

Business plan 2023-24



ORR's Core Purpose:

To protect the interests of rail and road users, improving the safety, value and performance of railways and roads, today and in the future.

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Foreword

As this business plan shows, ORR has a busy year ahead as we work to support the rail and road industries.

Driving improvements to train service performance is a high priority for ORR in the coming year, and we will work across the whole rail industry to help achieve this.

During industrial action, safety has been the rail industry's and ORR's number one priority, and we will continue to work closely together to ensure safe operations for passengers, freight customers and the workforce in the case of any further strikes.

The railway remains in a difficult financial position, exacerbated by inflationary pressures. It is therefore essential that we maintain a strong focus on the efficiency of Network Rail and potential cost-saving programmes, continuing to bear down on the industry's cost base.

All this is against the backdrop of planned major change, with the government seeking to move rail reform forward. ORR will continue to support the government in its rail reform programme and will also focus resources on scrutiny of the Repeal of EU Law Bill. Rail is the second biggest body of legislation being reviewed in this Bill and it is essential that it is done properly to ensure the best and safest possible outcomes.

Looking further ahead, three large and important programmes of work this year are all about determining the future financial position and performance of the rail and road sectors to ensure value for money for the travelling public, taxpayers and wider stakeholders. The 2023 Periodic Review will look at the funding of Network Rail between 2024 and 2029 and what it should deliver; the third Road Investment Strategy will do the same for England's strategic road network between 2025 to 2030; and the 2024 Periodic Review will scrutinise the future costs and outputs of HS1 in the same period.

Of course, these discrete pieces of work in this year's business plan sit alongside our crucial frontline activities – the day job of our teams of professionals – such as health and safety inspection and enforcement, new train authorisations and holding the rail and road industries to account on better customer service. I am committed to continuing to develop and support our people, skills and systems to deliver an efficient, collaborative and effective level of regulation.



A handwritten signature in black ink, which appears to read 'John Larkinson'.

John Larkinson
Chief Executive

Who we are and what we do

The Office of Rail and Road (ORR) is an independent, non-ministerial UK government department, established by, and accountable directly to Parliament. We protect the interests of current and future rail and road users, overseeing the safety, value and performance of the railways and monitoring the performance and efficiency of England's strategic road network.

We regulate Network Rail, including setting the targets it has to achieve, and report regularly on its performance. We regulate health and safety standards and compliance across the whole rail industry. We oversee competition and consumer rights issues – driving a better deal for rail passengers and taxpayers. We also regulate the High Speed 1 link to the Channel Tunnel.

We hold National Highways to account on its commitments to improve the performance and efficiency of England's strategic road network.

As an independent regulator, we operate within the framework set by UK legislation and are accountable through Parliament and the courts.

ORR comprises a governing board appointed by the Secretary of State for Transport and over 360 professionals, spanning engineering, railway safety, economics, competition, statistical analysis and management, operating from six offices across the country.



OUR STRATEGIC OBJECTIVES

Our business plan summarises what we aim to achieve each year to meet our four strategic objectives:



