

Responses to CP7 passenger train performance reset – consultation on performance measures for 2026-2029

[CP7 passenger train performance reset: consultation on performance measures for 2026 to 2029 | Office of Rail and Road](#)

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Response to ORR's CP7 passenger train performance reset: consultation on performance measures for 2026 to 2029

This pro-forma is available to those who wish to use it to respond to our consultation. Other forms of response (e.g. letter format) are equally welcome.

Please send your response to prm@orr.gov.uk by **4 October 2024**.

Please contact Matt Wikeley, Head of Outcomes and Network Regulation, at ORR with any queries: matt.wikeley@orr.gov.uk

About you

Full name: Hassan Khalil

Job title: Head of Performance

Organisation: Avanti West Coast

Email*:

Telephone number*:

**This information will not be published on our website.*

As part of the CP7 passenger train performance reset, we have outlined potential targeted changes to our outcomes framework to allow us to better monitor and hold Network Rail to account in years 3 to 5 of the control period.

Question 1: Do you agree with promoting 'Network Rail delay minutes per 1,000 miles train travel' to a success measure in our CP7 outcomes framework?

We support the overall direction in bringing regulatory measures between Train Operators and Network Rail closer together. On this basis, we support the proposal of a measure for Network Rail delay minutes per 1,000 miles train travel. However, any new measures must not drive decisions which disadvantage customers, and we seek reassurances that this has been considered and mitigated. On busy parts of the network operated by a mix of intercity, commuter, metro and long-distance services; operational decisions (planned and unplanned) must be cognisant of

customer needs whilst also minimising overall network disruption. As the proposed measure can become inflated when fewer train miles are run, we would be very concerned if the measure drove the prioritisation of short distance services above those that travel longer distances. It is unknown what, if any, benefits or otherwise such change may bring. A high-level impact assessment would be welcomed, alongside any mitigations if required.

Question 2: Do you agree with adding Time to 3 to our CP7 outcomes framework?

Yes. We welcome the move to bring together the same regulatory punctuality measure between train operators and Network Rail. There is a clear correlation between On Time and Time to 3, alongside industry attribution processes and systems providing greater clarity on the responsibility and causation for Time to 3 punctuality failures, compared to On Time. Identifying causes of poor performance is critical to driving performance improvement, with data available to drive decisions more quickly.

We acknowledge the importance of On Time as a measure to more closely reflect the customer experience, promote operational discipline and the efficacy of the operating plan, whilst also driving focus on better understanding sub-threshold delay. We believe On Time should be retained as a Success Measure within the passenger train performance outcomes framework, and Time to 3 added as a Supporting Measure.

Furthermore, as multiple train operators provide services between England and Scotland, we welcome regulatory measures which promote consistency across all Network Rail Routes/Regions and Train Operators.

Question 3: Should On Time be retained as our punctuality success measure for England & Wales, or should it be replaced with Time to 3? What is the evidence/reason behind this? Will a change result in improved train performance?

See response to Question 2.

Question 4: Do you have any other views on the measures we should use to hold Network Rail to account for passenger train performance in years 3 to 5 of CP7?

We would welcome a support measure focused on jointly driving improvements in passenger experience / satisfaction metric. This may include, for example, a measure which reflects service disruption or stranded trains.

Thank you for taking the time to respond.

Publishing your response

We plan to publish all responses to this consultation on our website.

Should you wish for any information that you provide to be treated as confidential, please be aware that this may be subject to publication, or release to other parties or to disclosure, in accordance with the access to information regimes. These regimes are primarily the Freedom of Information Act 2000 (FOIA), the UK General Data Protection Regulation (UK GDPR) the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004.

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Any personal data you provide to us will be used for the purposes of this consultation and will be handled in accordance with our privacy notice, which sets out how we comply with the UK General Data Protection Regulation and Data Protection Act 2018.

Consent

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- handling your personal data for the purposes of this consultation; and
- publishing your response on our website (unless you have indicated to us that you wish for your response to be treated as confidential as set out above.)

Your consent to either of the above can be withdrawn at any time. Further information about how we handle your personal data and your rights is set out in our privacy notice.

Format of responses

So that we are able to apply web standards to content on our website, we would prefer that you email us your response either in Microsoft Word format or

OpenDocument Text (.odt) format. ODT files have a fully open format and do not rely on any specific piece of software.

If you send us a PDF document, please:

- create it directly from an electronic word-processed file using PDF creation software (rather than as a scanned image of a printout); and
- ensure that the PDF's security method is set to no security in the document properties.



Department
for Transport

John Larkinson
25 Cabot Square
E14 4QZ

22 November 2024

Dear John,

Thank you for the opportunity to feed into the CP7 passenger train performance reset consultation on performance measures for 2026 to 2029, and for the ORR's ongoing work to manage this important issue. Following our draft responses, please find confirmation of the Department for Transport's answers to the specific consultation questions in the table below.

The Government has been clear that the railway system is failing, and that poor train performance is limiting our ability to achieve the full potential from rail in helping support and grow our economy, connecting people, and transporting goods across the country. You will be aware that improving rail performance is one of the Secretary of State's top priorities for rail. I know you share the view that performance of the network is not satisfactory; and that to deliver a more reliable train service, Network Rail needs to continue to focus on infrastructure reliability and the ability to recover much faster when things go wrong. Significant improvement over the coming years is essential to support our aims of bringing customers back to the railways and delivering sustainable growth across rail and the wider economy.

With work ongoing in parallel to bring DfT operators into public ownership in advance of the establishment of Great British Railways, we have a great opportunity to refocus operators and Network Rail on shared network outcomes. All parties are clear on the importance of aligned targets in helping deliver reliable and punctual trains. The Secretary of State expects industry to be open and honest with its customers about performance. As such she has instructed officials to work with operators to publish periodic performance and cancellation statistics at every station at which it is practicable to do so. This will create more transparency for individuals than ever before.

Yours sincerely,

Abi Hayes

Q1 Promoting NR Delay Minutes per 1000 miles to a success measure:

The DfT agrees with this proposal. Network Rail (NR) is the network operator and primary infrastructure manager and as such, it is right that the regulator holds NR to account for whole system outcomes. However, DfT recognises that NR is not solely responsible for whole system success and therefore DfT agrees that the CP7 outcomes framework should include a measure of success that more directly reflects NR's own actions.

Q2 Adding Time to 3 to the CP7 outcomes framework:

DfT agrees with this proposal.

Q3 Should On Time be retained as our punctuality success measure for England & Wales, or should it be replaced with Time to 3:

DfT considers that On Time should be replaced by Time to 3 as the punctuality success measure. DfT considers that On Time is an important metric and should be retained as a Supporting Measure.

Time to 3 has a number of benefits over other punctuality measures – including On Time – that make it suitable as a success and measure. Understanding how trains are performing to the minute (On Time) or to the second is important for on-the-day decision making in the control room. However, as a measure of success of the railway, On Time has disadvantages compared to Time to 3 – which is why DfT Train Operator Contracts incentivise Time to 3 not On Time. Most importantly, DfT considers the use of the On-Time measure could lead to worse outcomes for passengers as it does not provide any flexibility to hold trains back to ensure connections are made and it penalises industry for meeting accessibility needs as station dwell times may need to be flexed to help passengers board and alight services. Time to 3 provides some flexibility to meet these needs but still requires a resolute focus on punctuality in control rooms.

In the absence of external influences, outside the industry's control, a Time to 3 failure means the railway system is not working as it should. The cause of an On Time failure is often much less clear, requiring further investigation. For this reason, DfT considers Time to 3 to be a better measure to use to hold the industry to account.

Whilst DfT considers Time to 3 to be the right punctuality measure at a whole industry level, we also recognise that a single measure is unlikely to suit the characteristics of all types of train service. DfT expects all operators on the network to work closely with their Network Rail counterparts to agree methods of control and operation, with appropriate performance metrics most relevant to delivering their service reliably. DfT will not offer a view on such individual arrangements however, NR and operators should be able to clearly demonstrate to ORR how they support improved whole network outcomes.

Q4 Other views:

DfT wishes to make the ORR aware that it will be instructing its operators to publish periodic performance data at every station where it is practicable to do so. DfT operators will be instructed to publish Time to 3 and cancellations performance for each station.

This means that for the first time, passengers will see specific punctuality and reliability statistics for the stations they use. This will use the specific station performance data from the established Time to 3 calculation. The DfT requirement cannot be met by the existing cancellations methodology and DfT is working with Network Rail and the performance measurement steering group to develop a new cancellations metric that works at individual station level. This development is taking place in 2 parts: first using current practice of comparing cancellations against the plan of the day, fixed at 2200 the day before; and second to establish a method that is capable of capturing pre-cancellations ('p-code'). We have a high level of confidence that that these measures will be able to be reported on stations early in 2025.

DfT invites the ORR to consider replacing the current cancellations success measure with the updated station-level methodology for years 3 – 5 of CP7 to provide consistency with the DfT TOC reporting, once this measure is established.

