

## **RMT / Retired Members Conference: Doncaster. 19/04/18.**

Last week I was privileged to be asked to speak at the RMT Train Crew & Shunting Grades Conference 2018. I was asked to comment on DOO, how it has developed and its effect on Rail Passengers and rail staff and how and indeed why it was introduced. I tried to cover what my experiences had been with the issue and more importantly how the issue might be resolved going forward. I produced a paper for that discussion and the key elements clearly do not change whether one is still at work or indeed a retired Railwayman or woman. The Aberystwyth paper is available and within RMT. This is an adaptation which is for reading afterwards since I do not propose to bang on and on, we will get more from an exchange of ideas.

Some of you present here today were in Aberystwyth last week so have the misfortune of listening to me twice within a week!

But today is different. For a start I have many old friends in this room and I am here as a Vice President of NPC. Not to tell you about NPC, for one thing the President of NPC is here and in any case the RMT is an intrinsic part of NPC.

But clearly the Elephant in the Room is DOO. So for me to walk away from that controversy would be foolish especially as I have written several articles and given several Papers on the issue in which I have expressed the view that my generation of Managers got it wrong in the first place. We got it wrong because we concentrated on the issue of whether it is possible to satisfactorily protect the train by other than physically going back in times of failure and physically lay down protection.

We considered the operational safety of the train itself. We considered it was safe as we already had Parcels Trains, Fully fitted Freights, and Freight Liners running without a Guard. It was becoming a fully track circuited railway, radio signalling, track circuit operating clips all had an effect on people's thinking.

The most difficult thing for you, and for me speaking as a retired Railwayman, is that hard though it might be it is not our railway to run anymore. Operating is in our culture, the Guard's rules paramount and it hurts us to be told the train itself is safe with one competent person on it.

As a young man, as ASM Liverpool Street, I took the LV Passenger Guards on their Rules update. Many of the old bugger's knew more than me! It is steeped in our culture. We were proud of that knowledge and indeed are still proud of that knowledge.

Railway operation is complicated and we were proud it was complicated. Guard's protection, like Train Divided or Regulation 14a was our professionalism and it is that that is still at the heart of the dispute - Our Professionalism.

Perhaps I should say that whilst it is true I represent the generation of managers who put DOO in, as it happens although I operated the St Pancras to Bedford (Bed - Pan) route in the 1980s it was implemented by my predecessor as Chief Operating Manager. What I did do however was withdraw the scheme planned to put DOO between Northampton and Euston after many months of discussions and alterations to the scheme. In the end I threw it out because we could not operate it safely.

That decision gives you the clue as to what our priorities were, and what possible excuse we had for proceeding. We were only considering the operation of the train, train protection, prevention of a stranded train being hit by another one, either on the opposite road or from behind. If it was safe

we saw no reason to provide a second competent person. I threw it out for the wrong reasons! I should have thrown it out because it was not fit for purpose and worsened the service on offer.

However, you must realise, just like the dispute that is ongoing today, the government is the controlling arm in all this, just as it was the controlling arm in the disputes I had over DOO. Whilst I have not of course seen the documents, there is no doubt, **in my opinion** the present Franchise agreements will have clauses inserted by government that by inference insist on the McNulty formulae that:

*"The default position on all the GB Rail network should be DOO, with the second member of the Traincrew only being provided where there is a commercial, technical or other imperative."*

Those clauses will have been redacted although no one can say for sure that that is the case. It is up to you and indeed the Travelling public to point out that the needs of vulnerable people, the confidence to travel by older people, are all "*other imperatives*". Use McNulty's careful phraseology against him.

When DOO started there was none of the consciousness we have today about Equality. There was no Disabled Travellers Awareness of Rights. This was long before The Disability Discrimination Act 1995. That was the forerunner of today's Equality Act, which incidentally is the strongest weapon.

This was before the RVAR (Rail Vehicle Accessibility Regulations), before the TSI (Technical Specification for Interoperability), the TSI for PRM (Persons of Reduced Mobility).

I can bore for Britain on Accessibility, road, rail, air and shipping. Cover Dementia, Autism, Asperger's, wheelchair users, pregnant people, or indeed old people who need to feel reassured. If they trip or stumble they fall! They are PRM (Persons of Reduced Mobility)

What now? My advice is simple; don't fight them on the Rules case or on train protection. That is their strongest area. Fight on the needs of the passengers.

The best way we can be of assistance in this matter or indeed any other reduction in staff presence, say on the barrier line or in the Booking offices is we have to tackle it from the point of view of the older and vulnerable traveller.