**A SAFER
RAILWAY**



**BETTER RAIL
CUSTOMER
SERVICE**



**VALUE FOR
MONEY FROM
THE RAILWAY**



**BETTER
HIGHWAYS**





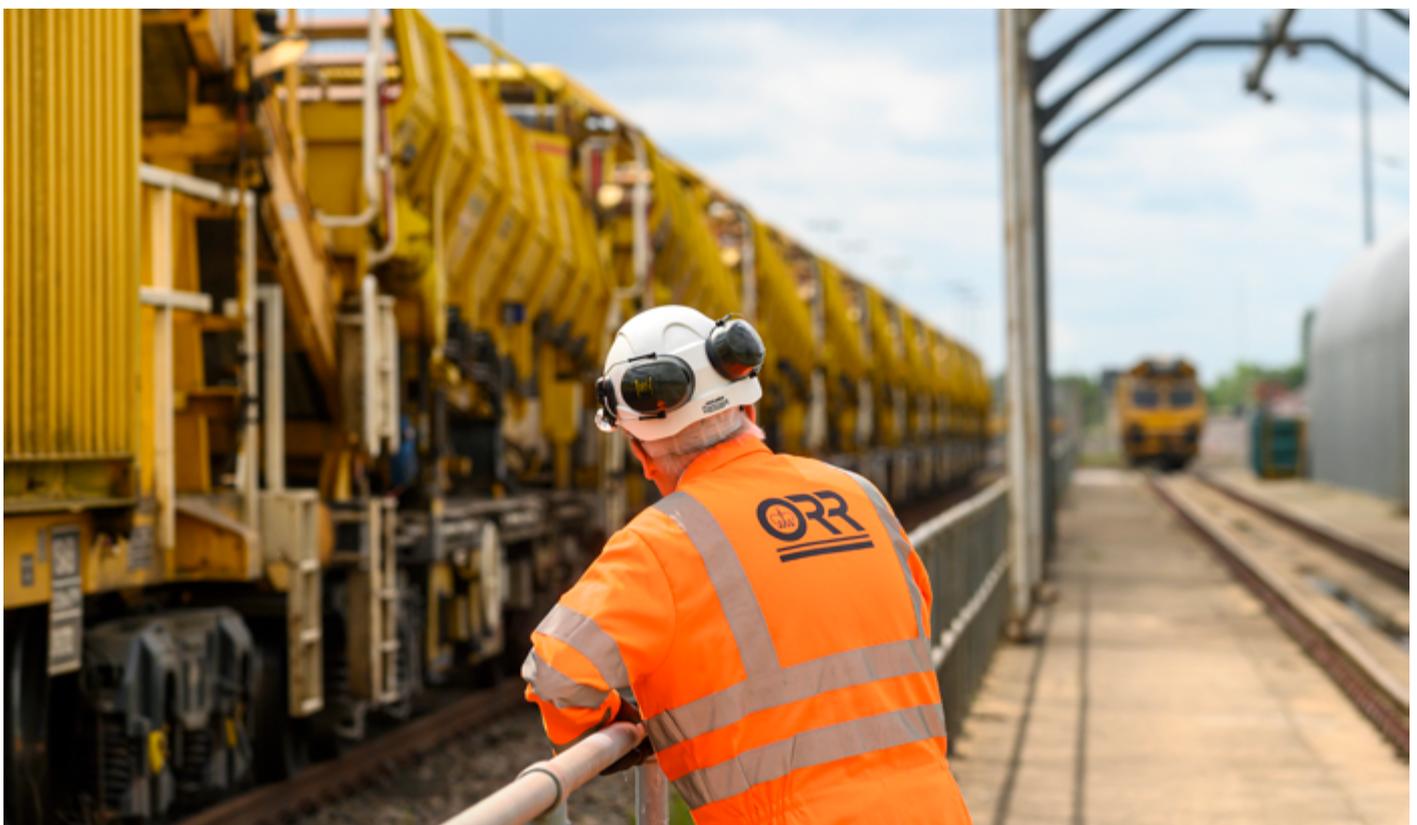
A Safer Railway

ORR has an important health and safety oversight role as the mainline railway undergoes major change. On **rail reform and the creation of Great British Railways (GBR)**, this year we will continue our engagement in the safety working group set up to provide safety advice and assurance on the Rail Transformation Programme. We will also monitor the implementation of other organisational change programmes in the industry, such as Network Rail's Modernising Maintenance.

Another key focus for ORR this year is the **2023 Periodic Review (PR23)**, which determines what Network Rail must deliver in Control Period 7 (CP7 2024-29). PR23 is covered in detail in Value for Money on page 12 but from a health and safety point of view, we will scrutinise Network Rail's Strategic Business Plan (SBP) to ensure it contains clear health and safety aims and objectives and provides detail on how risks will be managed, and legal compliance ensured, taking a holistic view of any impacts on health and safety commitments.

We will also look at how challenges that emerged over the last Control Period are being addressed, including: managing earthworks and drainage; tackling ash die back; removal of polychlorinated-biphenyls (PCB) contaminated electrical equipment; and potential industry-wide changes to fatigue management.