Email response from DOHL

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Rather than complete the form here are some comments.

By page.

4.

- Cancellations to include P coding?
- Yes NR attributed delay is less affected by operator inputs up to a point but they do have a duty to mitigate e.g. with better driver cover.
- T-3 is OK. Passengers can be quite insensitive to any tighter provision - some surveys would indicate that their perception of On Time of T-3 is higher than the reality. We should though expect to see the targets and results grouped by type of Operator. Short haul commuting on simple railways will always be higher than long distance.
- Not sure Average Passenger Lateness really helps. It feels like too much of an average of averages from lots of aggregate numbers to have too much impact on local management.

5. Specifically to the four questions:

- OK. But shouldn't it be against time not distance so something like per 100 hours
- Yes.
- Don't lose sight of On Time.
- Spread between the WTT and what was the GBPRTT. Allowances need to be reasonable and in the right places.

11. Figure 1.2 is depressing for two reasons.

1. There seems to have been relatively little action in response to the steady decline since 2014. Performance was much higher before and yet even when it declined a little my recollection is that ORR was far more intrusive than it is now.
2. Secondly the industry does not seem to have a detailed understanding of why it got so much better during the pandemic. Obviously there were fewer passengers and trains but when NR used the reverse of this argument to explain the decline from around 2010 to 2014 that view was largely rejected by ORR. Somebody needs to do some detailed correlation of the various outputs the passenger sees and the decline in SAFs.

13.

- Not sure about the logic of 2.7. It reads like....we want to have a further means of holding NR to account...but that's difficult because of the differences in planning and budgeting cycles....so we have come up with something else in the meantime. And yet elsewhere we are trying to get NR Routes and TOCs to work

together so why introduce something new that is divisive and where the Routes may not be directly aligned with the TOC(s)?

- 2.9 Secondary delay is now the key for delay minutes. Some of that is time to site and time to fix but it is also about wider incident management, network congestion, TOC mitigations etc. So NR delay minutes will not really be “important to support monitoring and holding to account for infrastructure delivery”

Hope this helps.

RG



Response to ORR's CP7 passenger train performance reset: consultation on performance measures for 2026 to 2029

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Please contact Matt Wikeley, Head of Outcomes and Network Regulation, at ORR with any queries: matt.wikeley@orr.gov.uk

About you

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As part of the CP7 passenger train performance reset, we have outlined potential targeted changes to our outcomes framework to allow us to better monitor and hold Network Rail to account in years 3 to 5 of the control period.

Question 1: Do you agree with promoting 'Network Rail delay minutes per 1,000 miles train travel' to a success measure in our CP7 outcomes framework?

Yes. Focus on delay minutes encourages both the avoidance and reduction of the size of performance incidents, which impact disproportionately on customer experience, compared to minor unattributed On Time failures, for example. This will allow operators to hold Network Rail to account for every delay across the network and should encourage focused investment across the Regions/Routes which is targeting the causes of delay. On Time and Time to 3 are also important but in isolation can result in a focus on the consequences of delays. Improved monitoring

of delay metrics should positively influence customer satisfaction scores, which are essential important when considering the objectives of improving network performance.

Question 2: Do you agree with adding Time to 3 to our CP7 outcomes framework?

Yes. Consistency and alignment between train operator and Network Rail performance outcome measures is greatly beneficial in enabling collaboration aiming at shared objectives, and to enable proper accountability.

Question 3: Should On Time be retained as our punctuality success measure for England & Wales, or should it be replaced with Time to 3? What is the evidence/reason behind this? Will a change result in improved train performance?

EMR believes the greatest value will come from aligning Network Rail and train operator performance objectives.

On Time is an important measure for holding the industry to a high level of accuracy, and excellence in delivery of performance, however if the overall objective is to achieve better performance in equilibrium with growth, socio-economic value and financial and environmental sustainability objectives, it could also act as a perverse incentive by encouraging the development of commercially sub-optimal timetable and resource solutions, especially on heavily utilised parts of the network. On Time as a measure can effectively challenge the industry to ensure the Operating Plan, Fleet and Infrastructure are performing at their highest level, but there are consequences of seeking very high levels of punctuality both in terms of train service specification and service recovery activity. For example, it can disincentivise Network Rail from supporting new or improved timetables, and it can encourage a more interventionist approach to cancelling services, which is a very high pain point for customers compared with a low level of delay.

Time to 3 makes a reasonable allowance for some flexibility, allowing for minor perturbation while still maintaining overall punctuality. It is a better measure for the whole system as it reflects some of the structural limitations to achieving very high levels of On Time. These include the inclusion of rounding of SRTs and engineering allowances in the timetable, the planning and monitoring of services with different characteristics using standardised rules, the operation of the majority of services on the network without aids for optimising train braking and acceleration, the lack of level access and automatic door operation at large numbers of stations, and the principles in the Rule Book which enshrines the operation of trains at caution in a range of scenarios, some of which are not directly controllable by the industry. All of these challenges *can* be addressed by the industry, but none are quick fixes and EMR is not expecting fundamental change within CP7.

EMR therefore believes that Time to 3 should replace On Time as the punctuality success measure, however On Time should be retained as a supporting measure to ensure longer term focus on continually improving levels of punctuality. Customers expect trains to run on time and even small delays can feel frustrating and this lowers confidence in using the railway. Retention of On Time will also support consistency in reporting and tracking of performance outcomes.

In terms of the impact on train performance, EMR believes that alignment between Network Rail and operator targets is likely to encourage closer collaboration and better working towards shared objectives.

Question 4: Do you have any other views on the measures we should use to hold Network Rail to account for passenger train performance in years 3 to 5 of CP7?

EMR recognises that performance is the output of a complex system and that using a range of key measures is important to fully reflect the way customers experience punctuality and reliability.

Monitoring of delay minutes and incidents is of value because they incentivise Network Rail to address the causes of delay, where On Time and Time to 3 are valuable in focusing attention on the consequences of delay. To deliver the operational performance outcomes we want, the industry must do both.

Monitoring of primary versus reactionary delay split may be helpful in understanding overall network resilience and the success, or otherwise, of the industry in implementing effective service recovery.

Monitoring of the spread of delay through the network may be helpful in incentivising Routes and Regions to also consider the whole network impact they have. There are a number of possible measures for this including the geographical range of delay minutes and cross Route-boundary lateness.

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Please contact Matt Wikeley, Head of Outcomes and Network Regulation, at ORR with any queries: matt.wikeley@orr.gov.uk

About you

Full name: Clare Kingswood.

Job title: Policy & Commercial Development Director

Organisation: First Rail

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Telephone number*:

**This information will not be published on our website.*

About First Rail

First Rail is the UK's largest rail operator, with many years of experience running all types of passenger rail; long-distance, commuter, regional and sleeper services. We have three Government-contracted operations (Avanti, GWR, SWR) and open access operations Hull Trains and Lumo. We also own and operate First Rail Consultancy, Mistral Software and First Contract Centre. This response is on behalf of all First Rail businesses.

It is our view that the overarching aim of the CP7 Performance Reset should be to realise customer benefit through improving performance.

Question 1: Do you agree with promoting 'Network Rail delay minutes per 1,000 miles train travel' to a success measure in our CP7 outcomes framework?

First Rail supports the proposal to promote *Network Rail delay minutes per 1,000 miles train travel* to a success measure. We agree with all of the points that are made in the Rail Partner's response to this question 1.

We hope that this greater level of scrutiny of Network Rail will lead to improved performance. However, it will be important that ORR remain vigilant for any unintended consequences of the higher scrutiny on this measure. Rail Partners highlight the risk of negative impact to freight services, and ORR must also seek to mitigate any negative impact to passenger services and the customer experience. For example, a) Network Rail should continue to run delayed services to get customers to their destination and to prevent over-crowding on later services and b) have a reasonable and evidence-based approach to timetabling and to delay attribution.

Question 2: Do you agree with adding Time to 3 to our CP7 outcomes framework?

First Rail agrees that *Time to 3* should be added to the CP7 outcomes framework as a support measure. This is strongly supported by our TOCs holding National Rail Contracts, as it aligns with the DfT punctuality metric and will allow industry performance colleagues to work together with greater efficiency, transparency, collaboration and focus.

The industry has a high level of confidence in the quality of delay data for Time to 3 delays, allowing us to identify targeted actions to improve performance. Initiatives focused on Time to 3 should generally positively affect On Time (as Time to 3 strongly correlates with On Time).

See our answer below for Question 3 – we firmly believe that this should not replace On Time.

Question 3: Should On Time be retained as our punctuality success measure for England & Wales, or should it be replaced with Time to 3? What is the evidence/reason behind this? Will a change result in improved train performance?

On Time must be retained as the punctuality success measure for England & Wales. This is vital to retain customer and stakeholder confidence in the railway. (We recognise that ORR is undertaking joint research with Transport Focus on this area and look forward to seeing the outcome of this research).

