

Date: 24 July 2018

**Briefing Note: TfL Internal Audit Report: Management of Fatigue in Tram Operations Limited**

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**1 Purpose**

- 1.1 To update Members on why our audit of fatigue management processes within FirstGroup's Tram Operations Limited (TOL) was not issued to the external organisations investigating the Sandilands tram overturning incident immediately upon its completion. The organisations concerned are the Rail Accident Investigation Branch (RAIB), the Office of Rail and Road (ORR), the British Transport Police (BTP) and SNC-Lavalin.

**2 Background**

- 2.1 TOL operate our trams on our behalf. In June 2017 we commissioned an internal audit report 'Management of Fatigue in Tram Operations Limited'. This was at our instigation in response to specific concerns about driver fatigue following an incident in May 2017 recorded by a member of the public on their mobile phone on a tram in Church Street, Croydon. The commissioning of this audit was part of normal business activity, but was in the context of the aftermath of the Croydon derailment in November 2016. The objective of the audit was to examine the effectiveness of TOL's fatigue management arrangements.
- 2.2 The incident at Church Street was widely reported in the media and, of course, we drew it to the attention of the RAIB and ORR as soon as we were made aware of it.
- 2.3 We also contacted the BTP who through their family liaison officers said they would pass this information on to the victims and families of those who lost their lives in the Sandilands overturning incident.
- 2.4 The RAIB issued a press statement saying they had seen the footage and would give it due consideration in their investigation.
- 2.5 The ORR let us know that they would be investigating the incident with TOL as part of ORR's normal activities. The ORR said in particular they would be investigating TOL fatigue management. The outcome of this investigation was between ORR and TOL. The RAIB did not explicitly update us on how they used this information. However, fatigue management was considered as part of their subsequent report into the Sandilands incident.
- 2.6 Our audit report was issued on 15 September 2017.

- 2.7 The RAIB and ORR do not require us to automatically share all our audit reports with them but to review whether our reports might be material to their investigations and provide them as appropriate. We provided the RAIB and ORR with all material which they requested as part of their investigations but clearly, in hindsight and in the context, we should have sent them a copy of the final report at this point.
- 2.8 Following the audit, FirstGroup engaged a fatigue specialist, approved by us, who is reviewing their fatigue management process to address the recommendations made in our audit.
- 2.9 The audit was discussed at the TfL Board's Safety, Sustainability and Human Resources (SSHR) Panel meeting on 28 September 2017. The minutes record that *"It was confirmed that following the audit of FirstGroup's fatigue management process, a number of recommendations had been made and responsibility for rostering and related issues remained with FirstGroup. Further information on the outcome of the audit and actions would be reported to the next meeting of the Panel."*
- 2.10 At a meeting held on 21 November 2017 preliminary to the next meeting of the SSHR Panel on 22 November 2017, the Chair of the SSHR Panel requested that a copy of the audit report be sent to SSHR Panel members as soon as possible. A copy of the audit report was emailed to the Panel members who were attending at 09:18 on 22 November 2017 before the SSHR Panel meeting began. We omitted to send the audit report to one Panel member who had given apologies for the meeting and this was corrected subsequently.
- 2.11 Health Safety Environmental (HSE) performance is reported quarterly to the SSHR Panel. A standing item at this meeting is the quarterly HSE performance report covering the preceding quarter. The report covering the period 25 June 2017 to 16 September 2017 was published on 14 November and presented to the meeting of the SSHR Panel on 22 November 2017. The audit section reported that the arrangements for fatigue management by TOL differed from guidance issued by the ORR.
- 2.12 A further meeting of the SSHR Panel was held on 22 January 2018. This Panel was convened specifically to consider the published RAIB report into the Sandilands incident and TfL's own published investigation into the incident undertaken by SNC-Lavalin. The update paper considered by the Panel also reported that *"As part of our assurance process, and as reported to the November 2017 Panel meeting, TfL's Internal Audit team undertook an audit of FirstGroup's fatigue management process. A number of recommendations were made where FirstGroup's arrangements differed from the guidance issued by the ORR. FirstGroup has engaged a fatigue specialist, approved by us, who is reviewing their fatigue management process to address the recommendations made in the audit."*
- 2.13 At this meeting the Chair asked if the audit report had been sent to the external bodies investigating the Sandilands incident, he having previously proposed that this should be done. TfL's Director of Health and Safety said that she believed it had been sent but would confirm. Following the meeting it was discovered that the audit report had not in fact been sent to the external bodies.

2.14 Our Health and Safety department was responsible for sharing this audit report with the external bodies, but in error it was not sent as originally thought. This was clearly an oversight, which was rectified as soon as we realised that this had occurred. The Director of Health and Safety also contacted the Chair of the SSHR Panel to inform him of the error, to apologise and to confirm that the audit report had been sent.

### **3 Current Status**

3.1 The audit report has been issued to the RAIB, ORR, BTP (on 12 February 2018) and SNC-Lavalin (on 15 March 2018). It is also published on the SSHR Panel page on the TfL website (<http://content.tfl.gov.uk/management-of-fatigue-in-tram-operations.pdf>).

3.2 When TfL notified ORR of the original incident in May 2017, the ORR told us that they would be investigating the incident as part of their business as usual activities. The usual operating practice would be for ORR to request such information from TfL if they consider it is needed. However, as stated above, clearly we should have sent the report in any event.

3.3 The audit report was sent to the ORR lead investigator for the Sandilands incident. The ORR lead investigator replied saying they had forwarded the report to the ORR operational lead for the Croydon tram network. There was no further correspondence with the operational lead.

3.4 The RAIB has made a statement that they were considering the footage as part of their investigation into the Sandilands incident.

### **4 Next Steps**

4.1 We have strengthened our procedures to ensure a more robust check is made as to whether any of TfL's audit reports could have a material impact on a live investigation, and if so, we will now automatically forward a copy of the final report to the investigators/regulator to support their investigations.

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