

MEETING WITH PADDINGTON SURVIVORS GROUP, 3 FEBRUARY 2002

Attendees:

Paddington Survivors Group

Pam Warren
Simon Benham
Helen Mitchell

Department for Transport

Alistair Darling (Secretary of State)
Alan Deighton
Mike Biskup
George O'Neill
Andrew Campbell
Philip Graham

The Secretary of State met representatives of the Paddington Survivors Group (PSG) on 3 February 2003.

PSG began by asking the Secretary of State to re-sign the declaration on rail safety that had previously been signed by Stephen Byers. The Secretary of State said that he would like to have the chance to read it fully first, and the PSG left the declaration with him to consider. When signed, the Secretary of State's Private Office will return the document to PSG (**Action:** Philip Graham).

The Secretary of State also agreed to send to PSG a note setting out the Department's understanding of which of the Cullen/Uff recommendations have been completed, and the progress on those which remain to be implemented (**Action:** Alan Deighton). Pam Warren pointed out that they had found it hard to follow the latest HSE progress report as the format had been changed. The Secretary of State said that the Department's note should help to clarify the situation, but that PSG could contact the Department if they still had trouble, and officials would be able to go through it with them. Pam Warren also pointed out that there were differences of opinion between PSG and the HSE on whether certain recommendations had been completed (as an example, she mentioned the recommendation to set up a national training school). PSG were concerned that the HSE was relying too heavily on information from TOCs. The Secretary of State asked them to provide him with details of their concerns once they had seen the Department's note. He pointed out that there could well remain differences of opinion between them, but then both sides would be clear on where they stood. PSG said their aim was to compile a list of their, the Department's and the HSE's views on progress for each recommendation – and to say publicly where they felt good progress had been made.

Simon Benham mentioned that PSG had heard that the Secretary of State had been warned not to meet them in future. The Secretary of State assured them that this was not the case.

PSG asked about the recent "Kenyon Confronts" television programme on the maintenance of the tube. They had been shocked by the programme's revelations, and asked why the PPP was going ahead in the light of the

experience of rail privatisation. The Secretary of State said that he had not seen the programme in question, but that he understood the problem was not one of privatisation (the programme was made before any of the PPP had begun), but of poor supervision and a lack of accountability. He said that it was vital to have a single point of accountability for safety-critical work, and that this was one of the reasons the Network Rail had taken the Reading to Paddington maintenance contract back in house. PSG raised the issue of costs. The Secretary of State agreed that this was an issue, and said that the move from Railtrack's old contracting system to Network Rail's New Maintenance Programme (NMP) would help to combat wastefulness and rising costs. PSG also mentioned the fragmentation of the industry and asked if this had contributed to rising costs. The Secretary of State said that he believed the structure of the industry could work, but that it was vital to get the lines of accountability right.

PSG asked why the SRA were employing Jarvis to carry out safety work, following the Potters Bar accident. The Secretary of State explained that the Department had checked with the SRA, who had informed them that their only contract with Jarvis was to carry out a feasibility study for a track reconfiguration project in Scotland. This was purely a feasibility study and involved no on-track work. Nonetheless, if PSG had any other information, he would be happy to raise it with the SRA.

Pam Warren said that PSG felt that they were unconvinced of HSE's independence, and that a fully independent body was required to oversee railway safety. The Secretary of State asked whether they were suggesting that another body be set up. Pam Warren replied that she was not suggesting more bureaucracy, but that she felt that the HSE was not funded properly and had insufficient expertise, which compromised its independence. The Secretary of State mentioned that the Rail and Transport Safety Bill included provisions allowing HSE to impose a levy on the rail industry, and agreed to write to PSG on how this would work (**Action:** Alan Deighton).

PSG asked the Secretary of State to outline how the proposed Rail Accident Investigation Branch would operate. The Secretary of State said it would work on the same model as the existing Marine and Air Accident Investigation Branches, as Lord Cullen had recommended. It would have primacy over other investigations, and would be completely independent of the industry. Pam Warren asked whether it would have powers similar to those of the AAIB, which could ground an entire fleet of planes if necessary. The Secretary of State said that the AAIB was the closest model, and the RAIB would have similar powers where appropriate. He would write with fuller details (**Action:** Alan Deighton). PSG asked when it would come into being; the Secretary of State replied that he expected to get Royal Assent to the Bill in July or September, and was hopeful that the RAIB would be established in the following year. Alan Deighton added that the department was currently recruiting its Chief Inspector, and agreed to send a copy of the candidate pack to PSG (**Action:** Alan Deighton).

Pam Warren asked about corporate manslaughter. She said that PSG had accepted that this was an inappropriate charge for rail accidents as it is aimed at an individual. However, in order for the survivors and bereaved of rail accidents to feel that justice had been done, they felt that there should be a charge for which companies could be convicted. She asked whether criminal negligence was appropriate. The Secretary of State said that he could not provide an answer at this stage, and asked whether the survivors had received compensation. Pam Warren said that some cases were still ongoing, and that a criminal negligence charge would allow insurers to claim against the company in question, as it would make it clear that the accident was down to the actions of the company. She added that it was important that it was cheaper for rail companies to fix problems than to pay compensation – the aggravated damages that might be claimed, or punitive fines levied, after a criminal negligence conviction would contribute to this. The Secretary of State stressed that he was not in position to answer at the moment, but that he would ask officials to discuss the issue with colleagues in the Home Office and Lord Chancellor's Department, and write to PSG in due course (**Action:** Alan Deighton). Helen Mitchell mentioned that the views PSG had expressed on this subject would not necessarily be shared by the bereaved.

Helen Mitchell said that PSG welcomed the establishment of Network Rail, but questioned whether TOCs would be incentivised to invest in safety under the new franchising system. The Secretary of State explained that the old franchising system had allowed the TOCs complete freedom in how they managed their franchise. The new system was based on renewable contracts involving much greater specification. In addition, it included much more effective levers to take poorly performing franchise-holders off the railways. He added that the Paddington franchises would also be combined under the new system which was welcomed by PSG. PSG said that they considered these recent developments to be positive steps forward, and that they were determined that their contribution to rail safety should be a constructive one. They concluded by mentioning that they had received an invitation to meet Richard Bowker, which they would be taking up.

PHILIP GRAHAM
PS/SECRETARY OF STATE