

London Assembly Transport Committee – 11 September 2019

Transcript of Item 6 - London's Transport Now and in the Future - Panel 2

Florence Eshalomi AM (Chair): Good morning, everybody. I welcome our two new guests to the second part of our meeting. We have Heidi Alexander, the Deputy Mayor for Transport, and we have Michael Liebreich, who is a former Board member for Transport for London (TfL) from 2012 through to 2018. In this second part of the meeting we are going to be looking in a bit more detail at tram and business safety and specifically the Croydon tram derailment. Members will remember that on 9 November 2016 there was a tram derailment in Sandilands in Croydon, in which tragically seven people lost their lives and 62 people were injured. Michael has been in touch with me as Chair and most of you as Committee Members with some additional information following his time as a TfL Board member, where he feels that there were some issues that TfL maybe did not report on enough.

Michael raised a number of issues around accountability, transparency, sharing information and the Rail Accident Investigation Branch (RAIB) report as well. We are going to take this session to delve into some of that in a bit more detail. I will start with the questions. Michael, could you expand on the issues you have raised with TfL in relation to the Croydon tram crash?

Michael Liebreich (former Board Member, Transport for London): First of all, let me say that in general the TfL's response has been very good to what is an incredibly tragic situation, tragic accident. It was one that consumed a lot of the business of the Safety, Sustainability and Human Resources (SSHR) Panel during 2017, quite correctly. My role as Chair of that panel was probably to get across quite a lot of the detail, more than most, or certainly more than most of the other Board members. As I say, most of the operational responses were very appropriate but there was one issue that started to concern us during the middle of 2017, which was the fatigue audit that was carried out, triggered by a separate incident; the last of a string of incidents in which fatigue appeared to be implicated. The way that that fatigue audit was handled did not live up to the standards of the rest of TfL's response and it caused quite a lot of concern for me. It raised questions of how was the audit conducted - in terms of was it robust, who was involved in that audit, what was the interaction with the part of FirstGroup that was being audited, was that interaction robust and how was the resulting audit handled? There is a whole series of questions that opened up, starting around the middle of 2017.

It began and started with the very simple thing of saying there is a fatigue audit and an executive - and his name is going to come up, I am sure - Leon Daniels [Managing Director of Surface Transport, TfL], coming to the SSHR Panel and saying that this audit raised no cause for concern. The flag that that raised in my mind was if you have a whole string of apparently fatigue-related issues, how come there is no cause for concern? It is very unusual for an audit to raise no cause for concern, so I and the other panellists felt that we wanted to see the audit. It took a long time for us to see it, quite an unusual length of time. When we did see it, it did raise causes for concern. We now know that it was filed as requiring improvement.

Florence Eshalomi AM (Chair): What was the timespan in terms of before you received that audit?

Michael Liebreich (former Board Member, Transport for London): In June [2017] we were told that there was the audit taking place and the fieldwork was done in June. At that point we did not know what it would say but I wanted to see a copy of it because it was already raising flags. We then had another meeting in September [2017] where we were given an update but the report had not yet appeared, but it was discussed because fatigue at that point had become quite clearly one of the threads of the investigation. The discussion

was, “We need to see it and it needs to be dealt with appropriately” in terms of the investigations that were ongoing at that point: RAIB, Office for Rail and Road (ORR), British Transport Police (BTP) and the SNC-Lavalin line.

When it came to the November 2018 SSHR meeting, we had seen that report and it was, I believe, pretty shocking. It was: “requires improvement”, which is the second worst of the categories that it could have had; although we now learn that that conclusion had been removed from the actual report. The discussion was, led by me, “Clearly we need to publish.” We had started that discussion in September [2017 or 2018]?. The response from management was, “No, you cannot publish because there are these ongoing inquiries”, which is entirely appropriate, but the response from me and the other panel members was, “In that case it has to be sent to the inquiries.” That was quite clear. Not minuted, which I regret, but a clear discussion that I am sure the other Board members on that panel will remember, saying it clearly has to be sent.

It was discussed in June [2017 or 2018]?.], we talked about it again in September [2017 or 2018]?. and said this is clearly going to be a key piece and it needs to be dealt with appropriately and become part of the inquiries, then in November [2018] it has to be sent. Then it was only in January [2019], after we had seen the RAIB report, the draft that appeared in December [2018] -- in the next SSHR meeting I was very surprised to see that of all the evidence that was cited in that RAIB report, this fatigue audit, which we must remember is probably the best body of information about the fatigue management processes at TOL, the bit of FirstGroup that was running the tram, is this detailed piece of work, undertaken by professional auditors, does not appear in the RAIB report. It was only after I asked for confirmation that they had received it that it became clear that it had not been sent.

There followed this whole period of me saying, “We need to know the reasons” and the Mayor agreeing. You have the letter that I wrote to the Mayor. That pretty much lays out what I said in the Board meeting in May 2018, the Mayor’s response saying that he agreed that the questions were appropriate and that they needed to have answers. That was turned into a request for a chronology, which is not an explanation. The chronology that was then published in July [2018] and then [followed] a steady stream of freedom of information requests (FOIs) and mayoral questions. Caroline [Pigeon MBE AM] has been asking questions. Keith [Prince AM] has been asking questions. It became absolutely clear that there was no desire and no commitment to deliver transparency on exactly why did this report not get sent in a timely way.

Then in February I said, “OK, I have to step in here, I have committed to the families.” The widow of one of the victims came to an SSHR Panel early in 2017 and I committed to doing everything in my power to make sure that the lessons were learned. In February of this year I decided I cannot drop it. Even though I am now no longer on the Board, I have to do what I can to make sure that the appropriate transparency is achieved. Of course, since then we have seen that the audit was changed in discussions with TOL and all sorts. I am getting more and more questions rather than fewer and fewer and I find that quite disturbing.

Florence Eshalomi AM (Chair): Can I clarify that the fatigue report was then shared by TfL on 12 February 2018?

Michael Liebreich (former Board Member, Transport for London): It was shared, yes, yes.

Florence Eshalomi AM (Chair): Yes, eventually. Deputy Mayor, is there anything you want to add to that and would you like to respond to anything that Michael has raised?

Heidi Alexander (Deputy Mayor for Transport): Yes, I would like to say a few things in response to that. Obviously my involvement in this dates from me becoming the Deputy Mayor last June and I did not have real-time interaction with the sequence of events that Michael describes in 2017. Some of the things that Michael has said I agree with. I understand that he did ask at the November [2018] meeting of the SSHR Panel for the

fatigue audit that was commissioned following the separate incident. It was not an investigation into Sandilands itself but was about fatigue management generally. He asked for that report to be shared with the investigating bodies in November [2018]. That was not minuted, as Michael has said. We would agree it should have been minuted. As a result of that it was not then on the live actions list for TfL officers to be checking off and making sure that they had complied with the actions of that meeting.

