

13th February 2019

Stephanie Tobyn
Deputy Director, Railway Markets and Economics
Office of Rail and Road
One Kemble Street
2nd and 3rd Floors
London
WC2B 4AN

Dear Marcus

Re: Investigation findings of GTR Compliance with condition 4 of GB statement of National Regulatory Provisions: Passengers (SNRP).

1. We refer to your letter of 29 January 2019 (and accompanying extracts of your draft evidence report) summarising your preliminary findings following your investigation into GTR's management and handling of its passenger information obligations prior to the May 2018 timetable implementation and during the subsequent disruption. Unless stated otherwise, references to paragraph numbers below are to paragraphs of your 29 January letter. We also attach a document which contains GTR's comments on your draft evidence report extracts and the appendices have been uploaded to the dropbox system.
2. We wish to acknowledge at the outset that the services and information provided to our passengers at this time, especially in the initial implementation of the May 2018 timetable, was not of the accuracy and quality that we would normally strive to produce. We have recognised this, apologised to our passengers and stakeholders and taken steps to compensate fully those passengers most severely affected. However, as we shall explain further below, these were truly exceptional circumstances which were a direct result of industry failings.
3. It is noted that you consider that GTR took reasonable practicable steps to provide appropriate, accurate and timely information to passengers prior to the timetable change on 20 May 2018. It should also be noted that contrary to the final sentence of paragraph 11 of your letter, GTR's published timetables did indicate that the times shown may not be correct. All timetables including, paper minis and pdf's on GTR's websites, contained a warning red triangle on the front page which said "major changes during this timetable – check before you travel."
4. Your preliminary view, based on the available evidence 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." [our emphasis] (paragraph 7).
5. You have recognised 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. (paragraph 14) and that the licence condition is not intended to undermine the primary objective of providing the best available service for passengers (paragraph 15). However, you believe 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 (paragraph 16). It is GTR's position that it did and is doing everything reasonably practicable to achieve compliance with its obligations set out in licence condition 4. We do not agree with the alleged failings set out in your letter and consider that your findings have failed to take account of all relevant circumstances.

6. Whilst we set out our position below, we should state at the outset that we are concerned that insufficient consideration has been given by ORR in this investigation to the factors that caused the severe disruption suffered following the introduction of the May 2018 timetable, which are critical to understanding why GTR was not able to provide more accurate and timely information to its passengers. We note, for example, that ORR describes the remit of its investigation as being "...to consider the provision of passenger information during the disruption that occurred in the period following 20 May irrespective of the reasons for that disruption....." [our emphasis] (paragraph 4.5 of the draft evidence report extracts) and would only comment at this stage that the two issues; namely the causes of the disruption and the provision of passenger information, cannot be divorced in that way because they are inextricably linked. Indeed, we fail to see how regard can have been had to "all relevant circumstances" without considering fully the effect of those causes on GTR's ability to provide reliable information.

Overview

7. ORR's Independent Inquiry Report of 20 September 2019 recognised that the introduction of the 20 May timetable was the largest ever revision to the national timetable involving changes to 46% of train times. In the case of the new GTR timetable, the process was considerably more complicated and time consuming than usual, with the times of every single one of GTR's 3,200 daily services changing, as well as the introduction of 400 new services per day and the creation of new routes connecting destinations that have never been linked together by rail before.
8. The validation of the May 2018 timetable was not provided by Network Rail until 9 April 2018. This had a very significant consequential impact on every other aspect of GTR's preparations for the timetable change, including by diverting resources to resolving the difficulties created by Network Rail. This delay is fundamentally responsible for what followed. In short, the industry processes designed to deal with timetable development failed which directly resulted in the failure of GTR's May 2018 timetable and the consequent issues with the information provision to passengers as GTR endeavoured to recover the situation and implement a stable service provision for its passengers. It was as a direct result of the exceptional circumstances that the information provision that GTR was able to provide to its passengers was not of the quality and value that it would usually be able to provide.

Compensation and Investment Initiatives

9. From the start of the disruption, GTR actively promoted the Delay Repay compensation scheme and extended the benefits of this scheme for passengers so that it was payable against either; the planned May 2018 timetable, or, the service that operated on the day. Enhanced compensation was also made available for season ticket holders; and in August 2018 GTR introduced an additional passenger compensation scheme to compensate those passengers on Thameslink and Great Northern most impacted by the disruption. (See GTR submission to the Inquiry, 12 July 2018 and GTR submission to the Investigation, 16 October 2018). To date GTR has paid out in excess of £17.7m in compensation under this additional passenger compensation scheme.