Not for us to express railway professional concerns, leave that to those still at work

The most effective weapons are the ones they have provided themselves. Today's silly management with their IT obsessed world around them cannot stop themselves from producing mission statements, team objectives all sorts of tripe. Then having said the words go away and take staff off trains and platforms, away from booking offices and reduce the service to a service with no human contact.

Use those mission statements and the Acts at your disposal to take them on. Use their weasel words and pledges against them. Use the Mission statements, DPPP's and Objectives.

By way of example one DPPP read:

"Our Guards are trained in the use of on board wheel chair ramps and station wheelchair ramps and they will provide assistance on and off the train, where there are no station staff available."

They incidentally have now lost the franchise! Do I need to prove the hand of government was there in my day, and is there today?

Use these types of things coupled with the Legal weapons at your disposal. There is:

- The Equality Act 2010.
- The TSI for PRM.
- RVAR (Rail Vehicle Accessibility Regulations)

In fact the best case scenario would be to use the RVAR (Rail Vehicle Accessibility Regulations). This is a **Regulation** and therefore must be complied with. I wrote a report which was later turned into a leaflet by NPC about the journey three travellers took on the Southern network and illustrated the failure to comply. We presented a Lady in a Wheelchair to the Driver of a DOO service which was operated by a RVAR regulated train.

I used a RVAR regulated train because there is no ambiguity, no opportunity to request prior advice it states:

*"Boarding devices 1. Subject to sub paragraph (2), when a wheelchair compatible doorway in a rail vehicle is open at a platform at a station, or at a stop, a boarding device must be fitted by the operator between that doorway and a platform, or the stop, if a disabled person in a wheelchair wishes to use that doorway"*

**Please note.** RVAR states *"if a disabled person wishes to use that doorway"*. Not *"if the disabled person has given the operator 24 hours notice."*

I put that example to ORR but no prosecution took place. My letter asked whether the ORR agreed with my interpretation and whether the present application of DOO having regard to the regulations put the Train Company outside its DPPP, The Equality Act and RVAR!

I also went so far as to suggest that failure to act could place the ORR itself in breach of their own Public Sector Duty.

I had very many reassuring replies but in essence nothing was done nor has been done. Never will be done unless enough cases all over the country confronts them.

Here is another case which I think could stand up, and there are many like it. But this one I see quite often demonstrated. We should challenge them legally with any train running DOO that calls at a Station that is unstaffed. Hungerford Station, accessible on both sides Up and Down with a level crossing with road traffic, and lights controlling it to enable people to change platforms. Modern Ramps displayed proudly, clamped to the fences for use.

An excellent Accessible station. But that is all perception with no reality whatever. A lovely tourist venue is Hungerford - tea rooms, antique centres riverboats etc. Any PRM (Person of reduced Mobility) who turns up looking to have help boarding the train will find the trains have no Guards, and the station is unstaffed!

So turn up there with Autism, Dementia, Blind or in a Wheel Chair or as any PRM any day of the week and use the Equality Act.

Difficulty with a legal challenge unlike the RVAR is that in court it would be subject to the test of reasonableness. The train company could argue that there are so few examples, it is reasonable to let the odd vulnerable person suffer! That then becomes a question of Human Rights. I could go on. And indeed probably am!

But my point is unless someone starts this process they will remove more and more staff. It in my view leads to a "Provision, Criterion or Practice" that discriminates and is therefore open to challenge under the Equality Act.

Let us insist that

*When a train stops at a Platform face there should be a competent person, in contact with the driver and with the ability and authority to hold the train.*

Much of this paper is the same thing that I said last week in Aberystwyth but the bit that is different is we are all that much closer to the problem than the young men and woman at that Conference.

So our task is to draw the systems attention to things that threaten us and make it less easy for us to gain inclusion in society.

Health Professionals, Social Policy Professors all tell us we should stay healthy by being active physically, socially and intellectually, eat nutritiously, avoid dehydration, take exercise, report our ailments in good time to our GPs and seek preventative solutions from the Health and Social Care system!

How can we do all those things in today's cut backs world?

That is what we **should do**. This may be OK for some with a reasonable family and financial position. Not all pensioners are like that. 5Million women are below the poverty line for example.

If we are to do what we **should do** we need :

A pension that is adequate

Community centres

Luncheon clubs or meals on wheels

Libraries and Leisure Centres

Good accessible fully staffed and adequate public transport

Good street lighting, open spaces, seats, benches and easily accessible open Public Toilets

Warm homes

Reasonably priced fuel, sheltered housing if needed

Free National Care integrated with NHS.

We are the vulnerable. I as an Octogenarian, if I stumble I fall down. Many of you are the same. Not all of you of course.

Hopefully we are dying in Seniority order! I'll leave it at that.

Peter Rayner

Doncaster

19th April 2018.