When Michael quite rightly followed up on this in January [2019] again and asked has this fatigue audit been sent, it is my understanding that the then Director of Health and Safety, Jill Collis, said, "I believe it has but let me go back and check". In hindsight it probably would have been better if she had said, "I don't know", because when she went back to check she discovered that the report had not been shared with the investigating authorities. As I understand it, she phoned you immediately at that point, apologised for that and said, "We will be sharing the report." That was then done.

When Michael asked further questions about the sequence of events at that May Board meeting in 2018 - which was a couple of weeks before I started in the role but I was present, not as a Board member, to observe proceedings - it was agreed that a report would be circulated to the Board, which was published on 24 July [2019], setting out a very clear series of events about what has happened and why. As a normal matter of course, when audits are done, TfL would not normally share those audits with investigating bodies automatically. Since this sequence of events, procedures have been strengthened to ensure that if an audit has been conducted that had a material impact and could be of interest to investigating bodies, it is shared as a matter of course.

I know that Michael and others have called for an independent investigation into this, but having looked at a lot of the documents myself, as you would expect, speaking to senior members of staff at TfL about exactly what has happened, I am confident that a further independent investigation into this is not required. The report of 24 July 2018 is easily available. If you put 'trams fatigue audit' into Google, it will be the first thing, I can assure you, that will come up. TfL has been fully transparent about what has happened here. That is my understanding of what has gone on.

Florence Eshalomi AM (Chair): Thank you. Assembly Member Bacon.

Gareth Bacon AM: Thank you very much, Chair. I want to check a couple of dates. Michael asked for the fatigue audit -- the Committee asked to sight it in September [2018] and they eventually received it in November [2018]. Is that correct that that is what you said?

Michael Liebreich (former Board Member, Transport for London): It was published in September [2018]. It was published but it was published just after the SSHR meeting. A strange thing happens when you are on the Board of TfL that a lot of quite important reports get published just after Board meetings. We had discussed it in September and all agreed that it was a key piece of evidence that would give insight. It was important because there had been the Victoria Derbyshire programme and so on; there was a whole stream of fatigue-related incidents. We talked about fatigue at every panel meeting. Clearly this was going to be a body of evidence that was critical for us as SSHR Panel but also for the investigations.

Gareth Bacon AM: To run through the other data I have scribbled down while you were both speaking, it was in January that you saw the draft RAIB report and it was not until February --

Michael Liebreich (former Board Member, Transport for London): There was an immediate RAIB report that came out in November 2016, straight after the accident. It was updated in February 2017. Interestingly enough, those two very early RAIB reports do not mention fatigue at all; there was some odd stuff going on there as well.

Gareth Bacon AM: That is what I am coming to.

Michael Liebreich (former Board Member, Transport for London): The final RAIB report -- the first time I saw a full report would have been December [2018] but we did not manage to have an SSHR meeting because of scheduling and, to be honest, we did not want to have an SSHR meeting around Christmas, given that this was the second Christmas that the victims would have not had their families.

Gareth Bacon AM: I understand. I am a relative newbie to this committee and I am not across the detail quite so much; bear with me both of you, please. The RAIB report did not have reference to the fatigue report. You picked it up and you approached the RAIB directly and asked, "Have you seen this?" They had not.

Michael Liebreich (former Board Member, Transport for London): I did not approach them directly.

Gareth Bacon AM: You did not?

Michael Liebreich (former Board Member, Transport for London): No, because in the SSHR I asked management to confirm that it had been sent. I believe somebody else had already asked them. There is a blogosphere that is following this in great detail.

Gareth Bacon AM: OK. The summary of what I have is that there had been a succession of committee meetings that you had been chairing.

Michael Liebreich (former Board Member, Transport for London): Yes.

Gareth Bacon AM: The issue of fatigue had been raised repeatedly. The RAIB report was published and did not mention it and they clearly had not seen it. The Deputy Mayor, when she was answering the question, gave a reason for that, which is that it had not been minuted at the meeting. My understanding, and this is where I am sketchy on the detail because I was not on the Committee at the time, is that the primary suspicion of the cause of the accident was driver fatigue. It seems to me, therefore, if I am right about that, that it is absolutely incredible that the fatigue report that had been done would not have been forwarded to the people doing an investigation into this crash simply because it had not been minuted at the meeting.

Michael Liebreich (former Board Member, Transport for London): Technically, if you look at the RAIB report and even when they updated it afterwards, they said -- it was very interesting - although they did not think of fatigue as a cause, they nevertheless made a recommendation for TOL and FirstGroup to improve their fatigue processes. However, the SNC-Lavalin report, which was undertaken for TfL, which frankly is the better report, says that there are two causative channels. One is that the driver lost spatial awareness, and the other was that the driver was incapacitated, most likely through -- incapacitated as in fell asleep. The SNC-Lavalin report does say that it is one of two possible causes.

I also want to be able to come back on some of the terminology used about the Board briefing. You say it was an explanation, it is a full explanation. It is not an explanation because the fact is we have had the head of the Health and Safety Executive (HSE), who came to this panel in May, who said -- the story has always been human error, human error and now we know it is something to do with the minutes. The first thing is all of the action points relating to Sandilands in those minutes - maybe not quite all but the vast majority - were not assigned to anybody from HSE, they were assigned to Leon Daniels.

We need to talk also about going on in parallel with this I was raising concerns very privately with the Commissioner about conflict of interest of a senior executive in the line management of the tram being involved in the public relations, in the investigations, in the interaction of the investigating bodies. I did not

think that was appropriate and I raised it and it was dismissed out of hand. That person getting the action points that we talk about are being routed apparently -- and we do not know because we do not have access to the secretariat notes following that meeting. We do not know who was taking action points and how they were divided up.

Therefore, the line that we have had so far has been human error, which is not an explanation. Human error is a categorisation. The 24 July 2018 report that purported to explain this did not say which human. When the head of HSE came here in May [??] to talk about this incident, she said something very interesting. She said, sitting probably in this very chair, that the responsibility to send out IA 17780 had fallen between people. I am sorry but it is really important. It could not be more important to know which people, who was supposed to send it, particularly when there is this background of a Board member -- and by the way not just me. Other Board members. We had a discussion about the propriety of the handling of this potential conflict of interest. In that situation, not to know which human was going to send it and who thought who was going to send it --. In that Board briefing note there is no evidence of any actual investigation. What we found out afterwards was there was an email from another senior executive at TfL asking the General Counsel whether he was choreographing the response. I do not think that is appropriate.

I did not spend all my time on that Board, going through that process and expect to have responses to me choreographed. I expected them to be investigated and answers given. I am sitting here still, two years later, two years after raising those concerns, and I do not think we have the answers. I have a whole list of questions. I have 20 questions and, as I say, we seem to be getting more not fewer questions when we see what happened between the drafts of that report.