Work on the **Retained EU Law (Revocation and Reform) Bill** and its potential impact on rail health and safety legislation will be a substantial piece of work for the team. We will liaise with colleagues across ORR, and with the Department for Transport (DfT) and Health and Safety Executive, to determine next steps in response to the Bill. With DfT, we will devote resources to legal work and to ensuring that safety stakeholders are fully engaged.





Linked to this, we will look for any potential opportunities to improve legislation or the way we work. For example, we will work with DfT and stakeholders to take forward recommendations arising from the Post Implementation Review of the **Train Driving Licences and Certificates Regulations 2010** following its publication in spring 2023.

Preparing for new **Channel Tunnel** binational regulatory arrangements, we will work to secure the effective transfer to ORR of National Safety Authority (NSA) responsibilities for the UK half of the Channel Tunnel, including internal governance arrangements (subject to legal provision), and building on our strong relationship with EPSF, the French railway NSA.

We continue to focus on **extreme weather events** and their impact on buildings and structures management. We will monitor the activities of Network Rail's Weather Risk Task Force, including the delivery of their action plans arising from the Mair and Slingo reports and RAIB Carmont report recommendations, and the development of a new weather tool. This will include scrutiny of actions taken in each region and, specifically, a review of the application of risk mitigation arrangements across the network.

We will continue to support and influence major new rail schemes, including **HS2** and the **TransPennine Route Upgrade**, to ensure that potential health and safety risks are designed out of projects at the earliest stage. A focus this year will be enhancing our engagement with HS2 and DfT on risk and providing support as the project progresses. We will look at East-West Rail as this project moves forward and engage with Network Rail on design of the Northumberland Line Passenger Services.

Our focus with **London Underground** will be asset management, management of change and software integrity concerns associated with the implementation of the four-lines modernisation (4LM) signalling project, and operational delivery in the context of workforce change.

A shift to new types of **technology and innovation** across the industry, including increased use of safety critical software in new trains, remote condition monitoring systems and smarter signalling solutions for better protection for track workers and level crossing users, will be the subject of inspection work.

In the **heritage sector** we will continue to influence health and safety leadership and drive improvements in individual operators' safety management capability through better intervention design, dedicated guidance and supporting the understanding and use of our Risk Maturity Model (RM3). We will facilitate discussions between the Heritage Railway Association and stakeholders to promote consistent health and safety standards across the sector.





Focussing on safety in **the tram sector**, we will undertake a series of targeted interventions on management of staff competence and the effectiveness of duty holders' arrangements to ensure track worker safety. We will continue to support the Light Rail Safety Standards Board in delivering its objectives.

We will develop targeted and balanced strategies to drive improvement by train and freight operating companies in **areas of key risk**. For example, through membership of industry risk groups, we will share intelligence and challenge the sector to review its Platform-Train Interface strategy.

In the final year of our three-year plan reviewing the capability of those who manage drivers, we will look at their competence for the role, the ratio of drivers to managers and how their fatigue is managed. Finally, we will carry out inspections of freight companies that have an Entities in Charge of Maintenance (ECM) role.

The occupational health, safety and wellbeing of the railway workforce remains a priority for ORR. Following Network Rail's compliance with our improvement notices on **track worker safety**, which has delivered positive results, we will continue to monitor the embedding of changes across the regions and the roll-out of protection and warning technology.

On health, our focus will be on a legionella inspection project for trainee inspectors, exposure from welding fumes and preparing for the expiry of the REACH asbestos exemption in late 2023. On **mental health**, we will continue to engage with the Rail Wellbeing Alliance and sponsor its annual Wellbeing Live event.

Our core proactive and reactive work of inspections, investigations, enforcements and statutory activity (such as issuing of safety certificates and authorisations, train driving licences, level crossing orders and RAIB recommendations follow-ups) will continue throughout the year, as will our input on industry policy, legislation and guidance. We will also improve our own processes, focussing on better balancing leading and lagging risk indicators and embedding the new Train Driving Licence Portal.





Better Rail Customer Service

Accessibility to the rail network and services for all customers, and in particular customers with disabilities, will continue to be a priority area for ORR this year. Our work will include a focus on the reliability of assistance provision, the delivery of refresher training for staff working with passengers with disabilities, the maintenance of lifts and the subsequent provision of information to passengers when lifts may be unavailable.