For Train Operators providing services between England and Scotland, retaining On Time as a success measure has the added benefit of consistency across all Network Rail Routes/Regions.

We recognise that work is still required to improve the quality of the delay data for trains with delays of less than 3 minutes and hope that retaining On Time punctuality as a success measure will drive improvement to systems and processes in this area.

Question 4: Do you have any other views on the measures we should use to hold Network Rail to account for passenger train performance in years 3 to 5 of CP7?

In our view the ideal set of measures should:

1. Support good customer experience
2. Reflect passenger experience in the simplest, clearest way
3. Reflect Network Rail's contribution
4. Align with DfT measures for NRC TOCs

As set out in our response to Question 1, we would be grateful if ORR could carefully consider how to prevent unintended consequences to customers from existing and changing performance targets and work with the industry to manage this risk. This is vital to maintain and improve customer satisfaction and capacity. Network Rail should be incentivised to consider the whole system.

Email response from First Rail Consultancy

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Do you agree with promoting 'Network Rail delay minutes per 1,000 miles train travel' to a success measure in our CP7 outcomes framework?

Retain as a focus on NR performance to normalise and provide consistency with TOC metrics, but move to a support measure.

Do you agree with adding Time to 3 to our CP7 outcomes framework?

Yes – aligns with DfT language and metrics which simplifies everything for all parties. Everyone in the industry should use the same metrics and be familiar with them.

Should On Time be retained as our punctuality success measure for England & Wales, or should it be replaced with Time to 3? What is the evidence/reason behind this? Will a change result in improved train performance?

No – replace with T-3 for alignment with DfT. Same language, same metrics, under nationalisation will be able to compare more closely and foster better collaboration as a result. Makes it clearer what everyone is working towards and can focus on the same thing.

Do you have any other views on the measures we should use to hold Network Rail to account for passenger train performance in years 3 to 5 of CP7?

Traincrew KPI's are used in TOC's to inform recruitment, manage risk, improve availability and efficiency. Understand this was an RDG project but what similar things can be created at an industry level for NR focussing on their people element?

General comments

Align with the DfT, Government plans to nationalise etc so that there is one change. Communicate the changes early enough to allow TOCs to adapt and passengers to familiarise themselves. Keep everything simple, one language, same **industry** metrics across the board. Do it once and do it right to future proof and allow time for this to bed in.

Regards

Michelle

Michelle Grimshaw (She/Her)
Performance & Planning Manager



Performance measures 2026 to 2029

Freightliners response to ORR consultation on changes to performance measures for end of CP7

Freightliner welcomes the opportunity to respond to this consultation. Incentives for improving performance and minimising disruption through the Schedule 4 and Schedule 8 regimes continue to incentivise improved network performance and reduce disruption. Therefore, any change to performance measures must not undermine confidence and not impact on how these incentives regime's function.

However, for Freightliner, it is unclear to what extent the proposed changes will result in improved performance for freight. In fact, there are risks associated with some of the proposed changes which may produce unintended consequences that may negatively affect freight. Freightliner seeks assurance that any changes would not see such risks materialise.

An important objective in performance incentivisation is the encouraging of better operational behaviours. The present On Time metric is explicit in terms of operational performance, ie, as stated in the WTT. Signallers, for instance, have limited scope to alter the operational timetable to influence performance. However, if a tolerance in operational performance was introduced, such as the "Time to 3" metric, this may encourage behaviours which, while beneficial to passenger operators, may disadvantage freight operations. Continuing with the example of the signaller, the route manager driven by an incentive to achieve better "Time to 3" performance, may prioritise passenger services over a freight service to ensure the passenger train arrives within 3 minutes. Given that the Tier 1 freight measure provides a 15-minute tolerance (under FCAL), the risk of signalling flexibility producing a result which would see freight trains delayed seems real. Furthermore, the continued use of "On Time" as a sole punctuality metric in Tier 1, aligns with the need for Network Rail to deliver an accurate timetable or operating plan, promotes operational discipline, and provides regulatory stability. If any change to performance in this regard was introduced, we strongly recommend this is monitored closely.

Freightliner welcomes ORR consideration of the performance regime and look forward to engaging further on future improvements to rail regulation.

If any further information is required, please do not hesitate to contact below:

Kind regards,

Matthew Wright

Freightliner – Regulatory Affairs Manager



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About you

Full name:

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Question 1: Do you agree with promoting 'Network Rail delay minutes per 1,000 miles train travel' to a success measure in our CP7 outcomes framework?

No, from an asset management and improvement perspective this would be a difficult measure to identify strategic and tactical improvements

Question 2: Do you agree with adding Time to 3 to our CP7 outcomes framework?

Yes

Question 3: Should On Time be retained as our punctuality success measure for England & Wales, or should it be replaced with Time to 3? What is the evidence/reason behind this? Will a change result in improved train performance?

No – it should be replaced with time to 3, passengers are not concerned if a train is 0-3 mins late and a hugely inefficient waste of resource and time could be spent trying to identify improvements for 1 minute delay, the current network data sets do not support the reason for these small delays and so they would realistically never materialise. Time to 3 is more realistic and achievable so could result in improved train performance with the correct focus

Question 4: Do you have any other views on the measures we should use to hold Network Rail to account for passenger train performance in years 3 to 5 of CP7?

The current performance metrics are flawed in that the means to achieve them contradict each other on how they would be met.

Example a signaller would regulate trains differently if trying to achieve PPM vs Time to 3 vs minutes delay

A singular consistent measurement is required to allow Network Rail (and operators) to be held accountable and manage the service to hit these metrics rather than trying to hit many which conflict with the other

In times of perturbation recovery of the service and allowing engineers access to fix failures could alter hugely depending on the measure of success ie on a small delay failure causing 3 mins delay each service

PPM – Every train may fail PPM so Network Rail may or may not allow engineers access to resolve issue and get trains back on PPM (operators may also choose to cancel services to save PPM failures) as the access may cause more PPM failures than leaving them late and at risk of PPM failures

T3 – Every train would be failing T3 so Network Rail should allow access to resolve issues to get trains back on time for T3 as the trains delayed for the access would ultimately be less than the trains missing T3 all day

Minutes delay – throughout the day the train delay would be small so Network Rail would not allow engineers access to resolve the problem as the access would cause more minute's delay than the actual delay however every train is late with subsequent knock on effect

Thank you for taking the time to respond.

Publishing your response

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Response to ORR’s CP7 passenger train performance reset: consultation on performance measures for 2026 to 2029

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Please contact Matt Wikeley, Head of Outcomes and Network Regulation, at ORR with any queries: matt.wikeley@orr.gov.uk

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As part of the CP7 passenger train performance reset, we have outlined potential targeted changes to our outcomes framework to allow us to better monitor and hold Network Rail to account in years 3 to 5 of the control period.

Question 1: Do you agree with promoting 'Network Rail delay minutes per 1,000 miles train travel' to a success measure in our CP7 outcomes framework?

Yes. I assume the “per 1000 miles train travel” is so that comparisons can be made across Routes/Regions? No train journeys are 1000 miles, so it is not easy for public to relate to a given journey that they might make. “Per 100” miles might be more relatable for public awareness, however, “per 1000” miles is OK within the industry?

Question 2: Do you agree with adding Time to 3 to our CP7 outcomes framework?

Yes, this measures trains arriving within a reasonable time of the timetable. It allows for small disruptions in the journey such as minor train path conflicts, waiting for platform availability and station dispatch activities, without putting undue pressure on train drivers, signallers and staff, to make up small amounts of time.

Question 3: Should On Time be retained as our punctuality success measure for England & Wales, or should it be replaced with Time to 3? What is the evidence/reason behind this? Will a change result in improved train performance?

No, On Time should not be used as the success measure. On Time measure is most affected by local and regional “stopping” services that call at multiple stations. For example, a failure between Carnforth and Carlisle on the Cumbrian coast has significantly more affect on On Time, than a failure between the same two stations on the West Coast Mainline (WCML), purely because of the number of station stops. The delay minutes, and therefore financial cost of delay, are the opposite with WCML having a far higher delay minute impact per incident.

Additionally, because of the On Time measure, decisions are being taken to cancel, or part cancel, trains to recover the On Time position. With modern technology, a well informed public can tolerate some level of delay as long as the rail industry provide clear communication about reasons and expected time of arrival. Most would prefer to arrive late than not at all.

The On Time measure is leading Network Rail to invest in resilience on lines of route that have a lower financial impact and a longer time to payback that investment. Although we should strive for a railway that is always available, always on time, this measure is pulling resource away from busy long distance lines of route towards lower use, medium and short distance lines.

The expected change by removing On Time as a measure is that business cases to implement resilience works will be tailored to the lines of route that cause the highest amount of delay minutes and delay cost. If implemented correctly, better availability of the most critical lines of

route will have a longer term saving for the industry due to financial penalties and reputational impact of disruption.