Gareth Bacon AM: Chair, some of this is going to be on the section that I am going to take a bit later on. For the sake of the integrity of the meeting, I will pause at this point and pick up later.

Florence Eshalomi AM (Chair): Thank you.

Heidi Alexander (Deputy Mayor for Transport): Can I respond to the point Michael makes about the word "choreography" that he has seen in an email? Michael has also seen the response that the General Counsel, Howard Carter, sent to that email. What this relates to is the discussion that took place between TfL officers, John Fox and Howard Carter as General Counsel, before that report was published for the Board, because Michael had emailed and there was a discussion to make sure that comments were addressed in that Board report; that that would then be cleared within TfL; that that report would be shown to me as the Deputy Chair of TfL, which is par for the course with Board papers that are published; and that that administrative sequence of steps would happen prior to that report being published. Nobody should read any form of conspiracy into the use of that word in that email. I am absolutely categorical and confident and in that statement.

Florence Eshalomi AM (Chair): Assembly Member Pigeon.

Caroline Pidgeon MBE AM (Deputy Chair): I want to pick up a couple of things on process on this audit report. At the meeting where you first instructed, Michael, that officers should send the fatigue report to the various investigating bodies, was the HSE manager there - the person who eventually did send it to them? Was that person sitting in the meeting?

Michael Liebreich (former Board Member, Transport for London): I am going to check my memory, which is not 100%. She was, I believe, at all of those meetings, quite appropriately. We were taking this very seriously. Therefore, yes, she would have been there.

Caroline Pidgeon MBE AM (Deputy Chair): Yes, and Leon Daniels would have been there as well and others?

Michael Liebreich (former Board Member, Transport for London): Yes, yes.

Caroline Pidgeon MBE AM (Deputy Chair): Normally at meetings – I do not know how everyone works – if somebody says, “That report should be sent”, you do not just rely on the minutes. Often you make a note yourself. Do you find it surprising that between the Managing Director of Surface Transport, the HSE manager and others no one had made a note that they needed to send this report on?

Michael Liebreich (former Board Member, Transport for London): I would be hugely surprised if no note was taken, because the context was also that at the Board meeting but also at every single committee and panel, there are members of the secretariat who support the Board. They make copious notes. They sit there and they make notes. That is also relevant for the point about the word ‘choreography’. That may be an unfortunate word. I would have used ‘managing the process’ if I had been in that situation. The issue is not the use of the word, the issue is whether there was any investigation. In other words, the notes of the various participants in that meeting and their subsequent messaging on whatever system is used should have been investigated. That was what was required. Those notes probably still exist unless they have miraculously gone in a shredder. Who knows?

Caroline Pidgeon MBE AM (Deputy Chair): Can I ask you, as Chair of the Committee, were you sent draft minutes of meetings to sign off or was that done by the secretariat or officers --

Michael Liebreich (former Board Member, Transport for London): Yes, absolutely. We would see a draft. It would go to the Chair and the Deputy Chair, usually. It would go to -- I am trying to remember. I was either Deputy Chair or then Chair on that committee. I am trying to think of the other committee I was on, the finance committee, whether I always saw drafts or whether those were handled by Chair or Deputy Chair.

Caroline Pidgeon MBE AM (Deputy Chair): You did not, as Chair --

Michael Liebreich (former Board Member, Transport for London): As Chair I absolutely saw, yes.

Caroline Pidgeon MBE AM (Deputy Chair): Therefore, you yourself also missed it. I am thinking when I sit at meetings when I am chairing I often note things and check with the team afterwards, when we write to TfL with a long list, that it has been picked it up.

Michael Liebreich (former Board Member, Transport for London): It was very extraordinary that this was not sent, it never crossed -- how would it cross your mind to check something as basic as sending this piece of information? Because we were talking about lots of different things and there were lots of points to follow up and so on. This did not seem like -- it was not as if there was a huge fuss made over it, it was not contentious, there was nobody saying we should not send it and it did not get minuted.

Caroline Pidgeon MBE AM (Deputy Chair): It slipped by, yes.

Michael Liebreich (former Board Member, Transport for London): Of course I hugely regret not noticing that, as I regret other things not being correctly minuted that I now notice.

Caroline Pidgeon MBE AM (Deputy Chair): OK, that is really helpful. Heidi, you wanted to come in there?

Heidi Alexander (Deputy Mayor for Transport): Partly the point I want to make is the line of questioning that you have just pursued there. Michael, it is my understanding that you and the members of the SSHR

Panel would have signed off the minutes from that November [??] meeting, and you did not ask for anything additional to be added on this specific issue. Is that correct?

Michael Liebreich (former Board Member, Transport for London): That is absolutely correct and a great regret.

Caroline Pidgeon MBE AM (Deputy Chair): The other thing I wanted to ask, and this is a process thing for you, Heidi, is how happy are you with the general internal audit process at TfL and how documents from initial drafts to final draft end up being changed significantly? This is all reminiscent of the Garden Bridge, quite frankly, where we were sent an audit report and then someone leaked to our Committee earlier drafts that had been more damning. We have now, thanks to the work of many people, managed to get hold of these internal audit reports and the drafts and the emails and it absolutely shows that the original one, very strongly here, says, "Audit conclusion requires improvement", right there on the front; but by the time it was published in March 2018 it had been significantly changed. Safety deficiencies that had been marked as a priorities were now "opportunities for improvement". TfL agreed to revise the draft after executives at TOL objected. It was too critical and contradicted a verbal assurance they had been given. I am not sure whether internal auditors should be giving any assurances to anyone about what would end up in a final report. What are you doing looking at that audit process? For us as lay Members, that is a serious concern.

Heidi Alexander (Deputy Mayor for Transport): My understanding is that TfL does not agree that that verbal assurance was given. I have gone through both the first version of the fatigue audit report and the final version, as you would expect me to. I have gone through every single bullet point in the executive summary to make sure that the issues that are being raised there were to be found in that final version and I have done a very thorough cross-check. They all are there. Therefore, I slightly disagree with your characterisation of this whole process, because substantively the recommendations and the findings of that audit have not been changed. There have been some minor revisions, some reordering. Clearly when an audit is done it is normal practice for the people conducting the audit to go back to those that they are auditing. The process of improving fatigue management in FirstGroup, as I understand it, was a continual journey from when Sandilands has happened.

I am not an expert in the world of audit and the "requires improvement" categorisation that was in the first compared to the last in terms of those two words, would it have been better with hindsight for those words to be in there? My view is probably yes but I understand that this was about a dialogue between TfL and FirstGroup about whether they were being audited against industry best practice or what they were contractually required to deliver.

