

**Stephanie Tobyn**  
**Deputy Director, Railway Markets and Economics**



03 October 2018

David Brown  
Managing Director  
Arriva Rail North (Northern Railway)  
Northern House  
9 Rougier Street  
York  
YO1 6HZ

Dear David

**ORR investigation of Arriva Rail North (Northern Railway) Compliance with condition 4 of GB Statement of National Regulatory Provisions: Passenger<sup>1</sup>**

As you are aware ORR recently published its phase 1 findings in relation to its inquiry into the May 2018 network disruption, which caused major disruption to services for passengers especially in the North of England and in the South East.<sup>2</sup>

From the source evidence gathered as part of this inquiry, we have identified concerns with Arriva Rail North's (Northern Railway) provision of passenger information relating to the May 2018 timetable.

In particular, we have concerns in relation to the provision of appropriate, accurate and timely information provided:

- to passengers and prospective passengers prior to the implementation of 20 May 2018 timetable; and
- to passengers during the subsequent disruption i.e. following the implementation of the 20 May 2018 timetable.

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<sup>1</sup> <http://orr.gov.uk/rail/licensing/licensing-the-railway/model-licences-and-statements-of-national-regulatory-provisions-snrps>

<sup>2</sup> <http://orr.gov.uk/rail/consumers/inquiry-into-may-2018-network-disruption>



We are therefore advising Arriva Rail North that the above issues are now the subject of a formal investigation into whether it contravened, (or is contravening), condition 4 of its Statement of National Regulatory Provisions (SNRP). We will carry out our investigation in accordance with our economic enforcement policy<sup>3</sup> processes. An investigation terms of reference is attached.

We would welcome any further information Arriva Rail North would like us to consider, or additional engagement with Arriva Rail North as part of our formal investigation by **close of business on Friday 12 October 2018**.

We aim to conclude our investigation by the end of November 2018. Based on this investigation we will write to Arriva Rail North again to advise of our findings and any relevant next steps in our process. In the meantime, we will publish this letter on our website.

The outcomes of this formal investigation could ultimately result in a finding of breach of Arriva Rail North's passenger SNRP and if appropriate, formal enforcement action.

Yours sincerely



**Stephanie Tobyn**

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<sup>3</sup> [http://orr.gov.uk/\\_\\_data/assets/pdf\\_file/0018/4716/economic-enforcement-statement.pdf](http://orr.gov.uk/__data/assets/pdf_file/0018/4716/economic-enforcement-statement.pdf)

## **Annex: Terms of reference for a formal investigation into the issues relating to Arriva Rail North (Northern) provision of passenger information ahead of and after implementation of the 20 May 2018 train timetable.**

### **Purpose**

To establish whether Arriva Rail North (Northern) did everything reasonably practicable to meet its obligations contained in condition 4 of its' Statement of National Regulatory Provisions, namely the provision of passenger information.

### **Scope**

Based on initial analysis of the evidence gathered as part of our inquiry into the timetable disruption in May 2018, ORR is particularly interested in the following areas (although the investigation may be wider depending on the evidence that emerges):

The provision of appropriate, accurate and timely information provided:

- a) to passengers and prospective passengers prior to the implementation of 20 May 2018 timetable; and
- b) to passengers during the subsequent disruption over the weeks following 20 May 2018.

This is a formal investigation and is separate to the ongoing monitoring and investigative informed traveller (T12) activities initiated by ORR in February 2018.

### **Methodology**

ORR will use evidence gathered from its current monitoring and inquiry to date and any further information provided to us in the course of this investigation including by Arriva Rail North, Network Rail, other operators, funders and other parties to assess:

- the steps Arriva Rail North has taken or is taking to address the issues, make improvements and recover;
- whether there are any systemic issues; and/or
- whether there are any mitigating factors which should be considered in this case.

### **Investigation team**

This investigation is led by Stephanie Tobyn as Deputy Director, using a project team drawn from consumer and network regulation functions, ORR.



## **How the investigation will be conducted**

In carrying out its investigation, ORR expects to draw upon information and reviews already carried out internally as part of its usual regulatory roles as well as any new information relevant parties provide to us during the course of this investigation. The review will engage primarily with Arriva Rail North, as well as Network Rail and funders. This will be a focused investigation with the aim to completing it by the end of November 2018.