



Mike Brown MVO
Commissioner of Transport

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Dear Michael

I refer to your letter to Howard Carter dated 15 February 2019 setting out your concerns regarding the omission in sending the Management of Fatigue in Tram Operations Limited audit report to the external bodies investigating the Sandilands tram overturning incident immediately upon its completion.

First and foremost I would like to reiterate that TfL considers safety to be of paramount importance. We have taken and continue to take considerable steps since the Sandilands tram tragedy to ensure that this cannot happen again and we continue to cooperate fully with all of the investigating bodies including RAIB, ORR and BTP and welcome the recently established Light Rail Safety Standards Board to ensure that everything is done to learn and share lessons from the tragic incident and that all identified actions are implemented.

As part of our Vision Zero Action Plan to tackle safety across the whole transport network, we have a target to eliminate all deaths and serious injuries from London's transport network by 2041. The effects of death and serious injury are devastating for victims, their families and for London as a whole and we are working constantly to eradicate it in any way that we can.

In relation to the specific issues set out in your letter, as you know we provided to the TfL Board on 24 July 2018 and published a note which set out the circumstances concerning the Fatigue Audit Report. We were unaware until your recent contact that you had remaining concerns about that.

Your letter sets out a chronology of comments made at various points about the report. We accept that the chronology is broadly correct although I am told that some aspects of it, including the number of times that the issue was raised in public meetings, may not be accurate. As you know the minutes of those meetings as agreed by the members of the SSHRP do not make reference to the issue in some of those meetings. You also refer to raising the Fatigue Audit Report at the TfL Board on 25 January 2018. In fact the Board meeting took place on 30 January 2018 and the outcome of the Fatigue Audit Report was reported to the TfL Board by me and the Managing Director, Surface Transport in a public paper presented to that meeting setting out at some length the progress made on all aspects of the issues arising from the incident.

The over-riding issue, however, is that we agree that the Fatigue Audit Report was relevant to the work of the regulatory bodies and needed to be available to them. We accept and have publicly apologised that through an administrative error the report was not provided in a timely way. We also accept that the SSHRP was mis-informed through an unfortunate though genuinely mistaken belief that the report had been provided to the regulatory bodies. To be clear, however, we have no reason to believe that there has been any deliberate attempt by any individual to withhold relevant information from any of the investigating bodies.

TfL's HSE directorate has been the point of contact for co-ordinating liaison with the regulatory bodies on an open and transparent basis and continues to do so. The existence of the audit was, as you mention in your letter, also discussed in a public forum at the SSHR Panel as well as being referred to in published documents such as the Health and Safety Performance reports. It was our intention that the report would be provided to the regulatory bodies and that it would be made publicly available at the appropriate time.

Following the SSHR Panel meeting on 22 January when you requested confirmation that the report had been sent to the investigating bodies, it was realised that it had not been sent to them. The check was made on 9 February 2018 and the report was sent to the RAIB, ORR and the BTP on 12 February that being the next working day. You also personally received a phone call from us on 12 February to explain to you what had occurred, to apologise and to assure you that the mistake had been rectified.

As I say, we very much regret that this was the case and I repeat the apology that we have already given for how this was handled. We have also, as we said in the published note to the TfL Board, taken steps to improve our internal processes to ensure this does not happen again.

In view of the serious issues you have raised and to ensure we are transparent, we have written to the RAIB and ORR making them aware of your concerns as a former Board member and Chair of the SSHR Panel and have shared this exchange of correspondence between us so that they can give this matter further consideration should they consider that appropriate. We are of course happy to answer any questions they may have. It has always been and remains our intention to cooperate with all investigating bodies to the fullest extent in our shared intention of improving safety.

I hope that this addresses your concerns but if not then I would be very happy to arrange to meet you to discuss the matter.

Yours sincerely

A handwritten signature in blue ink, consisting of a series of connected loops and a long horizontal tail.

Mike Brown MVO