Question 4: Do you have any other views on the measures we should use to hold Network Rail to account for passenger train performance in years 3 to 5 of CP7?

The measures used need to be simple to understand. Currently there are too many measures being used across the industry. Simplification will help the travelling public and wider community to have visibility of Network Rail's performance and to hold them to account. Also, it will enable Network Rail to implement prioritised interventions on the most impactful lines of route.

Consider what the public care about most – How late am I (delay minutes)? How frequently is my train late or cancelled (repeat failures, and temporary speed restrictions)?

As a wider measure, the number of service affecting failures could be considered? This can be divided by asset count to give comparison across Delivery Units, Routes and Regions. The number of failures is more within the control of Network Rail, the delay minutes caused by failures can be affected by train pattern at the time of failure, as much as any other factors.

Thank you for taking the time to respond.

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As part of the CP7 passenger train performance reset, we have outlined potential targeted changes to our outcomes framework to allow us to better monitor and hold Network Rail to account in years 3 to 5 of the control period.

Question 1: Do you agree with promoting 'Network Rail delay minutes per 1,000 miles train travel' to a success measure in our CP7 outcomes framework?

Yes; this feels better aligned with our current Schedule 8 measures.

Question 2: Do you agree with adding Time to 3 to our CP7 outcomes framework?

Yes.

Question 3: Should On Time be retained as our punctuality success measure for England & Wales, or should it be replaced with Time to 3? What is the evidence/reason behind this? Will a change result in improved train performance?

I believe On Time should be replaced with Time to 3 for the following reasons:

- I feel that On Time has the potential to drive our Delivery Units to focus on the wrong things; e.g prioritising removal of a TSR on the Cumbrian coast (where it will pick up many on time failures due to the many stations along the line and multiple sections of single line) over removal of a TSR on the West Coast Main Line (where there are far fewer stations and therefore fewer on time failures).
- We also do not have the capacity to measure On Time accurately whilst TRUST rounds to the minute. This is potentially affecting On Time results with some services having 30s dwells on our route.
- I personally feel that T3 aligns better with Schedule 8 as many operators have a 3 minute threshold.
- I don't believe that a typical passenger is going to be particularly upset about being 1 minute late; 3 minutes feels more realistic.
- It currently feels very difficult to sell the On Time benefit of doing a particular thing to a Train Operator when they are not using the same measure. For example, I currently deal with operators who are using T3, T15 and PPM whilst we (Network Rail) are being measured on On Time. It feels like we are talking in many different languages, with each language driving different behaviours.

Question 4: Do you have any other views on the measures we should use to hold Network Rail to account for passenger train performance in years 3 to 5 of CP7?

I am of the view that whatever measures we use should align more closely with Schedule 8; it feels like we are currently measuring under 2 very different systems. Having the measures aligned would make it a lot easier to build business cases; currently it feels like we don't have the right tools to quantify the financial benefits of an On Time improvement scheme, whereas a scheme based around Schedule 8 minutes is a lot easier to quantify and justify (albeit using estimated Schedule 8 values from Business Objects).

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Question 1: Do you agree with promoting 'Network Rail delay minutes per 1,000 miles train travel' to a success measure in our CP7 outcomes framework?

I do agree with a normalised metric to show the impact irrelevant of the amount of trains operating, it allows lines with less services to be balanced with other service groups.

Question 2: Do you agree with adding Time to 3 to our CP7 outcomes framework?

Time-3 is now the industry metric for punctuality for the majority of TOCs so it would make sense for this to be an industry metric so that data analysis can be aligned and priority areas, such as recently relaunched from the NPB, could align all improvements to this metric.

Question 3: Should On Time be retained as our punctuality success measure for England & Wales, or should it be replaced with Time to 3? What is the evidence/reason behind this? Will a change result in improved train performance?

There is a logic to having an On Time metric however the way it was implemented was incorrect. Firstly, the timetable as it is currently built is not facilitating an 'On Time' railway therefore we need to be honest in what we are trying to deliver. Most routes I would imagine unexplained and unattributed will be a huge contribution to this and although not the whole picture will be a sizeable chunk.

Time-3 is already the go to metric for our operators and so we can all align and talk in the same language when it comes to impact / forecast / improvements I believe Time-3 should be our main metric across the board.

Question 4: Do you have any other views on the measures we should use to hold Network Rail to account for passenger train performance in years 3 to 5 of CP7?

N/A

Thank you for taking the time to respond.

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Matt Wikeley
Head of Outcomes and Network Regulation
Office of Rail and Road

20th September 2024

Dear Matt

Consultation on performance measures for 2026 to 2029

Thank you for inviting us to comment on this consultation. Our comments are below:

Question 1: Do you agree with promoting 'Network Rail delay minutes per 1,000 miles train travel' to a success measure in our CP7 outcomes framework?

- MTREL acknowledge that to drive performance improvement, there cannot be one measure of success. Indicators that are solely based on train performance (such as on-time and on-time-to-03) do not drive the correct behaviours. Therefore, and provided that the measure is applied at a Regional level so as to avoid a focus on areas with a lower traffic volume, MTREL would support the inclusion of this measure in the CP7 outcome.
- MTREL would also like the industry to be clearer in how this measure is used for practical performance improvement. Currently, it is not a widely understood or used metric (outside of the NR team).

Question 2: Do you agree with adding Time to 3 to our CP7 outcomes framework?

- MTREL support the inclusion of On-time-to-03 (OT3) in the framework. On-time (OT) can result in perverse behaviours when managing delay, with interventions being made on busy metro services, to the detriment of passengers.
- Timetable interventions are often made in an attempt to improve OT metrics but causing an overall detrimental impact to the customer experience.
- OT as a singular measure generates perverse behaviours when recovering the train service following an incident as it doesn't create a balance between punctuality, reliability and capacity - the latter being especially important. Customers might arguably find provision of capacity more important in these parts of an incident / day than punctuality.

Question 3: Should On Time be retained as our punctuality success measure for England & Wales, or should it be replaced with Time to 3? What is the evidence/reason behind this? Will a change result in improved train performance?

- MTREL would support the removal of OT and replacing it with OT3, for the reasons stated above.

Question 4: Do you have any other views on the measures we should use to hold Network Rail to account for passenger train performance in years 3 to 5 of CP7?

- MTREL acknowledge that measuring performance can be complex and should be simplified. MTREL suggest that NR must be held more accountable the overall



performance of the railway, including TOC on TOC delay, as well as that causation under their control (such as infrastructure faults).

- There is no single measure that suits all needs and any measures that are used must be simplified to allow a better understanding by the passenger.
- Metrics that measure both TOC and NR performance giving both organisations collaborative targets to aim for, this could be OT3 and cancellations (regardless of causation).
- MTREL's position is that PPM is a good all-round measure of performance, which considers timeliness and station calls. The industry has moved towards creating a suite of measures, which arguably generate a lack of focus on what needs improving. PPM can be fairly applied across all operators, OT/OT3 is not an accurate measure for long distance operators with minimal station calls.
- Should a return to PPM not be palatable, an NR centric measure must be put in place such as Network Rail delay minutes and cancellations per 1,000 miles train travel*

*This measure is to be based on the timetabled train service and include cancellations caused by NR to prevent perverse behaviours (such as prioritising performance metrics over passenger delivery).

MTREL welcome the opportunity to comment on this consultation and would be happy to discuss this further to provide clarity on the points made.

Yours sincerely

James Linley
Head of Performance and Planning
MTR Elizabeth line
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Network Rail's response to ORR's consultation on performance measures for 2026-2029

4 October 2024



Introduction

Network Rail welcomes the opportunity to respond to Office of Rail and Road's (ORR's) consultation on performance measures for 2026-2029.

Improved and sustained train performance is crucial for passenger satisfaction, revenue growth and stakeholder confidence. Network Rail remains completely committed to delivering the best performance possible in CP7. Train performance is a whole system outcome and it is clear that industry working together to tackle the biggest performance challenges is the best way to enable the performance improvement that passengers and freight customers expect.

Government has set out its clear direction in this area by the establishment of shadow GBR (SGBR) and setting train performance improvement as a top priority. We welcome better industry integration to deliver this. The focus on alignment that SGBR brings offers a real opportunity for better performance ahead of GBR being established in due course.

ORR's role in setting a regulatory passenger performance metric can support the necessary industry alignment to improve train performance and we welcome this consultation as an opportunity for industry to provide input. But establishing appropriate metrics is only one part of supporting alignment. More importantly, ORR's regulatory reset can enable better alignment of industry performance targets, driving collaboration and focus on whole industry improvement schemes. We note the ongoing work to do this through Network Performance Board (NPB), but there is more to do to fully enable this. And more broadly, as work on industry reform progresses over the coming months, there may be further considerations / implications for ORR's regulatory reset. Collectively we should remain agile and be willing to respond to these in terms of scope or timing if appropriate.

