



Information for passengers

Guidance on meeting the licence condition¹

Version 2: June 2016

Introduction

1. This guidance supports the passenger information licence condition (condition 4) in passenger, station and network operator licences by giving more information about what is expected and how it will be enforced. This second edition replaces guidance issued when the licence condition was first introduced in 2012.
2. Since the licence condition was introduced the industry has worked hard to deliver improvements in this area. However, at the same time, passenger expectations have increased. As new technology is introduced, the industry must continue to review the services that can be provided, whilst also ensuring that the basic information at the heart of the system is correct.
3. We have a duty to protect the interests of passengers and this is an important area where continuous improvements are needed. We have other duties including to enable service providers to plan their businesses with a reasonable degree of assurance and not to make it unduly difficult for network licence holders to finance proposed activities. In framing and enforcing these obligations we must take account of all our duties.
4. We are updating the guidance following the super-complaint about compensation for passengers that have been delayed. While the licence condition itself has not been changed, we have clarified the coverage of the condition with the industry. The revisions to this document are to ensure that it is clear that the condition applies to all parts of a passenger journey. We have also taken the opportunity to remove some out of date references and to make sure that delivered actions from the industry's plan are reflected.

Purpose & scope

5. The Purpose of the licence condition 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."*

¹ Copies of licences and more information about them are available on the ORR website for [passenger train operators](#) and [Network Rail](#)

6. The scope of the obligations covers the need to provide good information for all parts of a passenger journey, whether in advance, on the day of travel or after the journey has taken place.

This can be broken down into various stages which include:

- planning a journey;
- buying a ticket;
- before arriving at the station;
- waiting at the station;
- boarding the train;
- making the train journey;
- arriving at the destination station, and
- claiming compensation if necessary

7. This recognises that giving passengers good information about compensation in the event of delay is accepted as an important component of the overall passenger experience (whether this information is given during or after the journey itself).

8. The obligations do not prescribe how such information should be provided, nor do they define absolute measures of delivery. Instead they set out the part that each licence holder must play in developing the timetable and passing on relevant information to passengers about the national timetable as well as planned and unplanned changes to it. They require Network Rail to run efficient and effective timetable planning processes and to provide accurate and timely information to train operators. They require train operators to publish and follow codes of practice setting out how they will pass that information on to passengers at every each stage of their journey, outlined above.

9. Timetabling services and providing information to passengers are difficult, complex tasks. On the day disruption in particular requires a flexible, collaborative approach between Network Rail and train operators to assess what has gone wrong, plan service recovery and disseminate information as soon as possible. It also means that information is seen in the context of other objectives a train operator is seeking to achieve at times of disruption. The obligations are aimed at incentivising licence holders to continuously improve how they manage information, through codes of practice, post incident reviews, reviews of industry processes and improvement plans.

10. We have made it clear in the licence condition that the duty to achieve the purpose of the condition “*having regard to all relevant circumstances*” includes taking into account the funding available.

Passenger train operator licences

Codes of practice and plans

11. In this section we refer to a number of different plans. They are:

- Local plan – licence holders that follow the ACOP (as set out in paragraph 13) are obliged to produce a local plan which sets out how its requirements will be delivered in their business.
- Industry action plan – a specific plan of actions developed by the industry’s National Task Force to address recommendations from the Transport Focus report² published in September 2014. This is sometimes referred to as the PIDD action plan and is published on train operator websites as part of their local plans.
- Improvement plan – any plan produced by a licence holder to set out how it will work to address specific issues that mean it is currently not compliant.

12. The obligations provide a flexible framework for licence holders to develop codes of practice and improvement plans, individually or collectively. These should set out what they will do to make sure passengers get useful and timely information and should also show how they plan to improve over time.

13. The Association of Train Operating Companies publishes a code of practice for passenger information during disruption³ (the ACOP). We consider that the ACOP is good practice and we are content for train operators to adopt this and publish it collectively. Similarly we consider that initiatives (such as the industry action plan) to embed and reinforce this code of practice are appropriate and should also be published. The ACOP requires each train operator to produce its own local plan which should be sent to ORR when issued or updated. The local plan (or a passenger friendly version of it) should be published on the train operator’s website, along with an annual progress statement.

14. Should a licence holder wish to develop its own code of practice it would need to satisfy us that the bespoke arrangements would enable it to meet its obligations equally as well or better than the ACOP. A separate code of practice must still cover the journey stages listed in paragraph 6 above and be published.

