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Director Railway Markets & Economics

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Managing Directors  
Train operating companies

Dear Colleague,

## **Compliance with condition 4 of the Passenger Licence and GB Statement of National Regulatory Provisions: Passenger, and Consumer law**

I refer to my letter of 23 February 2018<sup>1</sup> regarding compliance with Condition 4 of the Passenger Licence and GB Statement of National Regulatory Provisions: Passenger (Information to Passengers)<sup>2</sup> and the Consumer Protection (from Unfair Trading) Regulations 2008 (the 'CPRs').

You will recall that in our letter I set out our expectations for compliance with licence condition 4 under three broad principles. These included existing actions from the industry's established Passenger Information During Disruption (PIDD) programme that had yet to be delivered. I confirmed that we would continue to monitor compliance with this licence condition and the principles.

We have now collated the results of our recent monitoring into a report which we intend to publish later this month. This is supported by the bi-weekly Rail Delivery Group dashboard which shows train operator compliance with our principles and is circulated fortnightly to operators.

Areas of particular concern identified in our monitoring include:

1. the majority of train operators do not put the warnings (icons and messages) that are shown on the National Rail Enquiries (NRE) website on their website or apps;
2. where NRE flags trains as not being confirmed to run, the message is not shown on train operator ticket engines which generally have no cautionary messages at all;

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<sup>1</sup> [http://orr.gov.uk/\\_data/assets/pdf\\_file/0020/27047/licence-condition-4-letter-to-toc-managing-directors-2018-02-23.pdf](http://orr.gov.uk/_data/assets/pdf_file/0020/27047/licence-condition-4-letter-to-toc-managing-directors-2018-02-23.pdf)

<sup>2</sup> [http://orr.gov.uk/\\_data/assets/pdf\\_file/0011/2234/lic-passlic.pdf](http://orr.gov.uk/_data/assets/pdf_file/0011/2234/lic-passlic.pdf)

3. where train times have changed since the ticket was booked, train operators are not contacting passengers to alert them to the new journey times or refund options
4. attention is not being drawn to train times that are still wrong less than a week away from the journey being made.
5. Some operators that sell advance tickets do not make it clear when they are available to buy, for example through the use of an advance ticket calendar or registration facility;
6. weekday daytime works affecting peak time commuters are not easily distinguished from those taking place overnight or at weekends; and,
7. although websites and mobile sites nearly all have the facility to display a banner message when services are disrupted, many apps do not.

We note that Transport Focus' complementary monitoring of passenger impact that focussed on specific journeys has also identified areas for attention, particularly the need to include NRE warnings on other websites (see 1 and 2).

### **Next steps**

It is important that passengers can plan and make their journeys with a reasonable degree of assurance. The results of our monitoring suggest that the information provided to passengers may not enable them to consistently do so. Therefore, we now require licence holders, for each of the items labelled 1 to 7 above, to:

- set out the action they have taken since our letter of 23 February 2018 to ensure that passengers get the information that they need, especially when short notice changes are being made to the timetable;
- explain where the necessary improvements are underway but have yet to be implemented, together with timescales for their introduction; and
- highlight any barriers preventing them from making all the improvements together with the action being taken to address these.

I look forward to receiving your reply by **21 May 2018**. This letter has been published on our website and we intend to publish both our report and your reply.

Yours sincerely



**John Larkinson**