On time and Time to 3

ORR's consultation recognises that a single metric measure is unlikely to be able to fulfil the multiple purposes that performance metrics serve. In considering ORR's consultation question, we have reviewed evidence and experience from the different uses of performance metrics including:

- Operating the railway
- Reflecting passenger experience and communicating with passengers
- Driving aligned industry performance improvement
- Incentivising overall performance management
- Holding to account

It is important that ORR considers the views and evidence from industry in the context of its role as an outcomes regulator and its approach to holding Network Rail to account (risk-based, targeted, proportionate and transparent, as set out in ORR's CP7 holding to account policy).

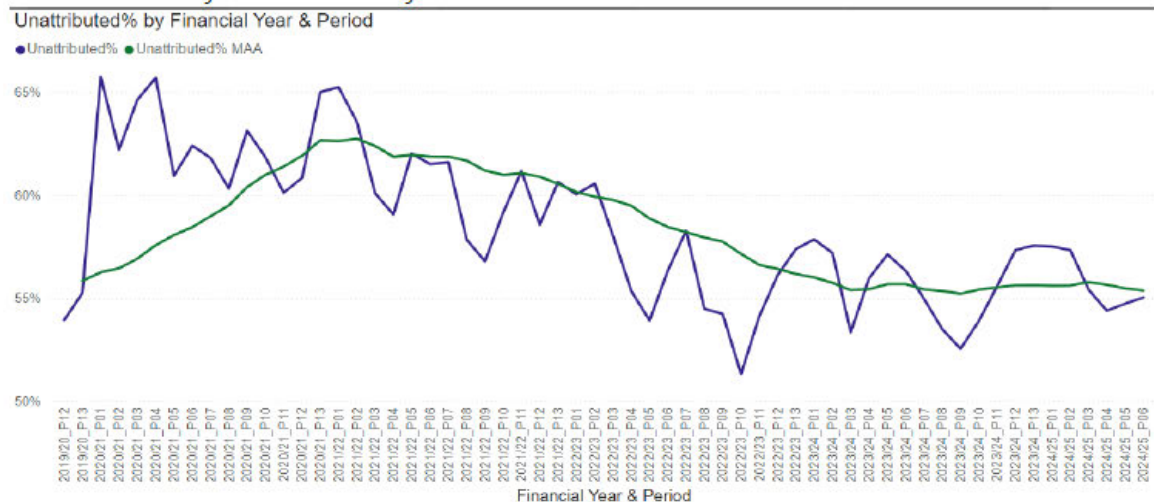
Incentivising overall performance management

In practice, actions taken to improve either On Time or Time to 3 tend to impact both measures equally, hence a strong correlation between the two measures over time. Notwithstanding this strong correlation, it is important for the metric that ORR uses to incentivise performance to be aligned with its overall holding to account policy. As an outcomes regulator taking a risk-based approach, ORR's routine monitoring should focus on Network Rail (and the industry's) overall performance management approach and how we have built balanced performance plans to address the biggest performance risks. It should also mean that any action that ORR may take can be targeted and transparent. With such a large portion



of On Time failures being unattributed delay, we believe that Time to 3 would better support ORR's overall holding to account approach.

Unattributed delay over the last five years



We also recognise that any summary level metric can influence operational decisions, alignment with industry and passenger perceptions, so it is important to consider ORR's holding to account approach alongside other uses for industry measures, which we provide views on below.

Operating the railway

As an overall principle, we seek to keep every train 'in path' to minimise knock-on impacts throughout the timetable. However, different markets value different outcomes in relation to performance and these need to be balanced in operational decisions. Additionally, it is important not to inadvertently incentivise the wrong behaviours, for example that a service beyond a minute late is allowed to be delayed further because it has already 'failed' the narrow parameter of On Time. We are also concerned that there would be no incentive to improve sub-threshold delays if using On time, with the counterparty being targeted at Time to 3 and being positively advantaged by the treatment of sub-threshold delays, ultimately delivering worse outcomes to passengers.

It is for Network Rail and operators to balance any trade-offs between targets and competing incentives where they exist in the management of the railway. The aim being to enable the best overall outcome, which we do through regulation policies that enable these local priorities and circumstances to be reflected in day to day decisions. ORR's role as an outcome's regulator is not to seek to influence blanket regulation approaches to operational decisions. However, enabling flexibility through the metric ORR determines can support the agile approach needed to respond to different markets and circumstances. We believe that Time to 3 is the most appropriate regulatory measure to enable industry to balance operational decisions.

Passenger experience

The passenger experience is central to our performance management plans and in communicating performance outcomes. It is also one important element of determining an appropriate regulatory performance metric, so that the industry can collectively build trust with passengers.

Network Rail, ORR and Transport Focus are jointly completing research to understand the passenger perspective on measures of performance. The timescales for the research mean that we have not been able to reflect final findings in this response, and have agreed with ORR that we will provide a supplementary response on how the findings have been reflected in Network Rail's position on metrics. We also understand that ORR will be taking direct account of the research alongside responses to its consultation.

As well as the findings from the research, it is important that ORR considers the other factors that are important to determining a performance metric. Metrics that fully reflect the passenger experience alone do not provide a rounded view of the balanced safety and performance decisions required to operate the network. Additionally, passenger priorities vary over different markets, so one metric isn't likely to suit all passenger experiences.

Industry alignment

Aligned, multi-year industry performance plans are key to improving performance. Setting aligned targets against aligned metrics must be the priority to truly support the performance improvement that passengers and freight users rightly expect. ORR can support the overall direction of travel of industry and the best performance plans through aligning its regulatory metric with the metrics used across the rest of industry (for as far as possible recognising that different metrics are used by different funders), as well as supporting clear communication to passengers.

We understand that DfT is proposing to incentivise and report performance against consistent metrics; Time to 3 and station level cancellations (noting that this is a different cancellation definition than the current industry cancellation metric which is train based). The proposal is that these will be 'shadow' metrics for operators from year 2, with all operators incentivised against them over time. Network Rail is also intending to use Time to 3 on our scorecards from April 2025 to support alignment with the direction of travel in the wider industry. This is important context that ORR's consultation does not reference, although we appreciate that there has been some uncertainty about the status of the proposals. Now that these proposals are more certain, with changes likely to be embedded ahead of ORR's reset, it is likely to cause confusion and contradict the industry efforts to align performance metrics if ORR decides to use different metrics for regulatory monitoring.

In the interest of supporting alignment to enable quality, whole industry performance improvement plans to be developed, **we believe Time to 3 is the most suitable regulatory success measure**. Additionally, it is important to work to single industry definitions, so we would also expect ORR's use of the cancellations metric to align with the industry definition (all stations) as and when it is introduced.

Network Rail delay minutes

Promoting a Network Rail only success measure is misaligned with the direction of reform, to bring together track and train. It sends the wrong signals, and it risks promoting blame and tension rather than collaboration. While we recognise the importance of transparency of all causes of delay, setting targets at this level would not reflect ORR's intent to support industry alignment.

We understand that ORR's proposal intends to mitigate the uncertainty of whole industry metrics, but as Network Rail attributed delay includes weather and external factors, which are both still very uncertain, we do not believe that the proposal effectively mitigates the forecasting uncertainty.

We do agree there is a requirement to still understand infrastructure delay (as ORR outlined) as well as system operation delay in any future industry structure. These would both be within Network Rail's gift to



forecast for multiple years in the current industry structure – which is ORR’s aim for introducing the ‘NR delay’ metric as a success measure – and they are under Network Rail’s control. This contrasts to weather / externals, which whilst attributed to Network Rail under Schedule 8 do not give an accurate or fair assessment of Network Rail’s performance given the level of control is very small, TOCs also have a role, and there are significant non-rail factors involved.

In line with the aim of ORR’s proposal to strengthen clarity about what Network Rail needs to contribute to the success of the railway for passengers, **the ‘NR delay’ measure should be solely focused on infrastructure delay and not include weather / externals**, for the reasons set out above. More fundamentally, we believe that **Network Rail delay (however defined) should remain a supporting measure** with clear line of sight to Time to 3 targets, as well as the Schedule 8 regime. In any case, the Schedule 8 regime must still allow for a recalibration if these unpredictable elements were materially different to the forecasts used to inform benchmarks. More widely, we have written to ORR to express our strong belief that the schedule 8 regime is not fit for purpose as, in its current form, it promotes blame and tension, can limit innovation and efficiency, and impacts accuracy of delay attribution.

Impact of non-DfT franchised train operators

During the course of years 3-5 of CP7, we are anticipating significant change in the specification of the contracts for both Elizabeth Line 2 concession (starting May 2025) and London Overground 3 (April 2026). These operators are currently “net contributors” to On Time performance at a network level i.e. their contribution to overall network performance is positive compared to network performance if their On Time stops were excluded from the network-wide roll up. This correlates with both operators’ contracts currently incentivising a form of service punctuality performance regime – be that PPM (MTR-EL) or T-3 (LO).

