



# Policy Briefing

March 2024

## NZET Committee – Rail Services in Scotland – Written evidence from the National Union of Rail, Maritime and Transport Workers (RMT)

RMT is the largest specialist transport union in Scotland, we have thousands of transport members in Scotland employed by companies including ScotRail, Caledonian Sleeper and Network Rail. We welcome the opportunity to give written evidence to the Committee and would be happy to give oral evidence to the Committee on this subject.

RMT welcomed the decisions to take the ScotRail and Caledonian Sleeper franchises into public ownership and believes that this is vital if Scotland's railway is to work for passengers, rather than profit.

However, we do also have concerns about the approach that the Scottish Government is taking, with cuts to rail services and infrastructure funding and the ongoing threat of ticket office cuts and Driver Only Operation (DOO). We believe that the Scottish Government must rethink its approach to running its rail services, and instead recognise the benefits for passengers, the economy and the environment of investing in rail.

### Driver Only Operation

RMT is currently opposing proposals by ScotRail to extend Driver Only Operation (DOO, also sometimes referred to as DCO) on the Barrhead, East Kilbride and Kilmarnock lines.

These routes are currently operated with a safety critical guard on board all services who is responsible for despatch and RMT resolutely believes that extending DOO to these lines would worsen passenger safety, security and accessibility.

A crucial difference between conventional guard operation and DOO is that under DOO, the driver has full responsibility for despatch and services can, and do, run without a second member of staff on board. DOO, therefore, removes the **guarantee** that there will be a second member of staff on board all services.

The company and Scottish Government have attempted to obfuscate matters by arguing that what they are proposing is not DOO because they will still roster a second person on all services, but it is simply not true that this isn't DOO. Whilst a second person would be rostered on all services, if they are unavailable, the train can still run as the requirement on ScotRail is only to take 'reasonable endeavours' to have a second member of staff on board.

There would also be no requirement for the second member of staff to be safety critical. ScotRail has confirmed that the training for ticket examiners (i.e. the second member of

staff on board services that are already DOO) does not include a number of areas that guards (conductors) receive as this role is not safety critical.

On the parts of the network which are already DOO, our members report that services often run without a second person on board. Information released to RMT via an FOI request reveals that from October 2022 to January 2024 a massive 19,000 ScotRail train services ran without a second member of staff on board.

As well as being the eyes-and-ears of the rail network at the crucial Passenger/Train Interface, as guards are safety critical, they are trained to comply with the railway rulebook which equips them to deal with numerous safety and key operational functions. In the case of emergencies or difficulties they can step in to make sure the public are safe when travelling.

Furthermore, DOO has a significant impact on the accessibility of the railway. Because it removes the **guarantee** of a second member of staff on board, this restricts disabled and older passengers' ability to exercise their legal right to Turn Up and Go, particularly at unstaffed or partially staffed stations. Furthermore, DOO risks denying passengers assistance services on board during their journeys. For these reasons, disabled peoples' organisations have consistently opposed DOO where it has been proposed elsewhere on the railway.

Retaining a guard on these services is particularly important given that 70% of stations along the three affected routes are unstaffed (this is significantly higher than the national average of 45% stations being unstaffed). This means that if DOO were rolled out on these routes, passengers at the majority of stations along these lines would be faced with what the UK Government's own Disabled Persons' Transport Advisory Committee (DPTAC) has called the 'toxic combination' of unstaffed stations and DOO. The reality is that there could be no staff available to assist them.

There is already a high prevalence of anti-social and violent behaviour on Scotland's railway and this stands to increase if guards are no longer guaranteed on these services. Our guard members report regularly intervening in instances of ASB and abusive behaviour, and situations would undoubtedly escalate if there was no staff on board to assist.

It is very disappointing that the Scottish Government, which now owns and manages ScotRail has even permitted these proposals to be tabled. Not only that, but it is trying to maintain that this is an 'operational matter'<sup>1</sup> for ScotRail, which is absurd. The Scottish Government has control of ScotRail and it can instruct the company to withdraw these damaging proposals at any time.