We will carry out targeted audits of train operating companies' management systems and processes to ensure they are able to deliver passenger assistance reliably when required, whether or not this has been booked in advance.

We will continue to hold operators to account on better quality **passenger information**, with a particular focus on information provision during periods of disruption. We will monitor companies' performance against their Customer Information Pledges, following the first annual review in April 2023.

The rail industry's Smarter Information, Smarter Journey Programme, established after ORR challenged industry to work collaboratively to address customer dissatisfaction with passenger information provision, has enabled important improvements. This year we will engage with industry on version two and continue to shape the programme as a priority.

A new Code of Practice on **complaints handling** comes into force in April this year and our focus will be on supporting the move to this new code and ensuring that train operating companies are compliant. In particular, we will focus on the complaints-handling experiences of passengers with disabilities. We will continue to monitor companies' compliance with the new Code of Practice on **Delay Repay**, ensuring it is easier for passengers to exercise their rights for compensation.

We will review the operation of fees charged and incentives offered by **third party ticket retailers** and publish our findings and recommendations in the second quarter of the financial year.

This year we expect to take over responsibility for sponsorship of the **Rail Ombudsman** from the Rail Delivery Group. The Rail Ombudsman offers a free, expert service to passengers to help sort out unresolved customer complaints about service providers within the rail industry. This is an important new role for ORR and a key requirement in the government's plan for rail. We will continue to support the **government's plan to transform railways in Great Britain**, providing advice and guidance based on our experience of holding train operators and Network Rail to account in the areas of accessibility, passenger information, complaints handling and consumer law.





Access to the network and licensing of railway operators will remain a significant area of work for ORR in 2023-24. We will carry out our day-to-day role of reviewing and approving decisions taken between Network Rail and train operating companies about use of the network, and providing independent resolution where they cannot agree. Under rail reform, the GBR Transition Team has been asked by government to make the system for access to the network simpler and more efficient and we will provide meaningful advice to help shape GBR's decision-making framework and processes, as well as looking at our own procedures. We will also provide advice to DfT, and guidance for the rail industry where needed, on the future of the retained EU law that underpins our access and licensing activities.

We also have important work to do in relation to other networks where we regulate access. We expect to receive a revised application from Crossrail during the third quarter of the financial year. We will then determine whether it can levy a charge from its future operators to recover the long-term investment in this new infrastructure. We will also continue to test the robustness of **Eurotunnel's** approach to charging passenger and freight operators for its long-term costs.

Last year we approved the first new **open access** passenger operator for six years, introducing the benefits of competition to the Great Western Main Line for the first time. Meanwhile, the newest open access operator on the East Coast Main Line (Lumo) made a strong start to its operation. We expect to consider several further open access proposals during the coming year and will continue to work with Grand Union Trains as it prepares to implement new services between London and Wales.

Resilient and high-performing **timetables** are an essential part of providing a good service to passengers and freight customers. We will enhance our focus on the whole industry's delivery of better-quality timetabling this year, deciding whether to approve the industry's proposed new processes and to make any necessary changes to licences.





Value for Money from the Railway

ORR works to ensure that the railway is run in the most efficient way for users and funders and **holding Network Rail to account** is a key role for us.

During the year we will be maintaining a relentless focus on **train performance** for both passengers and freight customers. Performance has declined steadily throughout the past year and in 2023-24 we will work to make sure that Network Rail has effective and achievable plans to recover performance and deliver value for money outcomes for passengers and freight users.

An important focus this year will be the **2023 Periodic Review**, which determines the funding for Network Rail in Control Period 7 (CP7), the five-year period starting in 2024, and what it must deliver in return as infrastructure manager for the GB mainline rail network. PR23 is designed to deliver a stable basis for Network Rail, its supply chain and train operators to plan, invest and provide services while recovering from the pandemic against a backdrop of inflationary pressures, industrial action and rail reform.

We will continue to undertake a collaborative, cross-industry process working closely with funders (in England & Wales and in Scotland), Network Rail and industry stakeholders. Following publication of Network Rail's Strategic Business Plan (SBP) in spring 2023, we will consult on our draft determination in June, seeking stakeholders' views on our review of the SBP. We expect to issue our final determination by the end of October, which will set out our decisions on Network Rail's delivery and funding for CP7, and we will then publish all conclusions ahead of CP7 commencing on 1st April 2024.