The significant thing for me in all of this is the steps that FirstGroup has taken since all the investigations have been done into Sandilands, since this fatigue audit has been produced, to change the performance within trams on safety. If you look at what they have done - and I know this has been shared with the Committee in an earlier session but it is worth saying again - they have fitted --

Florence Eshalomi AM (Chair): We are going to come on to that later on, Deputy Mayor.

Heidi Alexander (Deputy Mayor for Transport): OK. There are a lot of steps that FirstGroup has taken to improve both the safety culture and performance; whether that has been reviewing rosters; whether it has been reducing the number of consecutive days that tram drivers can work; whether it is fitting the fatigue detection device in the seats of drivers; whether it has been making sure that all managers at FirstGroup who are running the trams have been trained in fatigue management. It is my understanding that the ORR has now written to the RAIB and said that it considers that the recommendations that the RAIB made about fatigue have now been implemented.

I am happy to speak at great length about these issues but I do think the important thing here is what steps have been taken to make sure that the tram network is as safe as possible and that never again will a tragedy like Sandilands occur.

Caroline Pidgeon MBE AM (Deputy Chair): We are not disputing that and we have been down and done a site visit and heard first hand some of the excellent work, and leading work, they are doing now in this area. However, clearly at this time there are issues. I am trying to get back to process. I know that is very dull but it is very important. What are you doing to review the internal audit process to assure yourself that this is the norm? For me, I do not think it is the norm in other organisations that you can -- managers, yes, they can factually correct. They cannot water down or change the narrative in something, water down the narrative around the conclusions of a report. That is what worried me. That is what happened on the Garden Bridge. In my view, we have seen it here. I accept what you are saying, that the recommendations are the same, but the narrative was softened, it was changed. I feel that is overstepping the mark and I would like to see you agree to do some work looking at audit and best practice to make sure that TfL is not acting in an inappropriate way.

Heidi Alexander (Deputy Mayor for Transport): One of the things that has happened in recent months in terms of the restructuring that has happened in TfL is that the Commissioner, Mike Brown, has appointed a new member of his Executive Committee as the Chief HSE Officer who reports directly to him. Lilli Matson is doing that work and I would be happy to take away from this session and have a discussion with her about reviewing internal audit processes.

I have to say, having looked at this and discussed it with officers, I do not at this current point in time feel worried or concerned about this. I think there are robust processes. As I also said earlier, following this sequence of events, when there is a live investigation being conducted by somebody like RAIB or ORR, the processes have changed within TfL now to ensure that the lead investigator automatically and proactively - instead of waiting for those investigating bodies to come to us - says, "Would this have a material impact on any other investigation" and goes to them. Therefore, it is not as if nobody has reflected upon what has happened in this process. TfL is an organisation that is willing to ask itself some difficult questions and that sits at the heart of a positive safety culture within an organisation. However, I would be happy to have that conversation with the new Chief HSE Officer and to come back to the Committee.

Caroline Pidgeon MBE AM (Deputy Chair): That would be helpful to show that you have addressed that particular issue. Both of you, in your views, what do you think are the most significant lessons arising from the RAIB and TfL investigations to improve tram safety going forward?

Michael Liebreich (former Board Member, Transport for London): I will answer that question but I have to come back to the audit process and we have to look at this. Seven months after Sandilands there is fieldwork for an audit and the conclusion is:

"TOL's management of driver's hours of work, and the roster design do not consider fatigue risk factors [this is seven months after the fatal accident] or reference industry good practice. TOL's fatigue awareness training for managers and supervisors does not include factors that increase fatigue or how to recognise fatigue in others. TOL has no formal process for determining when a fatigue risk analysis should be carried out or reviewed."

This is what they found seven months after the accident. These became then opportunities for improvement.

Apparently there is a discussion about, "Well, one should not hold them to the sorts of standards that would really deliver safety, that are in regulation 25 of the Railways and Other Guided Transport Systems (Safety) Regulations (ROGS 25) in the rail industry, because it is not in their contract". We can hear all this stuff about

how it is much better now. The issue is not: has stuff been done that improves it? It is: what is the transparency? How could it possibly be that that was still the situation seven months after an accident?

The second thing. A senior executive from TOL says - he is prepared to put it in an email - that he had been given an assurance that it was well-controlled, and without any investigation we are now supposed to believe that that simply did not happen because nobody has come forward and said that it happened.

We do know that there was involvement in an audit. You ask the question, "What is normal about an audit process?" I will tell you. What is normal is not a line executive responsible for a group or a division that has just had a catastrophic failure of some sort being involved in an audit. That is not normal, not in financial services and not in industry.

We know it happened because everybody is very open about it. Jill Collis, Head of Health, Safety and Environment (HSE) [TfL], came here and explained that when Leon [Daniels, former Managing Director of Surface Transport, TfL] came to my panel and said that there was no cause for concern, he was talking about interim findings. Why does he have access to interim findings? He is a line executive. He is not in Audit. Audit is Audit. It is like Compliance in a bank. Nobody should be involved in that process from the line executives until it comes up to the very senior level, reporting to the Board panels.

This is a completely not best practice audit approach that has been followed here. It is absolutely clear, and what worries me is that instead of saying, "Yes, it is clearly not best practice. There have been line executives talking to the press, there has been all sorts of stuff going on, it is clearly not best practice and we will fix it", what we get is, "No, I am convinced". I am afraid I am not convinced that this is --

Caroline Pidgeon MBE AM (Deputy Chair): I absolutely understand where you are coming from but the Deputy Mayor has agreed to go away and look at this and it may well be something --

Michael Liebreich (former Board Member, Transport for London): With the new Head of HSE, but it is not an HSE question. It is an audit question. It is an audit and assurance question.

Heidi Alexander (Deputy Mayor for Transport): I am quite happy to ensure that the General Counsel is involved in this as well. I will take that action away from this Committee.

If I may just make one further observation on all of this, the RAIB published an updated report in October of last year [2018]. That was subsequent to the fatigue audit that was commissioned in relation to this separate incident being shared with them. I would just like to read, for the benefit of the Committee, what the RAIB said in their updated report in relation to this fatigue audit. They said:

"The RAIB's review of the TfL audit report identified no evidence of additional factors, beyond those already discussed at paragraphs 362 to 382 (which was their report)].... However, the RAIB observes that the conclusions of the TfL audit are consistent with its own finding that, at the time of the accident, TOL's management of fatigue risk was not in line with published industry practice, and that there was significant scope for improvement."

What we also have to remember here is in addition to that fatigue audit that TfL commissioned after the incident in May 2017, in the other investigations that had happened - the RAIB and the SNC-Lavalin report that was commissioned by TfL - there was a lot of exploration of these issues and the RAIB said, subsequent to seeing the fatigue audit report, that it did not bring anything new to their considerations. I do think that is significant.