However, in respect of ORR’s intention to set a single overall regulatory metric, our concern resides with the fact that the joint NR and TOC management teams for these operations and geographies will understandably become focused on delivery of their core concession metric as and when these change. In the Case of London Overground for example this is expected to become a journey time metric – measuring service interval between trains and overall journey time and disregarding On Time (or Time to 3) punctuality at a station level. We are therefore concerned at the potential for this legitimate refocusing of operational delivery effort to adversely affect region-level and network-level outcomes against any measure of On Time station punctuality, be that On Time or On Time to 3 and this will need to be taken into account in target setting and in ORR’s holding to account in due course.

Will Godfrey
Director of Economics, Finance & Markets
Office of Rail and Road
25 Cabot Square
London
E14 4QZ

Paul McMahon
Director, Planning & Regulation
Network Rail
Waterloo General Offices
London
SE1 8SW

By email

18 November 2024

Dear Will

Supplementary response to ORR's consultation on passenger performance metrics

I am writing further to our response to ORR's consultation on the reset of passenger performance metrics. In our initial response, we said that we would provide a supplementary response following the conclusion of passenger research jointly procured by Transport Focus, Network Rail and ORR. This letter provides our latest position on the key points of our consultation response, drawing on further evidence to inform ORR's conclusions.

ORR has also recently shared your emerging conclusions on your metrics consultation. As you know from our subsequent discussions we are very concerned about ORR's proposed conclusion to use Network Rail delay minutes (per 1,000 miles) as a success measure, particularly given the way you choose to define the measure. We have had some initial encouraging discussion on this and I am providing some further reasons in this letter and asking you to think again.

Our initial response to your consultation was clear on our commitment to improved and sustained train performance to support passenger satisfaction, revenue growth and stakeholder confidence. As we have consistently argued and demonstrated throughout PR23 and the performance reset so far, train performance is a whole system outcome and achieving the performance outcomes that passengers and freight customers expect requires cooperation across the whole industry.

On Time and Time to 3

In our initial response, we set out Network Rail's view on the different purposes that performance metrics serve, based on evidence gathered from our regional performance teams and their experience of working with operators to manage performance. Our response concluded that, on balance, Time to 3 is the most appropriate regulatory punctuality metric based on the three broad purposes we were able to fully assess at the time:

- **Promoting industry alignment** – would be best supported by Time to 3 to enable the whole system performance improvement we know the industry needs to deliver, consistent with the direction of travel on reform.
- **Driving decisions in operating the railway** – while keeping every train in path is optimal in most cases, Time to 3 enables the flexibility needed to respond to different markets and circumstances while avoiding perverse incentives, such as services over a minute late being allowed to be delayed further having 'failed' the narrow window of On Time.

- **Incentivising overall performance management** – in practice, actions taken to improve either On Time or Time to 3 tend to impact both measures equally, hence a strong correlation between the two measures over time.

At the time of our response, we did not have the detailed evidence from the passenger research to support the choice of the best metric to reflect passenger experience. The results of the research now available show clearly that passengers are not satisfied with the current performance of the railway. This further emphasises the importance of the factors above to drive the right operational decisions and promote industry alignment for improved performance.

The research also provides passenger perspectives on punctuality and potential metrics. Most passengers saw a one minute threshold as acceptable, with a large proportion also seeing three minutes as acceptable. Notably for establishing regulatory metrics, a one minute (On Time) threshold was seen as being ‘too strict’ by a significant number of respondents and within three minutes (Time to 3) was seen to be a fairer metric. Annex A provides the summary findings.

Taken on balance with the other purposes of performance metrics, we continue to believe Time to 3 is the most appropriate regulatory performance metric to drive the improvement passengers expect while meeting the acceptable threshold for the large majority of passengers’ experience.

Network Rail delay minutes

ORR’s consultation proposed promoting Network Rail delay minutes (per 1,000 miles) to be a success measure. The current definition includes all delay attributed to Network Rail under the methodology to support Schedule 8. The delay attribution rules were established to enable compensation to privately owned operators from factors not wholly within their control. This does not mean all factors currently attributed to Network Rail are wholly, or even significantly, within Network Rail’s control, and infrastructure management is only part of minimising the impact of trespass, suicide and severe weather. These factors must have whole industry ownership to truly drive improvement.

ORR’s consultation set out the reasons for your proposal as providing transparency on infrastructure delay, enabling ORR to clearly set requirements for Network Rail (the infrastructure manager), and holding Network Rail to account for its contribution to passenger train performance. While we agree that there will be an enduring need to understand infrastructure delay alongside whole industry delay in a reformed industry, we might expect that the use and choice of metrics will need to be reviewed in the round at the appropriate time to reflect decisions on reform. Our concerns with ORR’s proposal are set out below. Taken together, it is clear that proceeding with ORR’s proposal under the current definition does not offer the benefits of collaboration that Time to 3 does nor does it mitigate the uncertainty of multi-year target setting that ORR’s framework requires.

- For the purpose of regulatory incentives, setting Network Rail delay as a success measure risks promoting blame and tension rather than collaboration (as does the wider schedule 8 regime, which we have consistently demonstrated to ORR), so does not offer the benefits of industry alignment that Time to 3 does. Having both Time to 3 and Network Rail delay as success measures risks weakening whole industry collaboration and alignment as there may be a tendency to focus principally on the Network Rail metric relative to the whole industry metric.
- Under the current definition which includes causes of delay not wholly in Network Rail’s control, it does not provide transparency on infrastructure delay that is predominantly controllable by Network Rail, or strengthen clarity about what Network Rail needs to contribute to the overall success of the railway. Annex B demonstrates the proportion of delay in these categories over five years. Because Network Rail delay, as currently defined, provides an inaccurate picture of how much delay Network Rail realistically controls, it risks triggering

inappropriate regulatory action and wider, unwarranted negative commentary on Network Rail and the railway around issues which have a wider impact than performance. This is recognised in the Scotland Train Performance Measure definition which discounts the effect of severe weather on the metric to protect safety outcomes. This will further heighten tensions and drive conflict in the industry which is unhelpful when it is important to foster a culture of collaboration, particularly with an eye on GBR.

- It does not effectively mitigate the uncertainty of performance forecasting to set firm targets for 3 years, which ORR set as a clear objective of this proposal noting the uncertainty in operator performance drivers for later years of CP7. The elements of delay not wholly in Network Rail's control, but within the current definition of the metric, are uncertain and variable. While other factors are also variable, they are materially in Network Rail's control and ability to accurately forecast and therefore intervention on the basis of those factors would be reasonable and proportionate. This variability, as well as that of operator performance plans, was the driver of our proposal to set target ranges during PR23. We would expect to progress multiple managing change cases to respond to this variability, which is industry bureaucracy we would wish to avoid and can do so if the metric is defined more appropriately at the outset.

To be an effective metric to hold Network Rail to account, we see two realistic options:

1. For the metric to **remain a supporting measure**, allowing updates to forecasts without the additional industry burden of going through managing change and the potentially inaccurate and confusing interpretation of Network Rail delay being a success measure. Retaining the metric as a supporting measure would still allow ORR to use it in conjunction with Time to 3 to understand the attribution of delay. Ideally even as a supporting measure the non-controllable elements should be separated out and reported as a separate measure to the Network Rail controllable elements, but we accept this might not be a priority for a supporting measure.
2. If ORR does promote Network Rail delay to a success measure, it should be under a **more appropriate definition** excluding factors Network Rail cannot wholly control. Those factors could be monitored as supporting measures (i.e. operator and external, to enable transparency on 100 % of delay). We recognise ORR has not consulted on a new definition, but do not see why this would prohibit ORR from progressing with a more appropriate definition. If ORR's conclusions do not address this, we would seek to implement the refined definition through managing change.

Next steps

I understand ORR is currently going through governance ahead of making its final decisions on metrics consultation conclusions. Given the importance of establishing the right metrics I would welcome a further discussion with ORR on your position and the options I have set out above to mitigate the uncertainty and variability of the Network Rail delay minutes proposals.

Yours sincerely

Paul McMahon
Director, Planning & Regulation



Response to ORR's CP7 passenger train performance reset: consultation on performance measures for 2026 to 2029

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Please send your response to prm@orr.gov.uk by **4 October 2024**.

Please contact Matt Wikeley, Head of Outcomes and Network Regulation, at ORR with any queries: matt.wikeley@orr.gov.uk

About you

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**This information will not be published on our website.*

As part of the CP7 passenger train performance reset, we have outlined potential targeted changes to our outcomes framework to allow us to better monitor and hold Network Rail to account in years 3 to 5 of the control period.

Question 1: Do you agree with promoting 'Network Rail delay minutes per 1,000 miles train travel' to a success measure in our CP7 outcomes framework?