PR23 is being designed with **rail reform** in mind, since Great British Railways (GBR) is due to start operating during CP7. Under the proposals for the creation of GBR, ORR will have a wider set of responsibilities than at present, which will require changes in our approach and new capabilities which we will continue to prepare for in advance of GBR starting. Last year we responded to the government's consultation on rail reform legislation and we will continue to work with the Department of Transport (DfT) and the GBR Transition Team to support the government and industry prepare for this significant change.





A key way in which we hold Network Rail to account is our **Annual Assessment**, which we will publish in the summer. This sets out our views on Network Rail's delivery to its wide range of stakeholders within its regions and functions, highlighting any current and forthcoming risks and areas of concern. Part of this is looking at its efficiency and financial performance, and we will follow up with our Annual Efficiency and Finance Assessment. In quarter three we will also publish our Annual Assessment of Network Rail's Stakeholder Engagement and we will be refreshing our Holding to Account policy for Network Rail in line with our determination for CP7.

We have commenced the **2024 Periodic Review (PR24)**, our five-yearly review of **High Speed 1 (HS1)** that will review costs for Control Period 4 (CP4 – 2025-30). As we set out in our approach to PR24, which was published in January 2023, we will be working with HS1 stakeholders on the affordability of HS1 and ensuring that asset sustainability is not compromised. This will be the first review of HS1 where we will be assessing the costs for stations as well as the route.

Competition is an important driver of value for money. Our competition team plans to launch and substantially complete a major market study, while continuing to monitor implementation of recommendations in our completed market studies on signalling and ticket gates. We will consider complaints about anti-competitive behaviour against our prioritisation criteria and where appropriate open new cases under our competition enforcement powers. We will continue to provide advice to the Competition and Markets Authority (CMA) on rail-related mergers and to provide competition advice to DfT and other stakeholders on matters related to rail reform and on access.

In our role as publisher of **official statistics** for rail we gather and report information on topics including rail safety, industry finance, passenger usage and rail performance. Transparent reporting of statistics aims to provide the public with accessible information they can use and to hold industry to account on performance, efficiency and value for money.



Better Highways

We hold **National Highways** to account in meeting its obligations to road users and funders to run an efficient, safe and reliable strategic road network in England.

A key focus this year will be delivering our independent expert advice to the Secretary of State for Transport on the third **Road Investment Strategy (RIS3)**, ahead of **Road Period 3 (RP3 – 2025-30)**. We will be providing advice on the draft RIS3 prior to publication in 2025 and we will carry out an Efficiency Review of National Highways' Strategic Business Plan.

We will continue to monitor National Highways' performance under the **second Road Investment Strategy (RIS2)**, which covers the current period 2020 to 2025. Using forward-looking indicators and regional-level data, we will monitor how well National Highways is executing its duties and delivering projects on time and on budget.

We will publish the Annual Assessment of National Highways in the second quarter of the financial year, our second Annual Assessment of Safety Performance on the Strategic Road Network in December and our annual Benchmarking Report of National Highways' regional performance in the fourth quarter.

ORR has a role in ensuring National Highways delivers on its actions in the **Smart Motorways** Action Plan and we will continue our monitoring over this year, including quality assurance of its annual Smart Motorways safety update report. We will also continue to support DfT with the delivery and implementation of the Transport Select Committee recommendations on the rollout and safety of Smart Motorways.



Our People and Performance

Central to our effectiveness as a regulator are our people and how well we manage ourselves through modern and efficient systems, policies and processes.

In this, the final year of our **technology** strategy, we will continue our focus on enhancing our cyber security, to align us with the new Government Cyber Security Strategy (2022-30) requiring a more cohesive and stronger 'security first' culture across the business. We will be seeking Cyber Essentials Plus certification, an assessment that will help strengthen ORR's protection against a whole range of the most common cyber-attacks. We will also conduct a Personnel Security Maturity Model (PSMM) assessment, an impartial tool to review an organisation's ability to deal with insider and external security risks. This will help us understand what improvement action we need to take to ensure our staff understand their role in keeping the organisation and its information safe.