I would like to answer your question that you actually --

Caroline Pidgeon MBE AM (Deputy Chair): Yes, I was going to say I would like us to move on to that. The audit thing we will come back to, I am sure. There is something there, for me. I am just thinking that when I used to be on the Audit Panel of the Metropolitan Police Authority (MPA) the unit was absolutely separate and in fact the other MPA staff did not have a pass that would let them into it. They do the audit process for every other part of the GLA Group, apart from TfL, and I wonder whether it might be something you want to look at because Julie Norgrove [Director of Audit, Risk and Assurance, Mayor's Office of Policing and Crime] and the team there are experts in this field and it might be that a shared service would give us more confidence in it. I am just throwing that out there.

Do you want to answer my question, which was: what are the most significant lessons learned from all of these investigations and the impact they are having now on tram safety?

Heidi Alexander (Deputy Mayor for Transport): The way I think about this is quite similar to the broad concepts that we have set out in the Vision Zero document that we published last year [2018] because, as an operator of transport services, making sure of the vehicles, the speeds or the behaviours in any form of transport is absolutely critical.

If you look at RAIB, SNC-Lavalin or the fatigue audit, what is clear when it comes to the tram network is that there were some locations where we needed to reduce speed, where we needed better signage, and actually on the design of the tram itself - whether it was the windows, the emergency lighting or automatic braking - you have to ensure that the 'vehicle' is as safe as it possibly can be. That is some learning that we have also taken through to the work that we are doing with the Bus Safety Standard. Again, feeding into that is the safe speeds.

Around safe behaviour, I heard Jackie Townsend [Managing Director, TOL] at a previous meeting of this Committee talk about a fair and just culture, giving everyone in the organisation the confidence to report concerns that they have. You do need to look at the way in which rosters are designed, not just the overall number of hours that people are working but sometimes the way in which unusual shift patterns can also contribute to the way that someone experiences tiredness and fatigue.

It is a reminder and a call to action for the transport industry, that whether it is about safe vehicles, safe speeds or safe behaviours, that has to be at the forefront of what any public transport authority or organisation needs to be driving forward on.

Caroline Pidgeon MBE AM (Deputy Chair): Thank you. Michael, did you want to add anything?

Michael Liebreich (former Board Member, Transport for London): I take away two things in addition. There are 15 RAIB recommendations and they are all good. The two things I would say -- in fact, to be honest, it is just one: the point about the 'just' culture. The solutions will not be technological, especially when we start to talk about the buses.

There was this long stream of fatigue-related incidents on the tram and yet they did not reach the top level within TOL. We know that. They certainly did not reach any meaningful level. They did not reach the SSHR Panel, I can assure you, and they did not reach the management at TfL, who are commissioning the services. It turns out that the culture down at the garages and the depots was completely hostile to somebody coming forwards and saying, "Look, we have a problem here".

Yes, of course we have to improve the trams and we will talk about the Bus Safety Standard and so on, but you will not ensure safety by having a bunch of very tired drivers and then shining infrared in their eyes and

disciplining them if they do not behave like machines. These are not machines, they are people and they have to be treated like people, and it starts with respect.

The other part - I am not sure if it is related; it is probably is related - that I take away from this, I am sorry, is transparency. You cannot have a 'just' culture if you then do not have the transparency. I am still grappling with that because I have so many unanswered questions. Of course there is this whole thing about who and which day and so on, and I would still love to know who said that there was a clean bill of health. There are questions about the transparency but it links to the 'just' culture because if you have drivers who are hostile and resentful because they are being treated so badly, and yet senior executives are not aware of that, even, then that is also a transparency issue. The just culture is how it plays out in the garage but it also needs to have this communication.

The idea that the Head of Safety from TOL would sit here and say there was nothing that raised any alarms at senior level -- I have the quote here somewhere. Adrian Jones. He said:

"I became Safety Director in 2015 and so that was fairly early. There were not any indicators that would certainly come up at group level that would highlight a cultural issue [at TOL]."

That is extraordinary when we now know what was actually going on.

The other thing I want to highlight was said here a few months back. Jackie Townsend, Managing Director of TOL, said:

"For anybody who has done any investigation into a just culture, it takes about three years to actually embed that into any company and so we are at the start of all that."

Three years. I tell you: we do not have three years to fix these very grave safety problems. We can talk about that on the buses and how many people are being killed and injured. This kind of complacency is completely unacceptable. We need the 'just' culture and the transparency front and centre in the solution to this.

Caroline Pidgeon MBE AM (Deputy Chair): That is really helpful, thank you.

Florence Eshalomi AM (Chair): Thank you. Assembly Member Bacon, section 2, please.

Gareth Bacon AM: Thank you very much, Chair. I will start with you, Deputy Mayor. Your assessment on how the tram sector has responded to the RAIB and TfL investigations?

Heidi Alexander (Deputy Mayor for Transport): If you take it at a number of levels: first, in terms of the operation of the tram in London, I have taken a number of very significant steps to respond to the recommendations. I will not repeat everything that I outlined in response to Assembly Member Pidgeon.

One of the recommendations of the RAIB was to set up the Light Rail Safety and Standards Board to provide a comparable body to that which exists for the heavy rail industry. I understand that has got up and running in the last year or so. TfL has committed three years' worth of funding to that. Government had committed funding through until March 2020 and there is some indication that they will have committed to further funding, although that has not been confirmed. That is a forum in which tram operators from across the country can basically come together and for best practice to disseminated.

Jon Fox from TfL [Director, London Rail] sits on that Safety and Standards Board and, talking to him, he very much sees it as his responsibility to be driving forward the seriousness with which other tram operators take the recommendations from the various investigations. When you have lived through a tragedy like Sandilands,

you recognise how absolutely imperative it is to be making progress with implementing that whole series of recommendations.

I would urge – and I think TfL would urge – tram operators in other parts of the country to heed, and quickly, the recommendations that have come out of the various investigations; be that around the culture, the roster design, the speeds, signage, or fatigue detection devices. Having gone through what the families and victims of that tragedy have gone through, and the organisation TfL having gone through that, it is critical that operators in other parts of the country take heed of that and take action.

Gareth Bacon AM: Michael, what is your response in terms of how you think the industry has responded?

Michael Liebreich (former Board Member, Transport for London): I would endorse that. Clearly it is just a huge wake-up call, not just for TfL, not just for First Group, but across the industry. My bigger concern is the learning of the lessons across the Surface directorate at TfL and then out into the bus companies, where there is an absolutely huge amount of work still to be done. I would say the tram industry is responding well and a lot of people are doing a lot of very hard work on that. There is a lot of credit as well.

I do not think they have solved the culture problem, implementing the just culture, and if they are saying, “We will give it three years before we expect that to be in place”, that is not acceptable, but at the operational level in terms of replacing the windows, the signage, the speed limits and all of those things, I do not have any reason to doubt that they are working hard on that.

