



National Union of Rail Maritime and Transport Workers



Fiona Hyslop MSP
Transport Minister
The Scottish Parliament
Edinburgh
EH99 1SP

By email to: Fiona.Hyslop.msp@parliament.scot

20th June 2023

Dear Fiona,

Scotland's Railway

First may I congratulate you on your recent appointment as Transport Minister and I hope that we will be able to work together to continue the constructive relationships that RMT had with your predecessors. In particular, we welcome the direct discussions that we had with Jenny Gilruth MSP during her time as Transport Minister and we believe this approach is essential to facilitating constructive industrial relations on Scotland's railway.

I am writing to advise you of RMT's current priorities in terms of Scotland's rail passenger services and infrastructure, some of which you may recall from our recent written and oral evidence given to the Net Zero, Energy and Transport Committee.

Rail passenger services

RMT welcomes that with the imminent nationalisation of the Caledonian Sleeper, all of Scotland's rail passenger services will be operating in public ownership and the categorical commitment given to us by the First Minister that both ScotRail and Caledonian Sleeper will remain in public ownership. This provides the Scottish Government with the most sustainable structure for delivering the necessary investments and improvements to Scotland's railway.

In early 2022, the then Transport Minister Jenny Gilruth MSP announced that the Scottish Government would be holding a National Conversation on Rail, and confirmed earlier this year it would commence in April 2023. At the time of writing, the National Conversation has not yet been launched, although Kevin Stewart MSP also reiterated his support for it. We believe that the National Rail Conversation should play an important role in engaging stakeholders over priorities for Scotland's railway and we urge you to commence it without delay.

We are concerned that the Scottish Government still has not ruled out the significant cuts to ScotRail ticket office hours that were proposed by former operator Abellio. We believe that the proposed cuts, which were overwhelmingly opposed in the public consultation, would harm passenger safety, security and accessibility, and must be disregarded.

We believe that the reduction in ScotRail services, compared to pre-Covid levels, must be reversed and instead, rail services should be expanded. As you will of course be aware, the Scottish Government has a target of reducing car km travelled by 20% by 2030. Modal shift to public transport is integral to meeting this goal. Expanding services and making it as easy as possible for passengers to travel by rail will support the Scottish Government's climate change targets.

RMT has significant concerns about the prevalence of violent and anti-social behaviour on Scotland's rail network, with our members reporting that these problems are increasing. Given the scale of the problem, we believe there is significant merit in the Scottish Government creating a specific offence relating to the abuse or assault of public transport workers (mirroring legislation which already exists for retail and blue light workers). We are aware of recent correspondence between Katy Clark MSP and the Scottish Government which stated that the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 covers work done by those whose usual place of work is not a retail premises if the work is in connection with the supply or sale of goods to the public. The Scottish Government therefore confirmed that this would cover public transport workers selling tickets and refreshments to the public. We would like to seek clarity over exactly which transport workers are covered by this legislation, as this stands to afford additional protections to many of our members.

We also believe that the Scottish Government must act on the recommendations of its recent report into women and girls' safety on public transport which found that, unsurprisingly, women feel safer travelling when staff are present and there are staffed ticket offices open. The report went on to recommend that the Scottish Government look to increase staffing on the rail network.

As you will be aware, the ScotRail pay award for 2023 has been accepted. RMT is opposed to the application of the public sector pay policy at ScotRail and Caledonian Sleeper, and it is imperative that RMT is able to conduct free and meaningful collective bargaining on behalf of our members.

Network Rail's Strategic Business Plan and ORR's Draft Determination for CP7

We also want to raise the deep concerns we have with the current and future cost-cutting at Network Rail Scotland that we believe significantly threatens the safety of passengers and railway workers. Following the publication of Network Rail's Strategic Business Plan for Control Period 7 and the subsequent Draft Determination from the Office of Rail and Road. In Scotland total renewals spend is £2.1 billion, which is down £0.3 billion (circa 14%) on CP6.

The combined crises on our railway of record high inflation, ageing infrastructure and climate change are crises that will have a devastating impact on our railway in the short, medium and long-term but the strategic business plan for CP7 simply seems to wilfully ignore these issues and instead kicks the can down the road. The proposal to reduce renewal work and instead put a sticking plaster of increased maintenance and using operational controls such as speed restrictions is simply a dangerous and reckless way to run a railway for the next five-year period. This will ultimately pile more pressure on our railway and increase the risks to both passengers and railway workers. Reducing renewals over the next five-year period will not only threaten services and safety on our railways but also thousands of skilled railway jobs.

Most worrying is that ORR's assessment of Network Rail's proposals on earthworks identified concerns with a reduction in volumes of earthworks specific drainage and Network Rail's proposal not to use dedicated drainage teams. ORR state that this is not consistent with one of the recommendations made by Lord Mair on managing rail infrastructure in more frequent extreme weather following the derailment of a passenger train at Carmont in 2020. How can it be acceptable that recommendations following the Carmont rail disaster are being wilfully ignored by Network Rail for CP7?

Lastly, as you will be aware, the Westminster Government's draconian and undemocratic Minimum Service Levels (MSLs) legislation is making its way through the UK Parliament.

We believe that the Bill would directly interfere in the Scottish Government's ability to conduct meaningful negotiations and urge you to ensure that the Scottish Government seeks legal advice on the disapplication of the Bill in Scotland.

I would be grateful if RMT officials could meet with you to discuss the issues raised above in more detail and would appreciate it if you could advise of your availability at the earliest opportunity.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Lynch', with a period at the end.

Michael Lynch
RMT General Secretary