NTL is not sure that promoting 'Network Rail delay minutes per 1,000 miles train travel' to a success measure would be effective. There is a risk that promotion of this measure could incentivise cancelling trains which if promoted could create contradictory behaviours between reducing cancellations and increasing minutes per 1000 train miles. Further, promoting this as a success measure doesn't account for unattributed

losses across the network. NTL would suggest that having fewer performance metrics would be of more benefit as having a suite of multiple metrics can lead to confusion and dilution of the overall performance message.

Question 2: Do you agree with adding Time to 3 to our CP7 outcomes framework?

NTL agrees with adding Time to 3 to the CP7 outcomes framework. NTL would suggest going a step further, to replace on time with Time to 3. We would suggest that if Time to 3 is added, that consideration is made regarding the ongoing DfT discussions centred around the trains arriving within 3 mins metric at all stations which includes cancellations as a P code thread.

Question 3: Should On Time be retained as our punctuality success measure for England & Wales, or should it be replaced with Time to 3? What is the evidence/reason behind this? Will a change result in improved train performance?

NTL would support on time being replaced by Time to 3. On time as a measure is too volatile and creates challenges for the industry such as how this measure works with current timetabling processes, performance management/reporting and operational plans such as regulation statements. Further, the measure does not allow for small (seconds) perturbations or passenger delay (such as passenger assist at unstaffed stations). Time to 3 provides a better understanding of delay cause.

There is a need for the whole of the rail industry to work to the same standardised performance metric to ensure that staff of all levels as well as passengers and stakeholders understand their role in delivering performance and have clear accountability within their role for delivery. NTL believes that improved engagement, delivering more effective improvement activities could be achieved as a result of all staff working to the same measure across the industry.

Question 4: Do you have any other views on the measures we should use to hold Network Rail to account for passenger train performance in years 3 to 5 of CP7?

NTL considers that cancellations should remain as a key measure. We would also suggest that time to fix/restoration of the network would be a useful metric. The aim of the metric would be to measure the time taken to restore Business as Usual (BAU) operations following disruptive events. We are not sure if this is necessarily about addition of a measure, however, this is perhaps an area of note for the future. Whatever measures are taken forward, need to be aligned across the whole industry – to ensure there is a common approach that will lead to common outcomes.

Thank you for taking the time to respond.

Publishing your response

We plan to publish all responses to this consultation on our website.

Should you wish for any information that you provide to be treated as confidential, please be aware that this may be subject to publication, or release to other parties or to disclosure, in accordance with the access to information regimes. These regimes are primarily the Freedom of Information Act 2000 (FOIA), the UK General Data Protection Regulation (UK GDPR) the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004.

Under the FOIA, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, if you are seeking confidentiality for information you are providing, please explain why. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on ORR.

If you are seeking to make a response in confidence, we would also be grateful if you would annex any confidential information, or provide a non-confidential summary, so that we can publish the non-confidential aspects of your response.

Any personal data you provide to us will be used for the purposes of this consultation and will be handled in accordance with our privacy notice, which sets out how we comply with the UK General Data Protection Regulation and Data Protection Act 2018.

Consent

In responding to this consultation you consent to us:

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- publishing your response on our website (unless you have indicated to us that you wish for your response to be treated as confidential as set out above.)

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Format of responses

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If you send us a PDF document, please:

- create it directly from an electronic word-processed file using PDF creation software (rather than as a scanned image of a printout); and
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Response to ORR's CP7 passenger train performance reset: consultation on performance measures for 2026 to 2029

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Please send your response to prm@orr.gov.uk by **4 October 2024**.

Please contact Matt Wikeley, Head of Outcomes and Network Regulation, at ORR with any queries: matt.wikeley@orr.gov.uk

About you

Full name: Liam Bogues

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Organisation: Rail Partners

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As part of the CP7 passenger train performance reset, we have outlined potential targeted changes to our outcomes framework to allow us to better monitor and hold Network Rail to account in years 3 to 5 of the control period.

About Rail Partners

Rail Partners represents private passenger train operating company owning groups and freight operating companies – providing policy and advocacy functions on their behalf. We also provide technical services to train operating companies in both the public and private sectors. This call for evidence submission is on behalf of our passenger owning group members.

The importance of regulating train performance and the Schedule 8 regime

Holding the infrastructure manager to account on performance is an essential part of the regulatory framework that ensures the industry works to deliver a safe, high-performing railway which represents value for money to the taxpayer, passengers, and freight customers.

The performance regime provides an important mechanism for incentivising Network Rail and operators to reduce delays, thereby creating a culture that incentivises a high-performing railway. The continuation of this culture will be critical as the railway reforms, particularly for non-Great British Railways (GBR) operators who will depend

on these regimes to assure performance of the infrastructure manager, and those operators expected to be contracted to GBR in future. As such, Rail Partners and its members continue to value the independent and expert oversight and assurance that the ORR brings to the railway, specifically when it comes to regulating performance of the network as a whole.

This consultation represents the first step towards recalibrating Schedule 8 benchmarks, and consequential changes to the Schedule 4 regime, as part of the mid-CP7 reset. Rail Partners and our members support and look forward to continuing to engage with ORR throughout this process.

Question 1: Do you agree with promoting 'Network Rail delay minutes per 1,000 miles train travel' to a success measure in our CP7 outcomes framework?

Rail Partners supports the proposal to promote Network Rail delay minutes per 1,000 miles travel to a success measure. This will support greater scrutiny of Network Rail's direct contribution to train performance, helping industry and wider stakeholders better understand the underlying causes of delay and simplifying the setting of Schedule 8 benchmarks. It will also help maintain a focus on infrastructure performance for those operators not expected to be contracted by GBR in the future as per government's plans for rail reform.

As stated in the consultation document, by promoting the metric to a success measure, ORR will set an expected level of performance (baseline trajectories or targets) and will put greater emphasis on this measure as part of its role holding Network Rail to account. This will clarify the level of performance Network Rail is expected to deliver, and means that ORR, rather than Network Rail, will set the expectations for this important measure.

In recent years, Network Rail performance has been below the standards that passengers and freight customers expect, with around 60% of delay minutes are currently attributable to Network Rail¹. While we recognise that some of the explanatory factors underpinning recent levels of performance are outside of Network Rail's control, such as the backlog of engineering work caused by Covid and the impacts of industrial action, restoring train performance is an industry priority. Elevating Network Rail delay minutes to a success measure would reflect the important role that the infrastructure manager must play in restoring performance.

Rail Partners also acknowledges that the Network Rail delay minutes metric provides a more direct conversion from the regulatory baselines the ORR sets through Schedule 8 benchmarks. If Network Rail delay minutes were elevated to a success measure, Network Rail would be required to develop baseline trajectories for this metric and, once agreed with ORR, this measure could be used to calculate the benchmarks. This would be an advancement on PR23 where the two performance

¹ <https://dataportal.orr.gov.uk/statistics/performance/passenger-rail-performance/table-3184-delay-minutes-by-operator-and-cause-periodic/>

success measures (On Time and Cancellations) were converted to calculate benchmarks. Using NR delay minutes as the basis for the benchmarking process reduces the risk that there are errors or biases in the methodology used to calculate the Schedule 8 benchmarks.

Finally, in the context of future rail reform, Rail Partners agrees that a measure of infrastructure-only delay minutes will remain important, alongside whole-system measures which reflect passengers' experience of delay. However, open access passenger services, devolved services, and rail freight will remain outside of GBR in the future. For these operators, an infrastructure-only measure of train performance provides an important focus on the level of performance they receive and where there are specific infrastructure challenges that need addressing.

We recognise that introducing an additional success measure could reduce focus on the performance metrics that already sit at a Tier 1 level in the outcomes framework, and the regulator must monitor this closely. Similarly, the introduction of an additional passenger performance success measure must not have unintended consequences on Network Rail's management of freight services on the network, and existing freight performance measures should also be monitored closely to ensure there is no negative impact.

Question 2: Do you agree with adding Time to 3 to our CP7 outcomes framework?

While Rail Partners recognises some of the rationale for adding Time to 3 to the outcomes framework as an additional passenger train performance measure, as outlined in our response to Question 3, we consider that On Time remains a better metric for punctuality and should be retained as the success measure for the remainder of CP7. This both reflects the importance of on time punctuality to passengers, and the benefits of retaining a stable regulatory regime.

Additionally, we do not think that Time to 3 should be added as an additional supporting measure in the outcomes framework so that there remains a relatively low number of metrics that Network Rail is held to account on to ensure focus within the infrastructure manager on delivering passenger trains on time. We also recognise that On Time and Time to 3 are highly correlated, so adding Time to 3 would add partially duplicative measures to the framework.

Question 3: Should On Time be retained as our punctuality success measure for England & Wales, or should it be replaced with Time to 3? What is the evidence/reason behind this? Will a change result in improved train performance?

Rail Partners recognises the merits of both metrics as outlined in the consultation document, however our view is that On Time should remain as the success measure for train punctuality in the outcomes framework.