Gareth Bacon AM: Going back some months, I believe you, Michael, were calling for an independent investigation into TfL’s investigation into this crash. That is --

Michael Liebreich (former Board Member, Transport for London): Not into the crash, no; the handling of this fatigue report.

Gareth Bacon AM: That is what I meant.

Michael Liebreich (former Board Member, Transport for London): Well, it is very specific. It is an investigation into the conduct of that fatigue report and then into how it was disseminated and into the way that the conflicts of interest – which to my mind are absolutely manifestly obvious – were handled. That is part of that and that is what needs to be investigated. I would refer you to my letter, which I sent to the Mayor. I copied you in because I thought it would focus this discussion. It is very specific about the things that need to be investigated.

Gareth Bacon AM: Yes. That is the nub of my question because my colleague, Assembly Member [Keith] Prince, put it to the Mayor in July [2019] about an independent investigation and you have referenced that in your letter. The GMB Union was calling for it and there was a unanimous motion passed by the Assembly recommending that that happened. The Mayor said that he did not think it would add any value. We have heard from the Deputy Mayor today that she thinks that it would be unnecessary because the RAIB updated report is comprehensive. Do you accept that or will you still think that that is necessary?

Michael Liebreich (former Board Member, Transport for London): I could list the open questions, and many of them are in my letter, that we do not have answers to. There may be a difference of opinion about whether it is important or necessary to get [answers to] those questions because one point of view might be, “Well, we are moving on. We are doing all the right things anyway”. I do not buy that because it is a symbol of the culture that I am afraid was prevalent throughout the time I was on the Board and Deputy Chair of the Safety, Sustainability and Accessibility (SSA) Panel, as it was before, and then the SSHR Panel. It is really

important to get to the bottom of those questions. The Mayor has committed to transparency. That is one of the reasons that I was excited to continue to serve a second term on the Board. I see every point to independent investigation into exactly those questions that I list in that report.

Gareth Bacon AM: OK. Turning to the Deputy Mayor then, obviously Michael is speaking as a former Board Member of TfL who was *in situ* at the time and was asking questions at the time. He has just repeated his concerns now in a public forum. What is your response? Again, I am approaching this as a layman and there is a lot of grey here, it seems to me, sitting on this side of the table. Would it not be the easiest thing to do, to appoint an independent investigator to clear it up?

Heidi Alexander (Deputy Mayor for Transport): I have already answered that question earlier in my contribution.

Gareth Bacon AM: You did. That is why I have re-put it.

Heidi Alexander (Deputy Mayor for Transport): I am quite happy to repeat my remarks again.

Gareth Bacon AM: This is why I have just put it to Michael Liebreich, because you did, earlier on. You said that you did not think it would add any value. I am almost none the wiser, really, because there remain, it seems to me, substantial areas that could do with a bit of clearing up.

Heidi Alexander (Deputy Mayor for Transport): I obviously was not present during that period of time but I can assure you that I have spent a significant amount of time talking with TfL officers about this, reviewing documents myself and reviewing email correspondence that Michael has sent, and I am confident that while there were mistakes made - the minutes from the November SSHRP meeting should have recorded your request and the report should have been shared with the investigating authorities sooner - I believe that when the mistake became obvious it was rectified, an apology was made to Michael and an apology was made publicly.

I do not believe -- given what the RAIB said in their updated October 2018 report about the fatigue audit - which, let us remember, was separate from the RAIB and the SNC-Lavalin investigations into Sandilands. This was commissioned following a separate incident. The RAIB, having reviewed that report, having been sent it, said that it did not add anything new to the work that they had been doing. In fact, it was consistent with their own investigations when they were looking at fatigue.

There been some mistakes, which we have held our hands up to. We got that wrong, we apologise for that and we have changed our processes. At this point in time, I do not see there is merit in doing an independent investigation into this. What I want the team at TfL to be focused on is learning those lessons, making sure that safety performance on the tram network is exemplary and making sure that the safety performance on the bus network we continue to improve, drive forward and we think through everything we can do to get to the point where, as we have set out in our Vision Zero ambition, nobody is killed or seriously injured on London's transport network.

If I felt that an independent investigation into the way that the fatigue audit was handled was the best possible use of time - it would not be TfL's time because you would be commissioning somebody independently - then I would not hesitate to say it. If I had concerns about this, I would say, "Yes, go ahead and do it", but I have provided a pretty straightforward explanation about what happened here. I am not saying everything was handled perfectly because clearly it was not but I do not see the value in an independent investigation.

Gareth Bacon AM: OK. It is a slightly lengthy answer and that is fine. I am not trying to cut you off.

It seems to me that it does not have to be either/or, does it? Yes, absolutely we want to make sure that a crash like this does not happen again in the future, and TfL are taking steps on that and that is fine. It is not really about that so much. It is about the investigation that TfL conducted.

You were not the Deputy Mayor at the time, none of this is on you, but a Board Member of TfL who was there at the time, who chaired the Safety Committee at the time and was asking these questions at the time, still thinks that are questions that are unanswered. If you are so confident that TfL have given you everything, you have reviewed everything and it all stacks up, then an independent investigator would probably make that finding too, would they not? If you are that confident then what do you have to lose in issuing an independent investigation?

Heidi Alexander (Deputy Mayor for Transport): I can go over the reasons again why I do not feel an independent investigation is necessary. I have nothing further to --

Gareth Bacon AM: I have heard your reasons, Deputy Mayor, but the point is that a very senior member of the TfL Board who was there at the time clearly still feels that there are unanswered questions. You just --

Heidi Alexander (Deputy Mayor for Transport): And I have taken --

Gareth Bacon AM: Hang on, let me --

Heidi Alexander (Deputy Mayor for Transport): No, no, if I --

Gareth Bacon AM: Chair, let me finish my point, please, and then the Deputy Mayor can answer. You do not agree with that, you have made that point and I understand that, but would it not be better for TfL to clear the smoke away completely? The only way to do that is for TfL not to mark their own homework and to get an independent investigator to do it.

Heidi Alexander (Deputy Mayor for Transport): I hope that I have cleared the smoke away today by giving you a pretty detailed account of what happened. I do not believe an independent investigation is necessary, for the reasons that I have set out.

Michael Liebreich (former Board Member, Transport for London): I find it a bit extraordinary, to be honest, the discussion. I chaired the Safety Panel. I was on the Board for six years. There was a question about a conflict of interest of a senior executive. I did not make this up. This was something that I discussed with the other Board Members on the Panel at the time and we decided we were very uncomfortable with it. We raised questions about the involvement of Leon Daniels [former Managing Director of Surface Transport, TfL] in that audit. We now know that the audit was not sent.

