

29 January 2019

Patrick Verwer
Managing Director
Govia Thameslink Railway Limited
Monument Place
24 Monument Street
London
EC3R 8AJ

Dear Patrick

Investigation findings of GTR Compliance with condition 4 of GB Statement of National Regulatory Provisions: Passenger (SNRP)

1. I wrote to you on 3 October 2018 to advise that ORR is formally investigating GTR's management and handling of its passenger information obligations prior to and during the May 2018 timetable implementation and subsequent problems. This letter summarises our preliminary findings following our investigation, and gives GTR the opportunity to make any additional representations.
2. The purpose of our investigation was to establish if GTR did, or is doing, everything reasonably practicable to achieve compliance with its obligations set out in licence condition 4.
3. Thank you for GTR's co-operation and the information provided to ORR during the investigation. We have considered that information, including your responses, material provided to us in or following meetings and source information previously provided to us as part of the timetable Inquiry.
4. In particular, our investigation has focused on GTR's provision of appropriate, accurate and timely information:
 - 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.

5. We have also considered:

- the steps GTR 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.

6. Condition 4 of the Passenger Train Licence and the Statement of National Regulatory Provision (SNRP) provides that:

Purpose

1. *The purpose is to secure the provision of appropriate, accurate and timely information to enable railway passengers and prospective passengers to plan and make their journeys with a reasonable degree of assurance, including when there is disruption*

General duty

2. *The SNRP holder [licence holder] shall achieve the purpose to the greatest extent reasonably practicable having regard to all relevant circumstances, including the funding available.*

7. Based on the available evidence, our preliminary view is that, *with particular reference to its provision of information to passengers during the subsequent disruption i.e. following the implementation of the 20 May 2018 timetable*, that there is evidence to suggest GTR is in contravention of condition 4 of its passenger licence. In particular, that it failed to deliver to the greatest extent reasonably practicable, having regard to all relevant circumstances, including the funding available, its obligations to secure the provision of appropriate, accurate and timely information to enable railway passengers and prospective passengers to plan and make their journeys with a reasonable degree of assurance, including when there is disruption.

8. This view is subject to considering any further representations from GTR.

Summary of ORR findings

GTR's provision of appropriate, accurate and timely information to passengers and prospective passengers prior to the implementation of 20 May 2018 timetable.

9. We consider that RailPlan2020 and the '*time of every train will change*' campaign was successful in raising awareness amongst passengers and was markedly different from usual timetable change communications. Our Inquiry research found

that 75% of passengers were aware that the timetable was changing and the RailPlan2020 website attracted more than 800,000 hits.

10. However, the personal impact of the timetable change was not well understood by some passengers. Passengers who had familiarised themselves with RailPlan2020 were potentially unaware that some of the services would not be introduced until sometime after 20 May; almost three in five passengers believed the new timetable would be introduced in full.
11. On the last few days leading up to the transition weekend, passengers were advised again to recheck the website. Passengers who had heeded the earlier messages and already worked out their plans for the new timetable, were faced with uncertainty as fewer trains were running on some lines. The previously published timetables did not contain any messaging that suggested that the times shown would not be correct.
12. Nonetheless, we consider that GTR used the RailPlan2020 website, the '*time of every train will change*' campaign and a wide variety of communication channels (e.g. social media, print media, station advertising, stakeholder briefings as well as paper timetables, leaflets and more attention-grabbing marketing) to proactively disseminate the clear message that something significant was going to happen on 20 May. Prospective passengers were made aware of the change, had access to the expected timetable and reasonable efforts were made to keep passengers up to date as late changes were made in the period leading up to the 20 May.
13. Based on the balance of the information assessed, we consider that GTR took reasonably practicable steps to provide appropriate, accurate and timely information to passengers prior to the timetable change on 20 May.

GTR's provision of appropriate, accurate and timely information to passengers during the subsequent disruption i.e. following the implementation of the 20 May 2018 timetable.

