data they require without the need for searching around many different websites/databases. Where possible the duplication of data should be avoided.

- **Is the NRT Portal an appropriate dissemination method for rail statistics?**

RSSB response: Yes – see above

- **Does the current content and functionality meet users' needs, and if not, how can it be improved?**

RSSB response: There is a report wizard that gives the impression of flexibility when filtering the data, and perhaps the ability to obtain different data. However, on many occasions when we have tried to use the wizard, there are only very limited options when selecting what data and filters to use, and data such as passenger journeys and km are not available. Adding more options in the report wizard would improve the portal's flexibility and make it a more powerful tool.

• What role should other industry bodies and third parties (for example application developers, passenger bodies and rail companies) play in the dissemination of rail statistics?

RSSB response: See above regarding the single source of data. The whole purpose of the NRT portal is to allow industry bodies and third parties to use the data from a single recognised source. Such uses will by definition lead to greater dissemination of the data and the intelligence gained from it. Any third party user should clearly reference the source of the data they have used.

• Are the reasons set out in chapter 2 for us having a continuing role in the publication of data and information the right ones?

RSSB response: We believe that transparency is important. The ORRs objectives seem reasonable. In Section 2.2 of the Consultation Document the text should refer to the need for 'reliable' information rather than just information.

ORR's own processes

Q2: We are interested to hear views on what other areas of our work consultees believe should be published and why.

RSSB response: An area not currently covered by the NRT portal is the comparative safety performance with other EU member states that could be made available through the publication of the Common Safety Indicator data and the CST/NRV results – although it is noted that this can be obtained from the ERA website. Easy access to this data (from the single source) would enable easier benchmarking against the railways in the other EU member states.

Safety

Q3: We would be interested to hear consultees' views on our proposals around the publication of the results from our safety inspections and reports on the comparative performance of duty holders from our audit and inspection activities.

RSSB response: There is certainly a real desire within the industry for the lessons learned from ORR safety inspections and reports to be promulgated around the industry. However it is not clear what benefit would be provided by making this detailed information public.

The danger is that scare stories could be generated encouraging passengers off the railway and onto less safe modes of transport such as their cars

Q4: We would also be interested to hear views on the benefits and otherwise of duty holders reporting on best practice by the publication of specific KPIs. (

RSSB response: The use of company specific data is something that the rail industry is discussing in the context of improved benchmarking for highlighting good practice and lessons that can be learned between companies. Making company specific data/KPIs publically available would give poorer performing companies an incentive to improve to the levels of their competitors.

However there are a number of potential problems with this approach:

1. Companies that are poor at accident and incident reporting could be seen as having good safety performance. A consistent level of data quality is therefore required for meaningful comparisons to be made.
2. The data/KPIs must be comparable through normalisation and clear statements of any contextual differences eg types of railway, technical systems in use, etc.
3. A company could divert an unjustifiable amount of money and resources to managing down the KPIs that are presented publicly at the expense of other areas of risk or indeed business efficiency.
4. Passengers could use the safety KPI data to make a judgement to use road transport instead of the railways thereby increasing the overall level of risk.
5. It could induce unintended consequences must notably underreporting of accidents and incidents so their results appear to be good – see Q11 below.

Network Rail initiatives

Q5: We would be interested to hear consultees' views as to the potential use that could be made of Network Rail historic performance data. In particular the extent to which this data provides a means by which the market, via third party developers, could meet consumer demand for real time train information products and services and/or information about performance at even more disaggregation than the current route sector publication.

RSSB response: We have no specific response to this question

Q6: In what areas of its business could Network Rail, in your view, become more open, and what information or data would you like to see made available as a result?

RSSB response: We have no specific response to this question

The sector – our and industry initiatives

Q7: We are interested in hearing views on the scope of our and industry activities; whether the sector is moving in the right direction; whether the pace

is right; and whether there are other areas that consultees believe would benefit from greater transparency and why.

RSSB response: The initiative to provide more data through improved transparency is supported. No other specific areas for development have been identified.

The legal framework

Q8: We are interested in consultees' views on the use of our statutory powers and how they believe they could be applied in the context of transparency.

RSSB response: For the transparency initiative to work effectively we believe that the ORR needs to convince the owners of the data that publishing the data is the right thing to do for the right reasons. The ORR using its ability under the Railways Act 1993 to require duty holders to provide information to them on request, and then publishing that information would not help in promoting engagement with the transparency initiative.

The statutory powers are likely to be adequate but the ORR should be discouraged from using them.

Accessibility and data integrity

Q9: Presentation of the data or information is key and we would like to hear views as to the likely risks and pitfalls and how best to address them.

RSSB response: As mentioned in Q4 above

1. Companies that are poor at accident and incident reporting could be seen as having good safety performance. A consistent level of data quality is therefore required for meaningful comparisons to be made.

Where possible data/KPIs that can be independently verified should be used or at least that the data is subjected to data quality checks through some form of independent review/audit.

Safety data from SMIS currently provided to the ORR for the NRT portal is subject to a data quality health check process – more information can be provided if required.

2. The data/KPIs must be comparable through normalisation and clear statements of any contextual differences eg types of railway, technical systems in use, etc.

Ensure appropriate normalisation is used eg. train km, passenger km, passenger journeys, as best fits the data being presented. Make sure that where operating conditions for the different operators are very different that these differences are clearly stated.

3. A company could divert an unjustifiable amount of money and resources to managing down the KPIs that are presented publically at the expense of other areas of higher risk or indeed business efficiency.

Ensure a good spread of KPIs are presented and review the potential for this outcome as part of the safety inspection process

4. It could induce unintended consequences must notably underreporting of accidents and incidents so their results appear to be good.

Well designed KPIs and ongoing monitoring

Appraising the costs and benefits

Q10: We would be interested to hear of any other initiatives in the sector or elsewhere where transparency has resulted in positive change.

RSSB response: The publishing of company specific SPAD data is likely to have been a contributor to the significant reduction in the number of SPADs/year occurring since the Ladbroke Grove accident in 1999.

Q11: We are also interested in hearing about the risks and any unintended consequences.

RSSB response: A good example of unintended consequences from this type of data/KPIs is described in RSSB's review of RIDDOR reporting by Network Rail and its contractors in 2011 <http://www.rssb.co.uk/Pages/RIDDORReview.aspx>. The review showed that the use of well publicised safety targets based on the accident frequency rate associated with the number of RIDDOR reportable lost time injuries, resulted in systematic underreporting of these types of accident by Network Rail Staff and its contractors.

Q12: Consultees views are sought on how we should go about evaluating the risks and benefits of more transparency and what factors we should take into account, including how we should measure whether our objectives for transparency are being achieved.

RSSB response: It is recommended that the ORR take consideration of the factors identified above and weigh up the potential advantages and disadvantages before proceeding. The ORR should only focus initially on publishing the data items of good verifiable data quality. In this way confidence can be developed in the process and will encourage greater participation in the future.

The success of the project will be seen through innovative and practical uses of the data to assist the passengers with their rail travel and the companies in improving performance. Careful attention should be paid to the potential for the unintended consequences discussed above.