Furthermore, it is of significant concern that both the Scottish Government and ScotRail are attempting to ignore a collective agreement between ScotRail and the RMT from 2016, which was agreed as a result of a dispute over DOO at the time. The agreement is clear that any future electrified lines would be 'guaranteed a conductor (guard) on every new electrified train' and that 'the conductor (guard) will retain their full competency (rules, track safety, evacuation) and that 'ScotRail services will continue to be dispatched under

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<sup>1</sup> <https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-22622>

existing arrangements'. The agreement was signed in 2016 and states that 'these arrangements transfer over as per all other collective agreements at the end of the franchise'. It is harmful and damaging that the publicly owned operator and the Scottish Government are approaching industrial relations in this way.

At a time when show be growing passenger patronage, it is unfathomable that the Scottish Government is pursuing a policy that will likely deter passengers from using the rail network.

Whilst the current proposals relate to the three routes named, there's nothing to suggest that if ScotRail was successful in extending DOO to these routes that it would stop there. It is therefore of vital importance for all of Scotland's railway that the proposals are scrapped.

### **RMT Guard Survey**

The vital role of the guard and the impact of ScotRail's proposals are clearly exemplified by the findings of our survey of our guard members working on the affected routes. The survey found that, in the past two years:

- *Nearly 50% of RMT guard members had intervened to prevent a passenger being sexually harassed and/or assaulted, and more than 80% of those had done this multiple times.*
- *100% of RMT guard members had witnessed anti-social and/or violent behaviour, with 40% of those witnessing it most shifts. 75% had intervened during a violent or anti-social incident.*
- *Over 40% of RMT guard members had responded to an emergency incident and 75% of those had done this multiple times.*
- *100% of RMT guard members had provided assistance to disabled and older passengers, with 80% saying they did this most shifts.*
- *100% of RMT guard members said they think passengers feel more safe and secure on services when there is a guard on-board.*

We asked our guard members what they thought the impacts of ScotRail's plans for DOO would be on passengers.....

- *98% said that they thought the incidence of sexual harassment and/or sexual assaults would increase and 100% said they thought anti-social and violent behaviour would increase.*
- *98% said that passenger accessibility would worsen.*
- *100% said that passenger safety and security would worsen.*

**RMT believes that the Scottish Government must take responsibility for its rail passenger services and instruct ScotRail to permanently withdraw its proposals**

**for DOO on the Barrhead, East Kilbridge and Kilmarnock lines, and commit to no further extension of DOO on the ScotRail network.**

## **Ticket Offices**

Former ScotRail operator Abellio consulted on cutting ticket office hours at the majority of its ticket offices in a flawed consultation in early 2022, just months before its franchise contract ended. The cuts proposed equated to a reduction in hours across the affected stations of around a third, or around 3200 hours per week. RMT remains significantly concerned that the Scottish Government continues to not rule out these cuts to ScotRail ticket offices despite the proposals being overwhelmingly opposed by passengers during the public consultation.

As ScotRail transferred into public ownership in April 2022, the decision about whether to proceed with the ticket office cuts sits with the Scottish Government. Previous Rail Ministers have sat on the issue, and last time the Rail Minister Fiona Hyslop MSP gave evidence to the Committee regarding rail services, she stated:

*"The issue is whether staff will always be behind and ticket desk or whether they will support other work in stations. Work on that is on-going, and we are looking to review it and bring it to a conclusion to give certainty to staff."*

This suggests that the Scottish Government is still considering cuts to ScotRail ticket offices, despite this being counter to what passengers want.

The Scottish Government has been quick to point out that it is not closing ticket offices, and whilst that is true, many of the cuts being proposed would have the same effect. It is also the case the company is already trying to cut ticket offices by stealth and is regularly failing to open ticket offices for their advertised hours.