14. We consider that the exceptional circumstances that followed the introduction of the 20 May timetable meant that providing perfect advance information for all services was, from the outset, an impossible task. Evidence demonstrates that GTR's overriding focus throughout the period that followed 20 May was on providing as much capacity as it could to meet customer demand.
15. Our guidance to support compliance with condition 4 recognises that timetabling services and providing information to passengers are difficult, complex tasks. There is a balance to be struck between service delivery and the ability to provide appropriate, accurate and timely information for passengers during sustained periods of disruption. The licence condition is not intended to undermine the primary objective of providing the best available service for passengers.

16. However, against this context we consider that there is evidence to suggest that GTR failed to achieve an appropriate balance between service recovery and the need for appropriate passenger information to an unacceptable extent and duration throughout the implementation of the service recovery plan.

17. In particular, we found the following failings:

Passenger information strategy

18. We consider that GTR took operational decisions with the best of intentions but with insufficient regard to the fact that passengers also needed basic journey information to fully benefit from the service recovery improvements the company was attempting to deliver. We found evidence of a lack of alignment between the operational decisions being implemented as part of the service recovery plan and other key functions that were concerned with the need to provide better passenger information.

19. Evidence demonstrates that the communication activities that did occur throughout Phase 1 and 2 of the service recovery plan did not deliver adequate passenger outcomes. From an early stage, information failures were widely recognised as being significant and occurring on a persistent basis.

20. We found insufficient evidence to demonstrate that the subsequent scale and extent of the information failure, which was apparent to frontline staff and was widely reported internally and overwhelmingly voiced by passengers, was adequately considered or acted upon throughout the weeks of disruption that followed 20 May.

21. We consider that too often there was a failure to give adequate regard to the fact that running a train service (or rail replacement bus) is only helpful to passengers if they know when and where the service will arrive, where it is going and how long the journey will take.

22. We therefore consider that GTR failed to implement an effective strategy to deliver passenger information that was sufficiently aligned to the steps that it was taking to recover the service and as a result did not optimise passenger information as best it could relative to the circumstances being faced.

Provision of 'Alpha list' information

23. One of the key methods used by GTR to achieve stability in its service recovery process was the reduction in train services that resulted from the use of the 'Alpha list'. This required the identification of specific train services that it was unable to run and which could be removed from the timetable. Evidence demonstrates that the Alpha list was used, but was not clearly communicated to passengers between 6 June and 25 June (at which point GTR made PDF timetables available with the Alpha trains removed).

24. The delay in sharing clear information regarding the cancelled Alpha trains meant that passengers were unable to identify trains that were never planned to run on a weekly

basis and ones that were removed on a daily basis. This is evidenced by consistent feedback from passengers regarding their frustration at having very little notice or certainty about which services would be running or cancelled for a prolonged period.

25. GTR wrote to us stating that while the Alpha *'list proved to be generally consistent throughout the period to the 25 June 2018, this was not known at the time, the list was not believed to be a static one and was being constantly reviewed and at times was altered to reflect daily operational circumstances'*. However, we also found evidence from internal documentation¹ to indicate that the Alpha list was *'fixed,'* including a service recovery governance document that identified 326 trains as *'permanently removed'* from the timetable from 11 June.
26. We therefore consider that GTR's failure to clearly communicate known cancellations in a timely manner undermined the ability of prospective passengers to plan ahead and make informed journey decisions. The Alpha list could have been published sooner than 25 June, which would have provided greater certainty to passengers about services which were not planned to run.

