



Department
for Transport



Highways England

Memorandum of Understanding between Transport Focus, Highways England and the Department for Transport

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1. Parties

1. The parties to this Memorandum Of Understanding (MoU) are:
 - a. The Secretary of State for Transport (“the Department”)
 - b. Transport Focus (“the watchdog”)
 - c. Highway England (“the Company”)

2. Purpose

2. The Infrastructure Act 2015 allows the Secretary of State for Transport to appoint a strategic highways company, Highways England, to manage the strategic roads network. Transport Focus is also set a legal duty, set out in section 8 of the Infrastructure Act 2015, to protect and promote the interest of users of the Strategic Road Network.
3. In practice, the signatories agree that the discharge of the Watchdog duty will involve Transport Focus:
 - a. Acting as a publicly visible champion for road users.
 - b. Collecting, measuring and analysing the views of road users
 - c. Investigating any other matters specifically relating to the Strategic Road Network which are of interest to users
 - d. Gathering the views of the road user stakeholder community
 - e. Advising the Secretary of State for Transport (based on their findings in relation to b-d) and making their advice public
 - f. Helping Highways England to understand the implications of its findings, and where appropriate advising the Company on how it might act in response.
4. Transport Focus will provide advice independent of central government and will be expected to represent the views of users of the Strategic Road Network. The research agenda of the organisation will be set by the board of Transport Focus, mindful of the advice of the stakeholder panel and appropriate direction from the Department. The Secretary of State retains the right to commission research on specific subjects at particular times.
5. In representing road users, Transport Focus is expected to reflect the differences between different communities of road users making use of the roads operated by the Company. In particular, they are expected to take account of the views and needs of:
 - a. private motorists and their passengers;
 - b. organisations that travel by road or rely on the Strategic Road Network, including the freight, business and transport operator communities;
 - c. non-motorised users; and
 - d. vulnerable road users.

3. Governance & Structure

6. Transport Focus expects to operate two sub-brands. 'Transport Focus – Road Users' will be the public face of work about road users, while a second sub-brand will deal with passenger transport issues.
7. Transport Focus will ensure that there is at least one member of the organisation (either on the board or in an executive role) who is able to act as a credible public face of their work on road users. This individual will be expected to act as a visible champion for users of the Strategic Road Network.
8. Transport Focus will be responsible for the appointment of a road user stakeholder panel. This panel is intended to provide a link between the work of Transport Focus and the wider stakeholder community. Membership of the panel and other supporting bodies will reflect the full range of road users, as outlined in paragraph 5. The Secretary of State will appoint a representative to this panel.
9. The stakeholder panel will meet a minimum of quarterly, to be updated on the work carried out by Transport Focus and to propose future directions of research. While the research agenda of Transport Focus will be set by its board, these decisions must take account of the recommendations of the panel. Where the panel formally recommends a topic for research, and Transport Focus chooses not to proceed, it will communicate the reasoning for its decision to the panel.
10. Other parts of Transport Focus will support work on road users as necessary to deliver the organisation's goals.

4. Advice to the Secretary of State

11. In line with provisions in the Infrastructure Act 2015, Transport Focus will advise the Secretary of State on the following topics:
 - a. How a company's exercise of its functions or achievement of its objectives under a Road Investment Strategy (RIS) affects users of roads for which it is the highway authority
 - b. The development and variation of RIS, to ensure that they advance the interests of users of the roads for which the Company is responsible; and
 - c. Any other matters relating to roads for which a company is the highway authority and which Transport Focus considers to be of interest to users of such roads.
12. In practice, the fulfilment of these duties will include:
 - a. The creation, operation and maintenance of a research programme measuring the satisfaction of users of the Strategic Road Network, together with the regular publication of results. This will be sufficiently robust and reliable as to allow an assessment of the Company's performance in

maintaining and improving user satisfaction, and to measure trends in satisfaction over time both in general and by user type.