Information released to RMT by ScotRail via an FOI reveals that from April 2022 (when the franchise entered public ownership) to December 2023, ScotRail ticket offices were closed for more than 150,000 hours when they should have been open.

The attacks on ticket offices are further evidenced by ScotRail's performance in the Service Quality Inspection Regime (SQUIRE). Under SQUIRE, ScotRail and Caledonian Sleeper are inspected on a monthly basis and given a score from 1 (lowest) to 5 (highest) for a range of criteria. Two of the criteria that ScotRail is assessed on are 'station staff' and 'ticket offices'. The reasons that ScotRail would score a 'fail' for ticket offices is if the ticket office isn't open when it should be, or the full range of tickets can't be retailed. The reasons for a fail on station staff is again if the ticket office is closed, there isn't a member of staff available, or a member of staff isn't wearing their correct uniform or name badge. Since April 2023, ScotRail has scored 1 (i.e. the lowest score) for both 'station staff' and 'ticket offices' during every inspection. This strongly suggests that on many occasions ticket offices were closed and/or staff were not present when they should have been. The fact that these criteria received the lowest possible scores throughout the period suggests that this reflects systemic understaffing rather than ad hoc closures as a result of unplanned absences.

Cutting ticket offices is completely at odds with what passengers want, as exemplified by the 2023 proposals by the Westminster Government managed train companies to close

around 1000 ticket offices. The result of these consultations was an unprecedented 750,000 responses, with 99% in opposition. RMT had opposed the closures on various grounds, including that they would worsen passenger service, safety, security and accessibility and we have the same concerns around cutting ticket office hours, as had been proposed by ScotRail.

The passenger watchdogs objected to all of the planned ticket office closures, and the UK Government instructed the train operators to withdraw the plans in their entirety. The public consultations for ScotRail and the UK Government train operators send an undisputable message that passengers value ticket offices and ticket office staff.

ScotRail's proposals involved moving ticket office staff from a number of stations to mobile roles around the network. RMT opposed this model on the ground that it would have significant detriments for passenger safety, accessibility and service and would mean that passengers could no longer guarantee when staff would be present at the station when the ticket office was closed.

The concerns about the roving model were reflected in passenger watchdog Transport Focus' recent responses to the ticket office closure consultations. For instance, in response to Northern Train's proposals, which involved moving staff to mobile roles in over more than 100 stations, Transport Focus said:

*"this would mean that passengers lose a permanent, physical staff presence at the station....this will have an impact on the provision of specialist retail advice, the provision of information (including during disruption) and perceptions of personal security at the station. This would also have an impact on disabled passengers' ability to 'turn up and go'".*

Importantly, the regulations governing ticket office opening hours, Schedule 17, are the only statutory regulation of station staffing. Should ScotRail proceed with cutting ticket office opening hours, there would be no future mechanism for consulting passengers about future changes to staffing hours and there would be nothing to commit ScotRail to honouring any commitments it makes about staffing provision.

This issue also came through in the watchdogs' responses to the ticket office closure consultations, with Transport Focus stating 'the public consultation feedback highlighted a widespread concern that if ticket offices are closed and 'Schedule 17' regulation no longer applies, there will be no ongoing requirement to consult on any future changes' and that 'many passengers fear that train companies will make further cuts to staff if existing regulations are removed and even that any mitigations promised, or commitments made, as part of the current consultation could quickly be lost'.

**It is clear that passengers place a high value on staffed ticket offices and want to see these retained and properly staffed. The fact that some two years after the public consultation, which was conducted by the former private operator at a time when passenger numbers were still recovering from Covid, the Scottish Government still has not ruled out cutting ticket offices, is of significant concern. We believe the Scottish Government must draw a line under this issue and rule out any cuts to ScotRail ticket offices, and instead ensure that there are sufficient staff employed to adhere to its existing regulated ticket office**

**hours.**

## **Anti-social behaviour and violent behaviour on Scotland's railway**

We remain concerned about the prevalence of anti-social and violent behaviour on the railway in Scotland and believe that these issues will undoubtedly be exacerbated by the policies currently being pursued by the Scottish Government (i.e DOO and ticket office cuts).