10. Furthermore, GTR has made £15m available to develop and implement initiatives which will benefit passengers who were affected by the issues surrounding the implementation of the May 2018 timetable. GTR has agreed to work with rail user groups representing affected passengers in order that they may determine the substance of those initiatives. In addition, GTR has accepted that it will make no profit from its franchise in this financial year and its profits have been capped for the remainder of the franchise.

Survey Information

11. ORR's findings appear to rely heavily on the survey undertaken by GfK which included "quantitative surveys with 255 GTR passengers, two qualitative focus groups (comprised of 6-8 participants) with GTR passengers and two qualitative tele-depth interviews with GTR rail staff". (paragraph 2.7 of the draft evidence report extracts). ORR also conducted its own research via an online survey which produced 1573 responses from GTR passengers. GTR has not been given an opportunity to review the instructions given to GfK or others on which these surveys were based or the data that presumably underpins the findings set out in the draft evidence report extracts and accompanying GfK report.
12. GTR challenges the reliance placed by ORR on this research in reaching its conclusions. The quantitative report itself states that "*these respondents have travelled with specified TOC since 20 May but they may have also travelled with other TOCs - data is therefore **not** entirely attributable to GTR and Northern*". Furthermore, the statistical significance of the number of responses in the reports that ORR seeks to rely on need to be put into the context of the number of passengers actually travelling on GTR's services during this period and the number of passenger facing GTR employees. At the time of the May 2018 timetable implementation, GTR carried on average 1.06m passengers per weekday including in excess of 474,000 passengers per weekday on its Thameslink and Great Northern services and there are 982 front line staff on the Thameslink and Great Northern services.
13. GTR makes representations on the individual failings found by ORR as follows:

Passenger information strategy

14. GTR refutes the assertions that there was either (i) "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" (paragraph 18) or (ii) "insufficient evidence to demonstrate that the subsequent scale and extent of the information failurewas adequately considered or acted upon throughout the weeks of disruption that followed 20 May" (paragraph 20). GTR's operational and information teams in the Rail Operating Centre at Three Bridges ("Control") were aligned during this period. The operational teams and those responsible for disseminating information were co-located in Control, along with the Network Rail teams. The customer information teams were manually updating the passenger systems as the operational decisions were being made. This evidences the alignment of both operational decision makers and those responsible for informing passengers. The issue with the information provision at times not being accurate and timely was as a result of the exceptional circumstances and the sheer scale of the amended service operations, the number of decisions needing to be made, the changes this then entailed and the manual interventions required. Evidence of this alignment is in GTR submission to the investigation, 16 October 2018, Appendix 9 Command and Control Document.
15. Southern and Gatwick Express services did not suffer to the same extent from the late validation of the timetable issues and the operational and passenger information systems were therefore fully uploaded and correct for the implementation of the May 2018 timetable. As a

result, passengers travelling on those services which at the time made up over 63% of the GTR operation were not as significantly affected as the passenger information was held and displayed correctly within the industry information systems see GTR's submission to the Inquiry, 16 July 2018.

16. As GTR has evidenced, as it became apparent during the first week following the implementation of the May timetable that there was no short term fix to the problems emerging with the resourcing of the timetable, GTR took all the reasonable steps that any operator would have been able to implement at this time faced with that emerging situation and the industry systems and processes. The fact that, in ORR's view, adequate passenger outcomes were not delivered would in GTR's view have been the same for any train operator facing the scale of the situation that GTR faced. GTR has a wealth of industry experience at its disposal, its staff dealing with the issue have also worked for other TOC's and other transport providers and thus industry experience was leveraged to provide the best available outcome for passengers in the exceptional circumstances.
17. ORR's finding that GTR failed to implement an effective strategy to deliver passenger information that was sufficiently aligned to the steps that GTR was taking to recover the service and thus did not optimise passenger information as best it could fails to take into account either the exceptional circumstances, the sheer scale of the disruption that GTR was facing and the ability of the industry systems and processes to cope with that or the additional resources that GTR deployed. GTR's customer information strategy at this time was to ensure that National Rail Enquiries and industry systems were kept up to date. Additional resources were bought into Control to assist the gathering of intelligence on such matters as gaps in service and the effectiveness of special stop orders. GTR placed additional resource in the neighbouring Network Rail Controls (York, Derby) to assist in the management of operational decisions and the provision of customer information across those routes. Station threads were utilised to support the information flow between the station teams and the information delivery teams in Control. Control conference calls were also used to discuss the customer impact, information delivery and the operational plan of the day. GTR also worked very closely with National Rail Enquiries to ensure it was able to tag journeys in journey planners and live departure boards and engaged with Transport Focus to ensure its messaging was as clear and informative as it could be. (see GTR Submission to the Inquiry 24 July 2018, GTR submission to the Investigation 16 October 2018, and GTR submission to the investigation 12 November 2018).