Investing in **increased automation and efficiency of our systems** continues to be a priority for 2023-24. The focus this year will be on: implementing and continuously improving a new, more effective case management system across the organisation; completing the migration of our files to Microsoft 365; using MS 365 enhancements to support the transition to ORR's new Train Driving Licence process; developing a new data strategy and automating a number of our HR systems on employee lifecycle processes.

As we saw last year, our **regional presence** continues to grow. We will complete our move to the new Glasgow regional hub later in the year and work with colleagues to prepare for our Bristol and Manchester office moves.



Our people are our greatest asset and we continue to invest in their development and support their welfare, driven by ORR's values and commitment to be **inclusive, professional, ambitious and collaborative**. We will introduce a fertility treatment support policy and review our approach to dealing with workplace conflict, including a new dispute resolution policy and training for senior management. Our new performance management process will support talent mapping and succession planning and we will continue our successful multi-discipline apprenticeship programme and schools outreach.

The digital MyLearning system, launched successfully last year and used to deliver training on fraud, whistleblowing and bullying and harassment, and a better corporate induction process, will this year be used to provide mandatory Inclusion training. Having achieved an ENI Silver award for Diversity & Inclusion, we will be rolling out our new strategy over the coming year. This will include participation in the new Women in Rail Mentoring Programme to offer career development to women but also embracing broader equality, diversity and inclusion across the industry.

It is important to us this year that we develop a strategy to deliver the 2021-25 **Greening Government Commitments**. This will help us to think and act on how we can all reduce our impact on the environment, and we will establish an action plan for its implementation within ORR.

Excellent internal and external communications with stakeholders and staff will remain important over the coming year, to recognise and convey the value of effective and independent regulation and of our people's contribution within the organisation. Our legal team will continue to provide a high-quality service to prepare cases and ensure ORR's decisions are always based on pragmatic and robust legal advice.



ANNEXES

A. Funding ORR

2023-24 is the second year of a three-year spending settlement agreed with HM Treasury.

Most of our income comes from the rail industry to fund our core work, with health and safety regulation and economic regulation accounting for 45% and 46% of our annual income respectively. We receive a grant from the Department for Transport to fund our monitoring of the strategic road network.

Our total budget for 2023-24 will be £41.7m. We will raise £37.8m in statutory charges to spend on the railways and our roads budget will be £3.9m.



B. Service Standards for 2023-24

Provision	Standard
Issue new or revised train driver licences	100% of applications processed within 1 month of receipt of all necessary documentation
ROGS safety certificates and authorisations (Railway and Other Guided Transport Systems Regulations)	100% determined within 4 months of receiving completed application
Report to the Rail Accident Investigations Branch (RAIB) on the progress of its recommendations	100% response to RAIB recommendations within 1 year of associated RAIB report being published
Efficient processing of technical authorisation	100% of responses within 28 days of receiving complete submission
Access and licensing casework	100% decided within 2 months of receipt of all relevant information
Freedom of Information requests	90% of requests for information responded to within 20 working days of receipt
General enquiries and complaints, including adjustment to account for cases investigated	95% of enquiries and complaints responded to within 20 working days of receipt
Prompt payment of suppliers' invoices to ORR	80% paid within 10 days of valid invoice, 100% paid within 30 days of valid invoice
Publication of quarterly statistical releases	100% published within 4 months of quarter end
Proactive inspection	50% (minimum) of ORR inspector time spent on proactive inspection

C. Table Of Deliverables 2023-24

The following table summarises specific, time-critical actions ORR will deliver over the next 12 months. The day-to-day work of our teams – from safety inspections, certifications and statistical analysis to stakeholder engagement, communications and legal advice – continues across the year and is just as essential to the effective regulation of the rail and road industry and protecting the interests of users.