A Transport Scotland report into women and girls' safety on public transport which was published in March 2023 highlighted the vital role that staff play in supporting feelings around safety when travelling. The report highlighted a *'consensus from women and girls of all ages that being in spaces that were staffed or had a staff presence made women feel safer, and this included staffing at interchanges as well as on board public transport'* and went on to recommend that the Scottish Government look at increasing staffing at stations and on trains.

Concerns around safety on public transport are also shared by our women members. In November 2023, we surveyed our women members at ScotRail to ask about their experiences. The survey<sup>2</sup> found that 1 in 3 had been sexually harassed at work in the past year and 75% thought sexual harassment on Scotland's railway is becoming more of a problem. More than 70% had experienced workplace violence in the past year and 98% said that more action needs to be taken against the perpetrators of violent and abusive behaviour towards rail workers.

Following the publication of its report, the Scottish Government convened a roundtable meeting, which RMT attended, in December 2023, bringing together various stakeholders to examine the report's recommendations around improving women and girls' safety on public transport in Scotland. Whilst this was, of course, welcome, this must lead to meaningful action from the Scottish Government to address the issue, including a reversal of plans around DOO and ticket office cuts.

RMT believes that additional legal protections are needed for transport workers to help tackle the prevalence of abusive and anti-social behaviour faced. Legislation has existed in Scotland since 2021 which creates a specific offence of assaulting or abusing retail workers. RMT believes that equivalent legislation is urgently needed to protect transport workers as well. In early 2024, data was published that showed that reported assaults on retail workers in Scotland had increased 50% year on year since the standalone offence was introduced, which shows that specific legislation clearly has an impact. We have raised this issue a number of times with the Scottish Government and believe it should take the necessary steps to provide these additional protections to transport workers in Scotland.

## **Scotland's railway and climate change**

Domestic transport is the largest contributing sector to Scotland's carbon emissions, and as part of Scotland's carbon reduction commitments, the Scottish Government has a target of reducing car kilometres by 2030 by 20%. Undoubtedly, significant modal shift to public transport is needed to reach this target. However, the latest transport statistics for Scotland show that driving remains dominant, with 55% of journeys in 2022 taking place

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<sup>2</sup> <https://www.rmt.org.uk/news/publications/women-and-girls-safety-on-scotlands-railway/>

via car or van. Just 2% of journeys were undertaken by rail in 2022, no change from 2019. There is clearly a long way to go in shifting journeys from car to rail if the Scottish Government is going to have any chance of meeting its 2030 target. Policies are needed to support this. This must include investment to improve and enhance the rail network in order to enable passengers to shift to rail for their journeys.

The Scottish Government's 'route map' to achieving the 20% car reduction target by 2030 acknowledges that journeys need to switch to public transport but appears concerningly low on targeted actions to achieve this. As we set out in detail below, as we approach the next five-year control period for Network Rail funding, RMT has significant concerns about the planned level of infrastructure spending in Scotland.

Furthermore, ScotRail is currently running c13% fewer services than before Covid. We believe that service reductions are at odds with the Scottish Government's climate change targets and the need for modal shift. The Scottish Government should not only be reversing the cuts to ScotRail services implemented since Covid-19, but it should be expanding service provision to make it easier and more convenient for passengers to make the switch from cars to rail.

We welcome the Scottish Government's off-peak fares trial but remain concerned that it has not committed to making this permanent. With fares due to rise by 8.7% in April, if the off-peak trial is not made permanent, then from June, passengers will not only be faced with not only the more expensive peak fares returning, but at significantly higher costs than when they were withdrawn for the trial. This will undoubtedly deter passengers from rail and hinder modal shift.

