



OFFICE OF RAIL AND ROAD

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Mr Huw Merriman
Member for Bexhill and Battle
House of Commons
London
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22 November 2016

Dear Mr Merriman,

Follow up – Railway Safety Inquiry

Thank you for the opportunity to give evidence on 14 November to the Transport Select Committee's inquiry into rail safety. I am writing to follow up on a request from the committee for an independent report from the ORR as to the safety of Driver Only Operations (DOO) in relation to the ongoing dispute between Southern and its employees.

As stated in my oral evidence to the committee, I would like to reiterate ORR's position on DOO:

- DOO can be operated safely, provided that as with all forms of train dispatch, suitably maintained equipment, proper procedures and competent, trained staff are in place;
- DOO operations have been used on British railway network for over thirty years;
- Given the level of public interest, my inspectors have carried out a detailed inspection and review of Southern's proposals. We concluded that Southern has carried out the appropriate risk assessment for this method of dispatch and there was no evidence of any breach of Health and Safety regulation; and
- The onus on all safety duty holders is to continuously improve safety and therefore we will work with all parties to ensure they are striving for ever-safer methods of train operation.

I wish to consider carefully the committee's suggestion of ORR's publishing of a more definitive report on this issue. I am mindful of the points that were made by the

committee in relation to the degree of public concern where an issue of rail safety has been brought so publicly into question. I hope I am allaying these concerns here, as I have done so at every opportunity where ORR has been invited to publicly comment on the matter. Nevertheless, as I stated in my oral evidence, it is not ORR's role to arbitrate or intervene in disputes between Train Operating Companies and their employees and therefore I want to ensure any further intervention does bring our impartiality on such matters into question.

I hope this helps clarify my position and approach to this important issue. I am also writing to Mrs Ellman as committee chair and Mr Ffello directly as the other originator of the request. Finally, I stand ready to provide further briefing on this or any other rail safety related matter to you and committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ian Prosser', with a horizontal line above the name.

Ian Prosser
Director of Railway Safety