

To : HM Senior Coroner Ms Sarah Ormond-Walshe
South London Coroner's Service
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www.transportfocus.org.uk

By email only

22 November 2021

Dear Ms Ormond-Walshe

Re : Sandilands PFD report 4

I refer to your fourth draft "Regulation 28" Prevention of Future Deaths report arising from the inquests into the fatalities which were caused by the Sandilands tram crash in November 2016. This was directed both to Transport Focus (on whose behalf I am responding) and to the Department for Transport (DfT) (with which we have liaised informally on this topic).

The "matter of concern" raised in your report is stated to be *The lack of a centrally funded national tram passenger safety group.*

Under "action to be taken" you state that *London TravelWatch is a passenger safety group which covers all public transport in Greater London. There is scope for a centrally funded national tram safety passenger group, covering all the different operators. I propose to recommend to the Department for Transport that consideration be given to setting up such a group.*

I should explain at the outset that there appears to be a misapprehension here regarding the precise nature and role of our sister organisation London TravelWatch. Its function is to reflect the interests and concerns of the travelling public in general within its geographical sphere of interest, and therefore safety (though important) is only one of the myriad of issues on which it engages with the service providers. It is true that - together with Transport Focus - it has consultative status with the Office of Rail and Road (ORR), the DfT and the Rail Accident Investigation Branch (RAIB) on safety issues, that it is represented on ORR's Rail Industry Health and Safety Advisory Committee, and that it has participated in inquiries and inquests into serious railway and tramway accidents. But this is only a small part of its work, and it is not in any sense "a passenger safety group" per se. Unfortunately, therefore, it does not offer a model on which the wider group that you envisage might be based.

We are aware that the PFD report in question has its origin in a recommendation made to you at the conclusion of the Sandilands inquests on behalf of the "5 families" group of bereaved victims of the accident. This read that *A UK tram passenger safety group should be established and funded centrally to advise the LRSSB [the Light Rail Safety and Standards Board] on passenger safety issues."*

Because the concept originated with the 5 families, and because there is no pre-existing group which fulfils a similar function in relation to any other mode of transport which might serve as a model, Transport Focus approached the legal representatives of these families to seek clarification of their

thinking – e.g. in relation to the composition, remit, funding and modus operandi of such a group. It is a source of much regret to us that we were informed that they had nothing to add to their original submission to yourself, since this has made it very difficult for us to give detailed consideration to the proposal.

As you know, the operational safety of tramways is regulated by the ORR (with whose safety directorate we have liaised closely over many years). The first recommendation made by RAIB in its report on its Sandilands investigation was that *The Office of Rail and Road (ORR) should work with the UK tram industry to develop a body to enable more effective UK-wide cooperation on matters related to safety, and the development of common standards and good practice guidance.*

This recommendation has since borne fruit in the creation of the Light Rail Safety and Standards Board (LRSSB). It appears self-evident to us that any group of the kind envisaged in your draft report would have to be constituted in such a way as to have a very close working relationship with that body. We understand that LRSSB has itself been deliberating on this draft PFD report, together with the others made by you at the same time, but at the time of writing we have been unable to ascertain in detail any views it may have reached in this connection.

We note that you suggest that the group you are proposing should be “centrally funded”. We take this to mean that its costs should be met by the Department for Transport. If this is correct, the onus will lie on the authors of the proposal to show that this would be an appropriate and cost-effective use of public finance, over and above the substantial funding contribution currently being made by DfT towards the operating costs of LRSSB.

As you are aware, trams (and light railways) currently account for only a small proportion of the total public transport industry in Britain, and the nine systems in operation are highly geographically dispersed. We know that it has been a challenging experience for ORR to bring them together as a group to engage collectively on safety issues, in the guise of LRSSB, and we suspect that without the spur to action provided by the Sandilands disaster, this development might not have occurred. We warmly welcome the advent of the LRSSB, and we look forward to forging, over time, a similar constructive relationship with it to that which we already enjoy with the Rail Safety and Standards Board (RSSB), its counterpart in the main line or “heavy” rail sector.

Although there are obvious technical issues relating to the design, construction and operation of their vehicles and infrastructure which the various systems face in common, we believe that many of the physical safety issues about which their users may be concerned are likely to be specific to the layout and operating practices of each network. It may therefore be most useful, in the first instance, to ensure that there are effective channels for communication and dialogue between users and operators at system level. Part of this process will derive from the industry’s response to the thirteenth recommendation in the RAIB’s Sandilands report, which was directed to *improving processes and, where necessary, equipment used for following up both public and employee comments which indicate a possible safety risk.*

Although this was addressed specifically to the operators of the Croydon system, its message is of general application, and we understand that all tram network operators have been asked to report to LRSSB on equivalent action they have taken. It is of interest to note (and welcome) that the same message has been received and acted upon in the heavy rail sector, where RSSB has recently published *Guidance on Managing Safety-Related Contacts from Members of the Public.*

It is clearly important that LRSSB should monitor the takeup and effectiveness of these arrangements at local level, in order to establish whether there are common issues arising across the tram industry which

need to be addressed collectively – and whether, in the light of these, more formal provision for user engagement on safety issues at industry level is required.

Transport Focus has neither the remit nor the resources to initiate the creation of a bespoke “tram passenger safety group” itself, but – together with our colleagues at London TravelWatch - we will engage with the tram service operators (and/or LRSSB, as appropriate) in relation to any passenger safety issues brought to our notice by users. And if the formation of a group of the kind you envisage is initiated under the auspices of any other body, we will certainly seek to facilitate and support it to the best of our ability.

Yours sincerely



Chief executive