One of the interventions listed in the 'route map' is the publication of the 'Fair Fares' review. This was originally announced in 2021 and has still not reported. Concerningly, there has been no public consultation as part of the review, and the trade unions were not given any opportunity to contribute.

## **Infrastructure Spending in Scotland for Control Period 7**

RMT believes that neither Network Rail Scotland's strategic business plan for CP7 adequately recognises the combined crises of climate change, extreme weather conditions, record high inflation and ageing infrastructure and assets facing our railway. We believe that this represents a government policy of managed decline on our railway. For a railway that is still emerging from the impacts of the Covid-19 pandemic, we believe the current and future cost-cutting at Network Rail poses increased risks to health and safety, to asset and train performance which will have a negative effect on both passengers and railway workers.

On 31st October 2023 the Office of Rail and Road (ORR) Published its Final Determination<sup>3</sup> for Control Period 7 (CP7). This final determination provides details on the proposed Network Rail Strategic Business Plans<sup>4</sup> for the next five-year period (CP7) from 2024 to 2029. ORR acts as the financial and safety regulator for our railways and oversees the process of holding Network Rail to account and secures value for money for users and funders of the railway.

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<sup>3</sup> [https://www.orr.gov.uk/sites/default/files/2023-10/03-pr23-final-determination-overview-england-and-wales\\_0.pdf](https://www.orr.gov.uk/sites/default/files/2023-10/03-pr23-final-determination-overview-england-and-wales_0.pdf)

<sup>4</sup> <https://www.networkrail.co.uk/wp-content/uploads/2023/07/Scotland-CP7-Strategic-Business-Plan.pdf>

The ORR Final Determination shows that Network Rail's CP7 expenditure in Great Britain will be approximately £43.065 billion in the five-year control period starting from 1 April 2024 and ending on 31 March 2029 (CP7). This is a 1% cut on total CP6 funding for Great Britain down from £43.470 billion to £43.065 billion.

This is a £1.7 billion cut in the original £44.8 Billion Statement of Funds Available (SOFA) included in ORR's Draft Determination which ORR explain is "primarily because of higher than anticipated inflation."

The Final Determination shows that Network Rail's CP7 expenditure in Scotland will be approximately £4.553 billion in the five-year control period starting from 1 April 2024 and ending on 31 March 2029 (CP7). This is a 1% cut on total funding for Scotland down from £4.598 billion to £4.553 billion.

Network Rail Scotland's overall CP7 spend has reduced from £4.8 billion in ORR's draft determination to £4.6 billion in the final determination, a reduction of £0.2 billion. ORR claim this is to do with higher inflation which reduces the value of the CP7 settlement in real terms.

Network Rail Scotland's Strategic Business Plan for CP7 has proposed to significantly reduce asset and core renewals over the course of the next five-year period which RMT believes will not only threaten services and safety on our railways but also thousands of skilled railway jobs across Network Rail and the wider supply chain. Renewals cover track, off-track, signalling, level crossings, earthworks, drainage, buildings, electrification and fixed plant and telecommunications. Total renewals expenditure in ORR's Final Determination for Scotland in CP7 is £2.147bn which is £315m or 13% lower than in CP6 (£2.462bn)<sup>5</sup>.

ORR state that "the funding available for CP7 reflects wider fiscal conditions and is constrained relative to the needs of the asset renewal cycle". This means that Network Rail will conduct fewer renewals, with more refurbishment, life-extending repairs and maintenance in comparison to CP6.

Network Rail Scotland also proposes to use operational controls, such as speed restrictions/go-slows to manage the increased risks posed by not undertaking renewals in CP7 but that this will result in an increase in service affecting failures of assets towards the end CP7 and a decline in its overall measure of asset sustainability.

In response to these proposed funding cuts for CP7 RMT launched a campaign entitled 'Rail Cuts Cost Lives'<sup>6</sup> to highlight our deep concerns with cutting renewals funding on an ageing railway at a time of a rapidly changing climate.