Provision of "Alpha List" information

18. The ORR considers that the Alpha list could have been published sooner than 25 June which it believes would have provided greater certainty to passengers. This consideration has been made with the benefit of hindsight. Even if there was certainty at that time that the services in the Alpha list were fixed, which GTR does not accept, GTR does not believe that the publication of lists of this type would have been appropriate for passengers as they only contain the origin and destination station and not the detail of the intermediate stops. The better solution was to produce accurate revised timetables for passengers. Once GTR was confident of the stability of the Alpha list, work commenced to transpose the data in the lists into a customer friendly format and that data was included in the information which was uploaded to journey planners in advance of the publication of the revised pdf timetables on 25 June 2018.
19. It should also be noted that the information in the Alpha lists was available to passengers prior to 25 June 2018. The information was uploaded into the industry systems that were then available for passengers in the journey planners: this was completed weekly until 19 June. However due to the sheer volume of the changes and the ability of the systems to deal with that volume this information was not always accurate and up to date. Documents referred to in GTR submission to the investigation 16 October 2018, Appendix 24 Short Term timetable –

Train Alterations Process and Appendix 26 – Current revised timetable arrangements V7 clearly evidence the process and the information provision and the alignment of GTR’s operational and customer experience teams.

Day to day amendments

20. GTR is primarily a commuter operator and throughout the period of disruption GTR’s priority was to enable as many of its passengers as possible to undertake their journeys. The availability of train crew and location of its fleet fluctuated on a daily basis throughout this period and as trains and crew became available GTR would seek to make use of it and provide additional capacity which inevitably resulted in day to day amendments. This information was made available to customers through the updating of industry systems as described above.
21. GTR mitigated the effect of this late notice information for passengers by issuing advice to “check as close to the time of travel as possible” or “to check immediately before travel”. Whilst it is accepted that late notice changes inevitably have an impact on the accuracy of passenger information the only alternative at this time would have been to implement an emergency timetable. Emergency timetables are normally applied to very short term disruption rather than to longer term disruption of the unprecedented scale faced in May 2018. Also whilst introducing an emergency timetable would have had the effect of providing passengers with more appropriate and timely information, it would have resulted in a severely limited service - for example the maximum number of trains per hour on the Bedford to London route would have been 6 in the peak – and the overall reduction in capacity would have meant that demand would have exceeded capacity to an unacceptable extent. As explained in the GTR interview by ORR (transcribed), 24 October 2018, this was not a viable alternative solution.

Ongoing Compliance with Condition 4

22. In respect of compliance with the Informed Traveller process, until the 15 July 2018 interim timetable had been completed, there was no base weekend timetable from Network Rail for GTR to plan the weekend engineering timetables upon. Consequently GTR developed a short term weekend base timetable for GTR’s control and planners to work with. In addition the volume and scale of the engineering work (especially Thameslink Resilience Programme Works) is significant. This has included: multiple weekend possessions of the Brighton mainline throughout 2018 (including access during the summer) and early 2019, Christmas blockade access at Victoria over Christmas 2018 – access that changed at short notice, further significant engineering access over Christmas on the southern part of the Midland Mainline (Kentish Town), a nine day engineering blockade on the Brighton Mainline (Three Bridges to Brighton) in February 2019, a four day engineering blockade on the East Coastway (Lewes-Eastbourne) in March 2019 and, late engineering change on the Network Rail Southeast route being at higher levels than on any other route. GTR prioritised the work needed to bid for the engineering work above to enable passengers on these high priority routes to be informed in accordance with the National Recovery Plan.
23. The consequences of this, is that currently, GTR is sending alterations to Network Rail between TW-8 and TW-12, on an upward trajectory. GTR has agreed with Network Rail that once GTR has sent timetable alterations; they will be uploaded and sent down-stream, with the validation work to follow and any subsequent alterations re-uploaded.
24. GTR is continuing to improve the information delivery to customers during planned engineering works in accordance with its letter to ORR dated 14 May 2018. Rail Delivery Group monitors how TOC’s are delivering information about engineering work to passengers due to the industry