Day to day amendments

27. A related aspect of GTR's service recovery plan was that additional services were removed or cancelled on a day by day basis. This list of services was known as the *'Beta list'*. The Beta list trains were removed individually by GTR staff in its Three Bridges Control Centre on an overnight basis. This process led to very short notice changes to the timetable and a severe lack of certainty for passengers up until the point of travel. This is evidenced by GTR's advice to passengers to *'check as close to the time of travel as possible'* or to *'check immediately before travel'*. However, at times, trains in the process of being cancelled in systems were not removed until the train was due to have departed, leading to CIS screens showing *'delayed'* for a period before the train was subsequently cancelled.
28. GTR persevered with this process throughout the period of service recovery, in effect accepting the ability to make overnight and very late notice changes despite the impact that this had on the provision of passenger information. Other day to day changes were utilised - for example reinstating Beta trains as crew and rolling stock became available - to increase capacity and thereby benefit passengers, but at times these changes were poorly executed resulting in what passengers referred to as *'ghost trains'*.
29. Operational decisions taken and implemented to support the recovery process were to the detriment of providing passengers with appropriate, accurate and timely information to an unacceptable extent and duration. Deleting trains from the timetable rather than cancelling services in advance meant that services did not show as cancelled on journey planners or appear at all on CIS screens. Passengers were

¹ GTR submission to the investigation, 16 October 2018. *Appendix 24 Short term timetable - Train Alterations Process and Appendix 26 - Current revised timetable arrangements V7*

uncertain what services would run each day; travelling on a particular train on one day was no guarantee that it would run or be shown on station screens on the next day. This added to the confusion for passengers who were still trying to come to terms with a timetable in which the time of every train had changed.

30. There is substantial evidence to demonstrate the dedication and commitment of GTR staff in managing significant operational issues in difficult circumstances. However, on a day by day basis these issues served to undermine the ability of frontline staff to have access to the information needed to assist passengers in making their journey.
31. We consider that the cumulative effect of the factors described here manifested in the unacceptable passenger outcomes described in our evidence report and in the numerous examples of passenger information failures.

Conclusions

32. In summary, our preliminary conclusions are that:

- a. GTR failed to implement an effective strategy to deliver passenger information that was sufficiently aligned to the steps that it was taking to recover the service and as a result did not optimise passenger information as best it could relative to the circumstances being faced;
- b. GTR's failure to clearly communicate known cancellations in a timely manner undermined the ability of prospective passengers to plan ahead and make informed journey decisions; and
- c. Operational decisions taken and implemented to support the recovery process were to the detriment of providing passengers with appropriate, accurate and timely information to an unacceptable extent and duration.

33. ORR is therefore of the preliminary view that there is a case to be made that GTR did not do everything reasonably practicable in the circumstances to comply with its obligations under condition 4 of its licence (or SNRP) (passenger information) following the timetable change on 20 May and until the interim timetable was introduced on 15 July.

34. In addition, whilst we appreciate the exceptional circumstances following the 20 May timetable, ORR is not sufficiently satisfied that, should similar circumstances happen again, the same failings would not recur. Further, it is not clear whether GTR is currently considering passenger information to a sufficient extent during times of planned changes (e.g. engineering work such as that on the Brighton mainline²), which may indicate a more systemic issue.

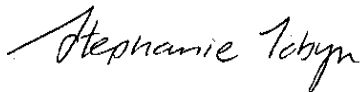
² For example, while the Brighton mainline closure from 16-24 February may have a profile due to NR communications, the detail such as no fast buses to Brighton or cuts to peak trains from Victoria on other routes away from the Brighton line has only just been communicated.

35. We welcome GTR's comments on how it has learnt from the May 2018 timetable change and how it is now addressing its obligations in condition 4.
36. Accompanying this letter, we provide to GTR the extracts of our draft evidence report for factual accuracy checks only at this time.

Next steps

- 37. We invite GTR to make any further representations and to demonstrate how it is currently complying with condition 4 by 5pm on Tuesday 12 February 2019.**
38. We will then consider what recommendations to make to our Board about whether or not GTR has contravened or is contravening its passenger SNRP, and if so, whether it is appropriate to take enforcement action, which could include imposing an order and/or a financial penalty.
39. We may use any further information you provide in our final evidence report, which we will send to you to check accuracy and publish once our investigation is over. We will publish this letter and your response on our website together with any final decisions on this case.
40. I am copying this letter to Polly Payne, Ruth Hannant and Tim Rees at the Department for Transport.

Yours sincerely



Stephanie Tobyn
Deputy Director, Railway Markets & Economics