## **Extreme weather and weather-related incidents**

In Scotland RMT has significant concerns around the increasing numbers of weather-related incidents. Extreme weather poses significant risks to rail infrastructure and assets in Scotland.

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<sup>5</sup> P.17 <https://www.orr.gov.uk/sites/default/files/2023-10/04-pr23-final-determination-conclusions-and-settlement-scotland.pdf>

<sup>6</sup> <https://www.rmt.org.uk/campaigns/rail/rail-cuts-cost-lives/>



It is important to note that the Rail Accident Investigation Branch<sup>7</sup> report into the disaster at Stonehaven, Carmont, where three people lost their lives found that the failure to ensure inspections were carried out on a drainage system directly contributed to railway engineers not identifying a construction fault which ultimately led to the derailment. RMT remains deeply concerned about the programme of renewal and maintenance for earthworks and drainage for CP7 and believes the funding provided in no way reflects the risks posed by ill-constructed earthworks and drainage systems and the increase in climate change related extreme weather events.

A recent Freedom of Information request<sup>8</sup> found that there was a total of 5,750 weather related incidents on Scotland's railways between February 2023 and February 2024. Compared to February 2018 to February 2019 there was 3,833 weather related incidents which is a 33% increase in just 4 years. This highlights the need for significant increases in funding for renewals, earthworks and drainage to mitigate the risks posed by a rapidly changing climate but instead Scotland's railway is facing cuts to renewals.

RMT is demanding that the funding for safety critical renewals over the next five-year funding period, Control Period 7 (CP7) is restored to at least the same levels in the previous five-year funding period.

## **Modernising Maintenance**

Network Rail's overall maintenance expenditure is planned to increase by approximately 8% in CP7 to £1.135 billion an increase of £82m (£1.053) in CP6. Network Rail state this is to compensate for the reduction in spending on core and asset renewals but this approach is also dependent on Network Rail's Modernising Maintenance programme which ORR recognise is a "critical enabler of increased maintenance effectiveness in CP7".

However, the programme that is currently being implemented is largely untested. With no final timeframe for full implementation ORR state that "it will take some time for the new ways of working to become fully embedded." RMT is deeply concerned that Network Rail's approach to maintenance in CP7 is intrinsically linked to the Modernising Maintenance Programme which will also not be fully implemented when the CP7 period begins in April 2024.

Recently ORR<sup>9</sup> wrote to Network Rail about the failure to comply with structure examinations meaning a backlog of thousands of structures on our railway being left with little or no examinations over many years. The letter states how this poses a clear safety risk if the backlog remains but with no clear plan of how Network Rail will clear this backlog at the same time as uncertainty surrounding the Modernising Maintenance programme and significant cuts to renewals funding.

RMT is deeply concerned that a significant amount of risk is being placed upon Network Rail's maintenance functions at the same time as they are essentially imposing a new Modernising Maintenance agenda that does not have full agreement or buy-in from maintenance workers and will ultimately lead to job losses and a significant reduction in headcount. RMT believes it is highly reckless for Network Rail to be cutting renewals and then expecting the maintenance functions to mitigate the health and safety risks of this

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<sup>7</sup> [https://assets.publishing.service.gov.uk/media/62274fe0e90e0747a49c94ca/R022022\\_220310\\_Carmont.pdf](https://assets.publishing.service.gov.uk/media/62274fe0e90e0747a49c94ca/R022022_220310_Carmont.pdf)

<sup>8</sup> [https://www.whatdotheyknow.com/request/railway\\_infrastructure\\_failures?nocache=incoming-2574414#incoming-2574414](https://www.whatdotheyknow.com/request/railway_infrastructure_failures?nocache=incoming-2574414#incoming-2574414)

<sup>9</sup> <https://www.orr.gov.uk/search-news/network-rail-required-clear-backlog-examining-structures>

whilst simultaneously imposing their Modernising Maintenance programme.

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