changes to the Informed Traveller process. Rail Delivery Group shows GTR as green on all mitigations in their monitoring dash board. (see Appendix 1 engineering works collateral).

25. GTR has acknowledged that the services and information provided to its passengers in the initial implementation of the May 2018 timetable were not of the accuracy and quality that it would normally strive to produce. GTR has explained that this is solely as a result of the industry failings to produce a valid timetable in the correct timescales upon which the information provision could be based. These were truly exceptional circumstances. Subsequent and continuing compliance with Condition 4 is demonstrated by the information provision to passengers during the implementation of the interim timetable on 15 July 2018 and the phasing in of additional services through September 2018. Please see GTR evidence packs provided at Appendices 2 and 3.
26. Again, the timetable changes in December 2018 were implemented in accordance with the timelines of the industry procedures. On 10 December 2018, GTR successfully introduced over 200 additional weekday services with a further extra 12 night time services on 12 January 2019. GTR is not aware of any suggestion of any failings on its part in relation to the provision of appropriate, accurate and timely information for passengers as a result of this timetable change. Please see GTR evidence pack provided at Appendix 4.
27. The reference to it being “not clear whether GTR is currently considering passenger information to a sufficient extent during times of planned changes (eg engineering work such as that on the Brighton mainline) which may indicate a more systemic issue” (paragraph 34) is wholly without foundation and ORR has provided no evidence to support this view. GTR does not accept any suggestion of there being any systemic issue. Transport Focus produced a Customer Awareness Report on 10 December 2018, with research being carried out through October and November 2018. This research showed that 88% of passengers overall and 92% of commuters were aware of the planned February “blockade”.
28. Network Rail and GTR are jointly communicating to passengers about The Brighton Mainline Improvement Project. Through its websites GTR directs passengers to the dedicated Project website where passengers can sign up for updates and obtain information. The dedicated website is branded with Southern, Thameslink, Gatwick Express, and Network Rail trademarks as well as the “Funded by UK Government” mark. Passenger communications commenced in April 2018. The alternative travel arrangements have not been recently communicated as suggested in your letter. The information has been provided on the Project website since 1 November 2018 including information that there were no direct buses from Brighton to Three Bridges. Leaflets were issued in October 2018 which also included advice on other routes affected. This information is also available on the Project website. Please see evidence pack provided at Appendix 5.
29. It should also be noted that GTR has in place service recovery frameworks (SRF) to respond to disruptive events across GTR’s routes, which are supported by customer plans. Since May 2018, GTR has rolled out new smart phones to all of its front line staff pre-loaded with industry information applications to enable our staff to have improved access to passenger information. It became apparent during the May Timetable disruption that GTR’s messaging system “Tyrell” was not able to keep up the level of changes being inputted into the system, so GTR converted to a cloud based scaleable environment to allow the system to respond to user demand more effectively.
30. A key part of the learning that the industry needs to take from the May 2018 timetable change is that all industry parties should adhere to industry processes and timescales in particular Part D of the Network Code. If this is adhered to, then this is the crucial starting point to enable the timely and accurate delivery of information to passengers. No train operator, including GTR, should ever be placed again in a position where its passengers and staff suffer as a result of

compressed planning timescales and GTR has taken and will in future take action at the timetable planning stage to avoid this - for example GTR rejected suggested late changes which were proposed to the December 2018 timetable. This approach and has also become more evident in the wider industry with for example the deferral of major planned December 2018 timetable changes and the introduction of the Project Management Office.

31. This letter is being copied to Polly Payne, Ruth Hannant and Tim Rees at the Department of Transport.

Yours sincerely



Keith Jipps
Infrastructure Director