



SOUTHERN RAIL DISPUTE



THE FACTS

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Introduction

1. The Southern Rail/Govia Thameslink Railway Driver Only Operation (DOO) dispute from day one has been about the guarantee of the second safety critical person on the train for safety, security and accessibility reasons. It is not just about closing or opening doors.
2. 70 per cent of the rail services operate safely and efficiently with a guard which proves that it is a safe-work method of operation. That means that the standard rail industry operation is with a guard.
3. This industrial dispute is not about the introduction of new modern trains. In 2016 Abellio Scotrail, First TransPennine Express, Virgin East Coast and First Great Western all confirmed that they are introducing brand new trains with the guarantee of a second safety critical person on every train.
4. For employers and the DfT the chief difference between the two modes is cost as it is cheaper to run trains without a guard and that is the main driver for this change by the Department for Transport.
5. It is also objectively the case that if there is no longer the *guarantee* of a guard on *all* services, disabled passengers will be disadvantaged, especially at unstaffed stations and on the train in the event of an emergency. This is particularly the case when many Govia Thameslink Railway stations are unstaffed. Disability groups have voiced their opposition to Driver Only Operation and it is not clear whether Govia Thameslink Railway and the Government have met their equality obligations.

Role of the Department for Transport

6. Since the publication of the Government commissioned *Rail Value for Money Study* in May 2011 and its recommendation for “early implementation of Driver Only Operation where practicable” it has been pursued by the Department for Transport.
7. The Association of Train Operating Companies was set up after privatisation in 1993, to represent the interests of employers. In 2011, it was joined by the Rail Delivery Group, which was responsible for policy formulation and communications on behalf of the whole rail industry but was staffed by ATOC employees seconded to the role. In October 2016, the two bodies merged to become one organisation, known as Rail Delivery Group which sits at the heart of rail policy formulation at the Department for Transport. An employers’ association had essentially been co-opted into the public policy arena.
8. Peter Wilkinson, then managing director of rail passenger services at the Department for Transport, publicly stated in 2016 that “over the next three years we’re going to be having punch ups and we will see industrial action and I want your support” and that railway workers “have all borrowed money to buy cars and got credit cards. They can’t afford to spend too long on strike and I will push them into that place.” Anybody who disagreed with the Department for Transport agenda could “get the hell out of my industry.”
9. To date, the Government has refused to intervene in the dispute despite possessing the powers to do so, and the fact that it is ultimately losing the fare box revenue caused by the industrial action due to the type of contract signed with Govia Thameslink Railway for the TSGN franchise. This contract ensures that the company is not dependent on passenger revenue to be profitable but is simply paid an annual fee by the Government.
10. Instead, the Department for Transport has occupied itself with repeating the arguments of the employer funded Railway Safety and Standards Board, the renamed employer association the Rail Delivery Group and changing staff at the wholly discredited Office of Road and Rail (formerly Office of Rail Regulation).
11. It is clear from the statements issued by the Office of Road and Rail, Railway Safety and Standards Board, Department for Transport and Govia Thameslink Railway that there has been systematic coordination by all four, in relation to an industrial dispute over and above what would be considered normal industry practice, making a mockery of the independence of the regulator and highlighting the partisan character of this Government during an industrial dispute.

Role of Railway Safety and Standards Board

12. This is confirmed by the report *Evaluating technological solutions to support driver only operation train dispatch* produced by the employer funded safety body the Railway Safety and Standards Board in March 2015.
13. The report identified cost savings which could be made by removing the guard over a 5 year period without compulsory redundancy and replacing them by “cheaper Non Safety Critical On-train Staff”. It indicated that guards numbers would be halved over 9 years and the number of trains operating with Non Safety Critical On-train Staff would also be reduced.
14. It is important to note that both the Government and Govia Thameslink Railway were making promises to passengers and MPs about keeping a second person on these services. However, the change is designed to ensure trains can run without a second person on-board.
15. The Railway Safety and Standards Board report made clear that risk analysis had shown the best technology to reduce the risk of unsafe Driver Only Operation operation on platforms was to install a platform mounted camera. However, they recommended train mounted cameras as it is the cheapest option. It is clear that an industry standard has been set because it is specified that the procurement of new trains must ensure that they come equipped with train mounted cameras despite this not being the safety option as identified by the risk analysis.
16. The Railway Safety and Standards Board report was published in March 2015, months before Govia Thameslink Railway took over the Southern franchise and in February 2016, at the behest of the Department for Transport, they started the process to introduce Non Safety Critical On-train Staff’s calling them On Board Supervisors.
17. The report had been freely available on its website until its existence became more widely known and was subsequently withdrawn.
18. There have already been regular examples of trains running without the On Board Supervisors on-board, despite the promises made by Southern clearly demonstrating that good faith is not enough to ensure the safest running of the rail network.