When you say, "Well, it would not have changed anything. The RAIB said that they had all the information. It makes no difference", there is still a police investigation ongoing. We do not know what is useful evidence for them. There is an ORR investigation still ongoing. There is the coroner's report still coming. We do not know. It is not up to us to decide what is useful evidence. It is up to us - it was up to me at the time - to make sure that the process was followed, there was a robust provision of co-operation by TfL and that evidence was provided to the various investigation bodies. If I might, it did not happen and we do not know why.

If you say we know why, if you say it was investigated and you say we know why, then my question is: have you seen any evidence? Have you seen the documentation? Have you seen the email traffic between HSE, the line operation all the way up to Leon Daniels, and those auditors? Have you seen that? Have you ever

asked for that? There is no evidence in the 24 July note that there was an investigation. We know that there was choreography but we do not know that there was investigation.

I find it very difficult to say, "It is OK because things are getting safer and they are all good people", and so on. We owe it to the victims of that accident and we owe it to victims of accidents on the buses and on other parts of the network to get to the bottom of exactly how this organisation is run. How does it deal with this sort of situation? What happened? Why did it happen? How did they do that audit? What lessons can we learn about how to do audits? How can we make sure that we are delivering the radical transparency that is the only way to deliver Vision Zero? I am not trying to be difficult or unpleasant or cause problems, but I can tell you now that if you do not deal with that culture and if you do not have robust audit processes, you will get nowhere near to Vision Zero. Nowhere near to Vision Zero.

Heidi Alexander (Deputy Mayor for Transport): If I may, since Michael has left the Board, TfL has published its Vision Zero action plan. All the evidence that I see from TfL as an organisation at the moment is that safety is its absolute number one priority. At the beginning of every Board meeting, every Panel meeting, safety is the first issue that is discussed. All of our investment decisions are taken with safety as the first consideration. Mike Brown [MVO, Commissioner, TfL] has restructured his senior team to ensure that a senior HSE officer reports directly to him. I see the work of people like Claire Mann, who is the Director of Bus Operations, willing to ask themselves some really difficult questions about things such as bus driver fatigue.

An organisation that is trying to cover something up would not commission a piece of world-leading research into the experience of fatigue among bus drivers. It would not turn around and say that we will not let a new bus contract in London unless operators demonstrate that they have a robust fatigue management system in place. They would not put £500,000 into a fund for operators to come forward and say how we tackle the issue of fatigue among bus drivers. They would not roll out a piece of training for every single bus driver all about the issue of fatigue, wellbeing and health, the Destination Zero training. They would not have introduced the Bus Safety Standard.

For Michael to say that there are problems around the safety culture at TfL, I take such assertions very seriously but I have to say to you that I profoundly disagree with you.

Florence Eshalomi AM (Chair): I have quite a few Members who have indicated but I am just mindful of time. We are running over time. Were there any additional --

Gareth Bacon AM: In light of what you have just said, Chair, no. This is an issue that we are going to have to return to, though, because I am not especially comfortable with the exchange that I have just listened to and other Members may not be as well. We will need to come back later.

Florence Eshalomi AM (Chair): OK. Assembly Member Shah.

Navin Shah AM: Very briefly, Chair. Going forward, Deputy Mayor, TfL awarded a contract in December last year [2018] which was about installing a new automatic speed control system. Do you know how it progressing? It is due to be fully up and running by the end of this year. Do you have that information? If not now, can you let the Committee have that very vital information, please?

Heidi Alexander (Deputy Mayor for Transport): That is correct, the contract has been let and the most recent reports I have had from TfL officers suggest to me that this will be fully implemented by the end of this year.

Navin Shah AM: Thank you.

Florence Eshalomi AM (Chair): Assembly Member Bailey.

Shaun Bailey AM: I just want to return to this concept of early access by one of the executives to the report. How worried are you about what that says about the culture? I do not understand how somebody could see a report before --. Why were they not separated from the audit situation? That is distressing to me.

Heidi Alexander (Deputy Mayor for Transport): I missed the very first part of your question, Assembly Member Bailey.

Shaun Bailey AM: I want to return to this concept around early access to the report. Leon Daniels had early access to the report. Why? I just simply want to know why. Why did he have early access to it?

Heidi Alexander (Deputy Mayor for Transport): What you are referring to there are the comments that Michael [Liebreich] says that Leon Daniels made in June. Is that correct?

Shaun Bailey AM: Yes.

Heidi Alexander (Deputy Mayor for Transport): He would have been the Director of Surface Transport. I would expect the Director of Surface Transport, who is now Gareth Powell, to be fully briefed as work is being done on the progress of the fieldwork for an internal audit, bearing in mind the separation of responsibilities that have been quite rightly set out here. I have met Leon Daniels in my previous career. He has not been an officer of TfL during the period that I have been the Deputy Mayor and so any questions that you have about why or what he saw back in 2017 I am afraid you would have to put to him, or somebody else that was in the organisation at the time.

Shaun Bailey AM: I do not want to make this about Leon. It is nothing to do with Leon Daniels, but it seems to me that the audit process - just to labour the point - was not separated, and that gives a conflict of interest. I find that worrying for cultural purposes.

Florence Eshalomi AM (Chair): We covered that bit already, Shaun.

Shaun Bailey AM: Yes, no, but for me we have not. If we are talking about how well it has gone - and I accept your point, it does sound like lots of progress has been made - I just want to focus on this cultural piece. The progress is made in peacetime. What happens when something goes wrong? How can we guarantee we do not go back to where we were? This 'early access' suggests a breakdown in the process at the very least.

Heidi Alexander (Deputy Mayor for Transport): I am quite happy to ask the Commissioner to write to you about the specific questions that you are raising here. As I say, I do not read into it the conspiracy that you do, but given that I was not part of the organisation at that time it would make sense probably to speak to someone who was operationally responsible for TfL. We will come back to you and the other Members.

Shaun Bailey AM: Just to be clear, I do not read any conspiracy into it; I just want to understand how two things that I believe should be separate were not.

Florence Eshalomi AM (Chair): Thank you, Shaun. Assembly Member Prince. Assembly Member McCartney.

Keith Prince AM: Very quickly, I just want to say, Deputy Mayor, that you are missing the point about the independent investigation. It is not just about: why was it not sent to the RAIB? That is not really the issue, though that is wrong and we need to know why that did not happen. It is more about: who had access to the

fieldwork? Who saw it at pre-draft level? Who changed the draft report? Who removed some significant recommendations from the draft report to the final report? It is really about how the whole thing was handled and why all these changes and things were made. We are not arguing about the fact that the outcome may or may not have changed what the RAIB recommended, which has not been made [clear] yet. It is about the whole process. There seem to have been lots of flaws, lots of people involved who maybe should not have been, and conflicts of interest. It is the whole thing we want to look at because, in fairness, the Mayor has said the most transparent Mayor that we have ever had. This needs some transparency.