What we will deliver	When we will deliver it
A SAFER RAILWAY 	
Continue engagement with GBR Transition Team to provide safety assurance of the Rail Transformation Programme	Q4
Review Network Rail's Strategic Business Plan for health and safety aims and objectives in preparation for CP7	Q3
Work with DFT, HSE and on wider stakeholder engagement to influence the Retained EU Law (Revocation and Reform) Bill	Q3
Take forward recommendations from the Post Implementation Review of the Train Driving Licences and Certificates Regulations 2010	Q4
Secure transfer to ORR of National Safety Authority (NSA) responsibilities for the UK half of the Channel Tunnel	Q4
Monitor the Network Rail Weather Risk Task Force's implementation of action plans arising from the Mair and Slingo reports and the recommendations of the RAIB Carmont report	Q4
Examine asset management, management of change and software integrity concerns associated with the implementation of London Underground's four-lines modernisation (4LM) signalling project	Q4
Develop and deliver face-to-face workshops to drive improvements in SMS capability across the heritage sector	Q4
Challenge industry to review its Platform-Train Interface strategy and participate in review	Q4
Conclude three-year plan reviewing driver management capabilities in all train and freight operating companies	Q4
Inspect freight companies that have an Entities in Charge of Maintenance (ECM) role	Q4
Undertake legionella inspection project for trainee inspectors	Q4

What we will deliver	When we will deliver it
Undertake inspection programme to look at rail workers' welding fumes exposure	Q4
Prepare for expiry of REACH asbestos exemption	Q3
Support Rail Wellbeing Alliance and sponsor annual event	Q3
Implement and embed ORR's new Train Driving Licence Portal	Q1
Publish our Annual Safety Report	Q2
BETTER RAIL CUSTOMER SERVICE	
	
Review the experience of disabled passengers in making complaints including access to redress, and publish findings and recommendations	Q4
Review the frequency and duration of lift faults and how passengers are informed when lifts are out of order, and publish findings and recommendations	Q3
Review the operation of fees charged and incentives offered by third party ticket retailers, and publish findings and recommendations	Q2
Assume sponsorship of the Rail Ombudsman	Q3
Decide on approval of new timetable process	Q2
Establish a long-term charging framework for Crossrail	Q3
Conduct annual review of Network Statements for Eurotunnel, HS1 and Core Valley Lines	Q4
Update our access and licensing guidance for train operators in response to any repeal of retained EU legislation	Q3

What we will deliver	When we will deliver it
VALUE FOR MONEY FROM THE RAILWAY	
	
PR23 draft determination	Q1
PR23 consultation on changes to access contracts	Q2
PR23 final determination	Q3
Complete implementation of PR23	Q4
Publish Annual Assessment of Network Rail	Q2
Publish Network Rail Annual Efficiency and Finance Assessment	Q3
Publish Annual Assessment of HS1	Q2
Publish annual Rail Safety statistics	Q2
Publish annual Rail Industry Finance statistics	Q3
Publish Annual Assessment of Network Rail's Stakeholder Engagement	Q3
Publish statistics on Annual Estimates of Station Usage	Q3
BETTER HIGHWAYS	
	
Carry out Efficiency Review of National Highways' Strategic Business Plan for RIS3	Q4
Publish the Annual Assessment of National Highways	Q2
Publish Annual Assessment of Safety Performance on the Strategic Road Network	Q3
Publish annual Benchmarking National Highways – Regional Performance	Q4
Monitor National Highways' delivery of the Smart Motorways Action Plan	Q4
Quality assure National Highways' annual Smart Motorways safety update report	Q1

What we will deliver	When we will deliver it
OUR PEOPLE AND PERFORMANCE	
Conduct Personnel Security Maturity Model assessment	Q2
Complete Cyber Essentials assessment	Q3
Implement more real-time monitoring for cyber security threats	Q4
Full adoption of the new case management system	Q2
Finalise workforce and location move to new Glasgow office	Q2
Provide mandatory training on inclusion	Q2
Provide mandatory senior management training on conducting investigations and managing discipline and grievance in the workplace	Q4
Introduce a new ORR Dispute Resolution Policy	Q2
Participate in Women in Rail mentoring programme with 5 mentor-mentee opportunities	Q1
Introduce a Fertility Treatment Support Policy	Q1
Develop a corporate environmental strategy for ORR	Q2
Develop a data strategy for ORR	Q3

Q1 – April to June 2023

Q2 – July to September 2023

Q3 – October to December 2023

Q4 – January to March 2024



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