15. ORR does not formally approve these codes of practice or local plans but we may require the train operator to amend them if we think it necessary. We would do this if, for example, we believed

² “Passenger information when trains are disrupted” may be downloaded from the [Transport Focus website](#)

³ ACOP015 dated July 2014 may be downloaded from the [ATOC website](#)

a code would not enable the train operator to comply fully with the general duty⁴. This could be if it had become out-dated due to technological advances, or if there were repeated problems despite the train operator following its code and they were not being addressed in an improvement plan.

Station licences

16. Station licence holders have an important role in providing information to passengers. This would normally be covered by the local plan where the licence holder is also a train operator. Train information must include all services calling at the station, not just those operated by the licence holder (if it is a train operator). We recognise that to meet these obligations a station operator depends on train operators providing them with the relevant information.

17. Where stations are operated separately to the trains, e.g. at Network Rail managed stations, the station operator should have its own customer information plan that sets out how information will be provided, both in normal operation and in disruption. This should be signed off by all the train operators that use the station and sent to ORR when issued or updated.

Network Rail's network licence

18. Network Rail is responsible for running an efficient and effective timetabling process and for getting accurate information to train operators at least 12 weeks before any changes are made to planned services. Network Rail will be considered compliant with these obligations if changes are made later than this due to emergencies or if providing the information would conflict with its obligations under condition 1 of its licence. We will also consider it to be compliant if delays in providing the relevant information are caused by a train operator providing its information late.

19. During times of disruption, the licence requires Network Rail to cooperate to get information about the disruption to the relevant train operators as quickly as possible so that decisions can be made about changes to services, and to respond expeditiously to timetabling matters a train operator considers urgent. In assessing compliance we would look at whether Network Rail had in place, and was following, good plans and communication strategies.

Relationship with infrastructure managers other than Network Rail

20. Some train operators run services on infrastructure such as High Speed 1 that is not regulated by ORR in the same way as Network Rail. We have not explicitly required cooperation with other infrastructure managers as there is no reciprocal obligation. However, we consider it would be good practice for such train operators to include in their codes of practice information on how they intend to cooperate with the infrastructure manager, and other users of that network, to ensure relevant information is shared as quickly as possible.

⁴ General duty – “*The licence holder shall achieve the Purpose to the greatest extent reasonably practicable having regard to all relevant circumstances, including the funding available.*”

21. A failure to provide appropriate, accurate and timely information could be due to lack of information or cooperation from the infrastructure provider. In assessing compliance, we would consider this to be a relevant circumstance but we would still expect the train operator to do what was reasonably practicable to get the relevant information from its infrastructure provider and to keep its customers informed.

National Rail Enquiries (NRE) and other suppliers

22. Licence holders will often rely on NRE or other suppliers, e.g. Nexus Alpha or Worldline, to help them deliver information to passengers. The obligation to comply remains with the licence holder rather than the third party supplier.

Enforcement of licence obligations

23. ORR's approach to enforcement is set out in our Enforcement Policy and Penalties Statement⁵. This regulatory statement forms part of our enforcement policy and provides more detail on how we will monitor and enforce licence obligations relating to timetable planning and passenger information and what we expect licence holders to do to comply with these requirements. In general, our policy is to monitor delivery of licence requirements and to take effective enforcement action if required to resolve serious or systemic issues. We aim to ensure that monitoring and enforcement is proportionate to the issue and will take a stepped approach of investigation and escalation.

24. The provision of good quality information is by its nature partly subjective and it would be difficult to set absolute targets or benchmarks against which to measure compliance. In assessing compliance we will use our reasonable judgement, based on the evidence, on a case by case basis. We would expect to intervene if it is clear that a licence holder is substantially failing to follow its code of practice or deliver its improvement plans to the detriment of passengers, or is not engaging with the review process. We will not normally get involved in individual complaints which should be addressed directly to the train operator or the relevant passenger representative body.

25. The licence obligations are not intended to undermine the primary objective of providing the best available service for passengers. Making justified changes to the train plan to meet passengers' needs should not be conditional on providing perfect advance information about these. However, we would expect licence holders to use reasonable endeavours to get such information out as widely as possible and as quickly as possible. We will take the circumstances into account during any assessment of compliance.

26. Where a franchise authority has included specific commitments in a franchise or concession that go beyond the licence commitments for passenger information, it is for the franchising

⁵ The [enforcement policy and penalties statement](#) may be downloaded from the ORR website

authority to enforce these. Our economic enforcement policy is clear that we will not subject an operator to double-jeopardy, so we would expect to liaise with the franchising authority to clarify who should lead if contract and licence requirements overlap.



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