Risks

19. The rail network has considerably changed since the first introduction of Driver Only Operation and greater usage (1.7 billion rail passenger journeys a year), longer platforms and longer trains have all put greater pressure on it’s safe operation and on infrastructure built during the reign of Queen Victoria. That is why getting on and off the train is now considered one of the greater risks at what is called the platform train interface.
20. There has been 12 serious incidents since 2011 relating to the PTI most recently we have seen Hayes and Harlington and West Wickham where trap and drag incidents (passengers getting caught in the doors) have occurred and Driver Only Operation has been the mode of operation in the majority of the these incidents.
21. Southern Railways have offered train drivers “*an indemnity package to be put in place to support drivers who have operational incidents, subject to the problems not being a result of negligence or gross misconduct*” if there is an incident on a Driver Only Operation train. If Driver Only Operation is safe why is there a need to give indemnity?

Role of the Office of Road and Rail

22. Since June 2016 RMT has been questioning the independence of the Office of Road and Rail when it supported the Government’s position that Driver Only Operation is safe. However, the Office of Road and Rail has continued to support the Government without addressing our concerns, and in our view has failed to

adequately regulate the industry.

23. Office of Road and Rail is funded by the rail industry through licence fees and safety levies. For example, its economic regulation activities are funded almost entirely through Network Rail's licence fee (a public body). It is charged not just with over seeing the safety of the rail industry but predominately with regulating the efficiency ie. the cost of the rail industry.
24. The Safety regulator was, until 1 April 2006, part of the Health & Safety Executive (HSE) but the govt decided to put it under the control of the rail financial watchdog called the Office of Rail Regulation a situation that all rail unions opposed and continue to oppose due to the obvious conflict of interest between economic and safety regulation.
25. The safety regulator is charged with overseeing and prosecuting for breaches of health and safety. How can it continue in that role with regard to incidents relating to Driver Only Operation in future when it now says it is safe. How can it prosecute the private rail companies when they can claim that they are doing something that Office of Road and Rail has deemed safe?
26. The question of whether the Office of Road and Rail is really independent is now relevant both in terms of its support for Department for Transport policy on Driver Only Operation and its ability to investigate and prosecute on safety breaches relating to Driver Only Operation by the private train companies.
27. Government appoints the key people at the Office of Road and Rail and over the last 18 months both the Chair and Chief Executive have been removed by the Government. It currently is operating with an interim chief executive. It is clear that if you don't do what the Government wants then you do not have a job at the Office of Road and Rail.
28. The ten person board of the Office of Road and Rail, appointed by the Secretary of State for Transport, has seen 6 changes in 2016 alone.
29. It is questionable whether the independent safety regulator should have allowed itself to be drawn into this dispute by the government.
30. The issue is likely to continue as problems exist on Abellio Merseyrail, Arriva Northern Rail and new franchises planned for London Midland and SouthWest trains.

Conclusion

31. Conductor/guard operation is superior to Driver Only Operation in terms of safety and approved by Office of Road and Rail and used on 70% of services. Driver Only Operation is a dilution of that industry wide safety norm.
32. This dispute has been entirely manufactured by the Department for Transport to increase company profits and to confront the unions.
33. The passengers are the victims and the unions are fighting to defend them and safety standards.
34. A resolution to the dispute is available immediately if Secretary of State for Transport, Chris Grayling allows it to happen.

Cover Photo: Watford Tunnel derailment and collision 16 September 2016. The role of the guard after the landslide at Watford, and the subsequent collision and derailment, was absolutely central to the safe de-training and evacuation of the train as the driver was effectively trapped in the cab.