Heidi Alexander (Deputy Mayor for Transport): With the greatest respect, Assembly Member Prince, I have answered these questions in this session. If you want to point out to me any of the bullet points in the executive summary of version 1 of the fatigue audit that then do not appear in the final version, I am happy to have that conversation now because I have those reports in front of me and I have been through them line by line myself.

Keith Prince AM: I can tell you but I do not want to extend this, Chair. Very quickly, the audit conclusion, "Requires improvement", was removed entirely. One example.

Heidi Alexander (Deputy Mayor for Transport): We have already had this discussion, we have already talked about this issue and I can repeat what I said to you earlier about that but I am not sure that is the best use of the time of this Committee.

What I do know is that those issues that were flagged as priority 1 and priority 2 issues, which contained about eight bullet points in the executive summary of version 1 of the fatigue audit - if you look at the final version that was then produced, those bullet points, dealing with things such as roster design (there is a whole range of different issues there looking at what the ORR best guidance is.

I have actually cross-checked it myself because I wanted to assure myself that these recommendations and the findings were not being substantively changed, and having gone through them myself) - I feel confident that the process that went on is not one which requires an independent investigation, whether it is the sharing of the fatigue report or any other aspect of those deliberations. I have set out today why I do not believe an independent investigation is necessary.

Keith Prince AM: I do not want to prolong the agony, I really do not.

Florence Eshalomi AM (Chair): Thank you, Assembly Member Prince.

Keith Prince AM: Just one comment, and that is that no one is blaming you, Deputy Mayor. You were not there at the time. You may feel that you are convinced. I am very sad to tell you that there are many people in this room who remain absolutely unconvinced that this has been dealt with in the right way and we would still like an independent inquiry. Thank you.

Florence Eshalomi AM (Chair): Assembly Member Copley.

Tom Copley AM: Thank you very much. My question is about the victims and whether you think more needs to be done to support victims injured in incidents involving trams, particularly survivors and the families affected by the Croydon tram derailment? I will start with you, Heidi.

Heidi Alexander (Deputy Mayor for Transport): I do think that an awful lot of support has been provided by TfL to both the relatives of the people who so tragically lost their lives in that incident and people who have been injured. I understand that basically they have been in contact with everyone who has notified them of a claim in respect of injuries. TfL has offered interim payments and support for things such as travel and

logistical arrangements where perhaps people need assisted or subsidised travel if they are injured to help them regain their confidence in the system. I believe £6.5 million has already been paid out in compensation, counselling and rehabilitation to support those whose lives have been so affected by this tragedy. I do think that the way the claims process has been handled has been of a very high quality.

Tom Copley AM: Thank you. Michael?

Michael Liebreich (former Board Member, Transport for London): There is a lot of best practice in the aftermath of a tragedy. As an example, very early acceptance of liability, which enable pay-outs immediately to the families, who had immediately lost breadwinners. The financial piece was dealt with very quickly. There were a lot of things like that that were done very well. I have been off the Board now for about a year or so, so my understanding is that that continues. Operationally, the way that they are being dealt with, there are lessons to be learned about how the Sarah Hope Line operates and so on. Those are being taken into account.

I have to say though, I cannot begin to know what it feels like to be the family of one of the victims who lost their lives but this is really what is driving me to say that I am not happy and that we need answers, because the families need those answers. You have right now First Group saying things like, "Following the tragic accident in 2016, the RAIB concluded that the management of fatigue was not a factor". When all we know is that of the two possible explanations for the driver's error, one was disorientation and one was incapacitation, probably through fatigue, what are you supposed to think when you see that drafts of audit reports are changed? It is three years later. There are all of the material things - they might have been receiving payments and being supported - but there is the emotional front of having the closure of knowing what happened and why.

As I say, I committed in person to the widow of one of the victims but certainly across the board to do everything I could to make sure that they were given the answers, that the process was transparent and that lessons would be learned, not just for the trams. There are such valuable lessons from this to be learned across the bus system. Those cultural changes - the fact that the Board meetings now start with safety - I battled for years for those sorts of changes, and I use the word 'battle'. When I was asked to be Deputy Chair of the Safety and Sustainability Panel, there were two things that I said. Number one, "I will not do it unless it is Safety, Sustainability and Access", because at the time it is amazing but no panel had access as its remit and I thought that was wrong. The other thing I said was, "I do not understand why TfL does not have a Chief Safety Officer". Energy companies, manufacturing companies, they have chief safety officers. Now that we are getting one --

Heidi Alexander (Deputy Mayor for Transport): We have got one.

Michael Liebreich (former Board Member, Transport for London): I would like the families of the Sandilands victims to think that that was something to do with the cultural change which was spurred by this huge and tragic accident, but I worry about this issue of transparency and the answers to the specific questions about fatigue as it was being managed at the time of the accident and then, as we now know, even seven months later.

Tom Copley AM: We are getting to the end of time. Unless, Heidi, you want to respond to anything that you have heard there, I will end there.

Heidi Alexander (Deputy Mayor for Transport): Michael started this session, as we are coming to the end, by saying that he does think that the TfL response to Sandilands was broadly very well-managed and it is good to hear Michael recognise that some of the things that, to be totally fair to you, you have been championing, in terms of having a Chief HSE Officer directly accountable and reporting in to the Commissioner, have happened. On the basis of my 15 months in the role, the importance attached to safety in

all of the discussions that I have is absolutely second to none. You are right to say that the learning from Sandilands has been felt right across the organisation. Mike [Brown MVO, Commissioner, TfL] and his senior team have been committed to making improvements and we are starting to see those now.

Tom Copley AM: Thank you very much.

Florence Eshalomi AM (Chair): Great. Thank you. There is just one thing I wanted to ask – and I appreciate that there might be some confidentiality attached to this, Deputy Mayor – in terms of First Group's contract, which I understand is a 30-year contract with TfL. I just wanted to get a sense of a break clause in it. On the back of some of the issues raised, is that something you think may need to be investigated?

Heidi Alexander (Deputy Mayor for Transport): My understanding of the contract that exists is that it dates back about 20 years and it was initially established as part of a Private Finance Initiative (PFI) contract. There were break clauses, as I understand it, for the maintenance part of that contract that came in after 15 years. It was Bombardier that previously had been responsible for conducting maintenance on the tram. When that break clause came up it was decided, because TfL was not happy with the performance on that contract, to bring that back in-house. Maintenance of the tram networks now sits firmly with TfL.

My understanding is that there is not a break clause in the contract with regard to the operator. However, what I am aware of and I have seen in news coverage recently is First Group more broadly looking at the nature of their business in the UK. If they were first to come and say to us that they did not want to operate the London tram network in the future, at that point in time TfL would need to take a decision about how best to provide that service, to ensure a safe network, to provide an excellent service to customers and to provide the organisation with value for money. That is my understanding of the contractual arrangement at the moment.

Florence Eshalomi AM (Chair): Thank you. I would just thank both of our guests. Thank you for your time this morning.