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Bob Rixham - National Officer



RAILWAYS

Ref: RNR/Is
13 September 2010

Mr R. Haythornthwaite
Chairman
Network Rail
Kings Place
90 York Way
London
N1 9AG

**SENT BY E-MAIL
& BY POST**

Dear Rick

Since your meeting with a group of members and myself 1st September I have reflected on the contents of this meeting and your subsequent letter to members 9 September 2010.

I would make the following considered points.

I was extremely uncomfortable with the findings of Peter Henderson's "in depth" investigation into under reporting, 1 September 2010. In which Peter advised that the under reporting had been taking place for more than 2 years, his investigation though had identified only 3 reasons for the under reporting.

You will recall that I challenged Peter on his report over the fact that his "in depth" investigation had failed to link under reporting to the introduction of the Managers League Table (MLT) bonus system (over 2 years ago), which deducted points for reporting RIDDOR minor accidents, nor did his investigation find any link in respect of senior maintenance management's obscure and wrong interpretation of RIDDOR despite the fact that the evidence supplied by Unite, as you say in your letter 9 September 2010 was "irrefutable". Peter's "in depth" investigation was a typical NR whitewash - even with all the evidence from Unite and ORR pointing to "serious mistakes" from senior NR management Peter could not bring himself to come clean, this is another example of NR not listening and indeed arrogance that has been for too long the hallmark of NR.

As you are aware as both a National Officer of Unite and a Network Rail public member my number one priority has been to seek fundamental change in NR's approach to the Health and Safety of rail workers whether they are permanent employees or third party contractors.

It is therefore recognised that your stated intention that NR are to move to a proactive, blame free safety regime is viewed as a decision of major importance.

I also recognise that your letter to members was a powerful statement in accepting that NR was responsible for under reporting of RIDDOR minor accidents and your acceptance that the competitive nature of the MLT was a root cause in under reporting was a welcome departure from Peter Henderson's investigations findings.

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I must though express disappointment that your letter underplayed the non-reporting and importantly did not mention the senior maintenance management's promotion of their obscure and wrong interpretation of RIDDOR. It is also disappointing that NR will not make a public statement in respect of RIDDOR and I would respectfully request you to reflect on this position and at least give a full explanation of RIDDOR under reporting to NR employees through the "Aspects" in house magazine and other means.

It is now clear that the remuneration committee were not made aware of the ORR's advice dated 14 April 2010 in respect of under reporting even though the decision on bonus payments were not made until 17 May 2010.

I call on you as Chairman to seek part re-payment of bonus from the executives who shared £2.36 million whilst presiding over what can only be described as a health and safety shambles for more than 2 years, indeed I believe there is a strong case for reviewing bonus awards for the entire period of under reporting. Any monies recouped from the executive should be donated to the Transport Benevolent Fund.

In order to focus on the transition to a new safety culture NR must in a transparent fashion investigate why under reporting had not been picked up by senior NR safety and maintenance management during the 2 year plus period of under reporting of RIDDOR minor accidents. This investigation should establish whether NR Manager's suppressed evidence of under reporting and in my view should be undertaken by an independent third party.

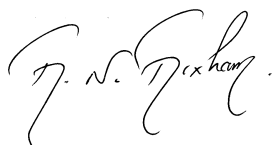
In respect of the 5 year review of reporting and the programme to revise any areas of perceived short term weaknesses which includes contractors (an area that I have serious concerns about) that your letter refers to, I do not see how Peter Henderson has the credibility to lead any such investigations given his failure to identify and link the MLT and senior managements obscure and wrong interpretation with the under reporting of RIDDOR accidents, these important investigations should also be led by an independent third party. Peter Henderson and other senior NR management are in my view part of the problem not the solution.

I still believe that the AGM was misled and you as Chairman should consider how you act in this respect. Network Rail members will no doubt weigh the value of calling for a further General Meeting of members on this issue against the clear messages of change within your letter.

I understand that you wish NR to move on, however the issues of bonus payments, the failure to inform the remuneration committee of ORR's concerns and the involvement and the degree in which senior Health and Safety and Maintenance managers are culpable in this sorry episode must be dealt with far more transparency than has traditionally been associated with Network Rail.

Regards

Yours sincerely

A handwritten signature in black ink, appearing to read 'R.N. Rixham'.

R.N. RIXHAM
National Officer - Railways