- b. Support in informing the Department of roads user priorities during the development of the wider RIS. The Department will confirm the exact points on which advice is needed at the start of the RIS process and the issues of greatest importance
 - c. An annual report summarising road user satisfaction and the work undertaken by Transport Focus, supplemented by further a mid-year update to the Secretary of State as to their progress
 - d. The provision to the Highways Monitor of any information needed to assess the Company's performance against the RIS, taking account of the Monitor's reporting timetable where relevant.
13. This work, taken together and combined with any other work that the organisation chooses to carry out, will ensure that Transport Focus' advice can inform the Secretary of State on all categories of road users. If there is any uncertainty about the ability to represent all groups, Transport Focus and the Department will discuss how best to fulfil this requirement with the resources available.
14. Transport Focus will carry out assurance on its own work, to ensure that it continues to provide high quality advice to the Secretary of State. In particular, it will make sure that any measures classified as Official or National Statistics comply with the Official Statistics Code of Practice.
15. One of the aims of roads reform is to make the performance of the Strategic Road Network more transparent. In relation to road users, there is a general expectation that Transport Focus will publish its analysis and reports by default, and in such a way as to help external observers and the general public reach an informed understanding of the performance of the network. The final decision on whether material should be published will sit with the board of Transport Focus.

5. Relationships

16. Transport Focus, the Company and the Department agree that the relationship between the three parties should be:
- Aligned on the promotion of road users' interests.
 - Open and communicative, providing the information necessary for Transport Focus to do its job.
 - Respectful, particularly in relation to the roles and capabilities of the respective organisations.
 - Positive, seeking to work together to improve the management of the network and avoiding an adversarial atmosphere.
17. Where issues arise between the parties, the three organisations will seek to work collaboratively to resolve any problems.

18. Transport Focus and the Department will meet at least once every quarter to discuss Transport Focus' findings and work, together with the Company where appropriate.
19. The Company will also meet with Transport Focus as appropriate to discuss their findings, and any activities of potential benefit to both organisations. The Company and Transport Focus agree to share the results of their customer satisfaction research work as appropriate, and to work together to explore any insights that this reveals.
20. The signatories will engage as necessary to coordinate their respective research programmes, so as to pursue synergies and avoid duplication.
21. Transport Focus will make appropriate arrangements with the Office of Rail Regulation and their Highways Monitor function to support the delivery of one another's responsibilities under the Infrastructure Act 2015, in particular for sharing information needed for the assessment of the requirements of the RIS and its performance specification, such as information on user satisfaction.
22. The Department will act as a focal point for all data requests from other parts of central government in relation to the work of the Company and Transport Focus. Should either body receive any requests for data or analysis from other parts of central government, these should be referred to the Department's client team.

6. Funding

23. The Department shall agree a funding settlement with Transport Focus for its roads work on an annual basis, sufficient to ensure that its duties are discharged in a meaningful way and reflecting wider allocations at the spending round. This process will take into account the ongoing roads functions of Transport Focus, and will, where, appropriate adjust the scope of their activity to ensure work is funded adequately.
24. Funding will be provided by yearly grant-in-aid, which Transport Focus will manage to meet all foreseeable expenses and risks. Transport Focus will maintain accounts in line with its obligations under the Railways Act 2005 and should expect to justify its spending in line with existing practice on its work on rail, bus and tram passengers.

7. Work for local highway authorities

25. Transport Focus has the legal right to carry out work on behalf of local highway authorities, subject to the agreement of the authority. Transport Focus will ensure this work does not interfere with their ability to provide advice to the Secretary of

State. All resourcing for such arrangements will have to be agreed between the participants.

26. Commissioned advice for local highway authorities is intended for that authority, and not for the Secretary of State. Any findings or advice will be addressed to the relevant highway authority. While the Department should be informed of the findings of such research, the Secretary of State is not obliged to consider the results in the same way as for advice relating to the Strategic Road Network.
27. The wider provisions of this agreement do not apply to this advice. However Transport Focus will be mindful of the wider principles of analysis, and where possible information should be gathered in a cross-comparable manner.

8. Status

28. This MoU is not intended to be legally binding, and no legal obligations or legal rights shall arise between the parties from this MoU. The parties enter into the MoU intending to honour all their obligations.

For the Department for Transport

..... Date

**John Hayes, MP
Minister of State, Department for Transport**

For Transport Focus

..... Date

**Anthony Smith
Chief Executive, Transport Focus**

For Highways England

..... Date

**Graham Dalton
Chief Executive, Highways England**