Rail Partners understands that ORR is undertaking joint research with Transport Focus and Network Rail, refreshing historic Transport Focus research from 2015 to better understand passengers' experience of delay. We note that the outputs of the

research will be an important consideration for ORR when deciding which measure is used. The previous research highlighted that passengers expect their trains to run on time and that there is a strong relationship between each minute of delay and reduced passenger satisfaction.

We recognise that the most appropriate punctuality measure can vary with the type of service and different passengers' expectations. For instance, high frequency commuter-style operations may find performance better reflected by the current On Time measure due to the nature of their operations, high frequency and high-density systems in which in some services, a train running to a delay of approximately 3 minutes would cause significant knock-on delays. By contrast, leisure passengers using long-distance services may not be as sensitive to short delays.

As noted by ORR in its consultation, using Time to 3 could promote greater alignment between Network Rail and DfT-contracted services, where this metric is used widely to measure performance. These represent around 80% of services on the network, and there may be some benefits if track and train are using the same 'currency' of train performance. However, delivering an on-time railway is key to driving modal shift and restoring the rail industry's finances, and as such, On Time must remain an industry priority. Moving to a more lenient measure risks 'baking in' poor performance and will not incentivise customer-focussed behaviours.

The continued use of On Time aligns with the need for Network Rail to deliver an accurate timetable or operating plan, it promotes operational discipline and provides a clear commitment to passengers through the timetable. On Time also encourages Network Rail to maintain a focus on small 'sub-threshold' delays. This is vital on a congested network, as even marginal delays can create further secondary impacts and disrupt other services at key pinch points.

Further, changing punctuality success metrics midway through the control period risks destabilising the regime which could impact passenger train performance negatively. When goals are reset or shifted, it may affect Network Rail's focus on delivery of a punctual railway and make it more difficult for the regulator to hold them to account.

Also, if the metric is changed, an additional recalibration will be necessary. This will mean that will no longer be possible to refer to ORR's original final determination as the definitive account of what Network Rail is expected to deliver during CP7. It will also introduce a break point in the measurement of Network Rail's performance making it harder to compare over time, as the basis of evaluation will have shifted.

While Rail Partners acknowledges this is a passenger performance reset, the impact of any changes to other operators must also be considered. In accordance with regulatory monitoring, ORR must scrutinise if any changes have unintended consequences on freight performance – which the ORR recognises benefits from a stable performance framework. There is a risk that moving from On Time to Time to 3 for passenger punctuality could cause reactionary delays and may affect the management of freight services on the network (e.g. by deprioritising a freight service to ensure that a passenger train arrives within 3 minutes).

Question 4: Do you have any other views on the measures we should use to hold Network Rail to account for passenger train performance in years 3 to 5 of CP7?

Rail Partners believes the current number of measures to hold Network Rail accountable for passenger train performance is broadly correct, as the conciseness allows Network Rail to focus on what the passenger values the most. Promoting 'Network Rail delay minutes per 1000 train miles' to a success measure brings helpful additional focus to the framework, but beyond this we would not support the addition of new measures, or the elevation of existing supporting measures, during this reset.

The finite number of metrics currently used additionally aids the regulator in holding the infrastructure manager to account, as the ORR can focus on the metrics that are the most important. Having fewer reporting metrics has the benefit of ensuring Network Rail is held to account publicly. Limited, easier-to-understand metrics increases transparency across industry and passengers as it reduces ambiguity in the system. Ultimately, Network Rail needs the right incentives to drive the performance that passengers expect.

Rail Partners and our members look forward to continued engagement with the ORR and wider industry as the process begins on the wider Schedule 8 recalibration and consequential changes to the Schedule 4 regime.

Separately, with a view to future rail reform, it is expected the current financial performance regime will be switched off for future GBR contracted operators. It remains unclear how both GBR and its operators will be incentivised to contribute to a high performing railway.

Although a financial performance regime will still apply for those operators outside of the GBR's contractual landscape, these services are responsible for a relatively small amount of traffic on the rail network, and consequently there is a risk that the performance regime is significantly diluted and no longer provides a sufficient incentive on GBR and its operators. This will be to the detriment of all passengers and freight customers.

Ensuring that the incentive properties of the current regime are maintained within a more integrated railway system must be an industry priority. Rail Partners' members look forward to working closely with DfT, ORR and Network Rail/GBR as the future performance framework is developed to ensure it drives the right outcomes.



Response to ORR's CP7 passenger train performance reset: consultation on performance measures for 2026 to 2029

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Please contact Matt Wikeley, Head of Outcomes and Network Regulation, at ORR with any queries: matt.wikeley@orr.gov.uk

About you

Full name: Susan Ellis

Job title: Track Access & HS1 Contracts Manager

Organisation: Southeastern

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As part of the CP7 passenger train performance reset, we have outlined potential targeted changes to our outcomes framework to allow us to better monitor and hold Network Rail to account in years 3 to 5 of the control period.

Question 1: Do you agree with promoting 'Network Rail delay minutes per 1,000 miles train travel' to a success measure in our CP7 outcomes framework?

Southeastern are supportive of promoting NR Delay Mins per 1k train miles to a success measure as this would provide alignment with the DfT measures TOCs provide within the performance benchmark regimes. This would allow for consistency between the ORR and DfT metrics.

Question 2: Do you agree with adding Time to 3 to our CP7 outcomes framework?

As per Q1, T-3 is a DfT performance benchmark so this addition would further align metrics between the ORR and DfT. Southeastern support this.

Question 3: Should On Time be retained as our punctuality success measure for England & Wales, or should it be replaced with Time to 3? What is the evidence/reason behind this? Will a change result in improved train performance?

Southeastern consider that On Time is a priority in terms of train service delivery to our customers and supporting customer satisfaction. Whilst we report On Time to DfT it is not a performance benchmark, so this is a misalignment between ORR and DfT. It is, however, a key measure for Southeastern's Performance Strategy. We continue to track and report all CP6 metrics along with PPM.

Question 4: Do you have any other views on the measures we should use to hold Network Rail to account for passenger train performance in years 3 to 5 of CP7?

Southeastern consider that there is already an abundance of measures and results available. We are aware that the DfT are looking at the T-3 composite measure (punctuality and reliability at stops) as a further customer facing deliverable which again could lead to a disconnect between ORR and DfT reportable measures.

Thank you for taking the time to respond.

Publishing your response

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Please contact Matt Wikeley, Head of Outcomes and Network Regulation, at ORR with any queries: matt.wikeley@orr.gov.uk

About you

Full name: Tammy Day

Job title: Head of Performance

Organisation: South Western Railway

Email*:

Telephone number*:

**This information will not be published on our website.*

At South Western Railway we would like to see alignment between the Network Rail and TOC measures, and our overarching view is that customer is at the heart of all decisions we make.

We note that the ORR has also receive a response to this letter from First Rail.

As requested, please see our views on the questions that were asked below.

Question 1: Do you agree with promoting 'Network Rail delay minutes per 1,000 miles train travel' to a success measure in our CP7 outcomes framework?

South Western supports the proposal to promote *Network Rail delay minutes per 1,000 miles train travel* to a success measure. We hope that this greater level of scrutiny of Network Rail will lead to improved performance.

Question 2: Do you agree with adding Time to 3 to our CP7 outcomes framework?

South Western Railway strongly supports that Time to 3 should be added to the CP7 outcomes framework as a measure as it aligns with the DfT punctuality metric and will allow industry performance colleagues to work more collaboratively. The data provided from Time to 3 identifies rising trends and helps inform improvement activity.

Question 3: Should On Time be retained as our punctuality success measure for England & Wales, or should it be replaced with Time to 3? What is the evidence/reason behind this? Will a change result in improved train performance?

For On Time to be retained as the punctuality success measure the data requires improvement. The current reporting data is not provided by the second and therefore is inaccurate. In addition, subthreshold delay is generally unattributed making trend analysis to drive improvement challenging. Until GPS data can be used for on time data delivery this an inaccurate measure.

Question 4: Do you have any other views on the measures we should use to hold Network Rail to account for passenger train performance in years 3 to 5 of CP7?

The sets of measures should include customer experience measures and reflect what is important to our customers, creating transparency. Performance needs to be clear and simple for the customer as poor performance does not only affect sentiment but also revenue generation.



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About you

Full name: Alan Smart

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Question 1: Do you agree with promoting 'Network Rail delay minutes per 1,000 miles train travel' to a success measure in our CP7 outcomes framework?

We do not agree with this change as delay minutes per 1,000 train miles is not a passenger focused measure. It takes no account of the loadings of the individual trains concerned and could therefore lead to attention being focussed on lesser used parts of the network at the expense of those that are more heavily used. This is not a sensible approach when the more heavily used parts of the network are more significant in terms

of the overall passenger experience and economic utility offered by rail. We would prefer this measure to be based on passenger miles not train miles to achieve a sharper focus on the requirements of the users of the railway.

Question 2: Do you agree with adding Time to 3 to our CP7 outcomes framework?

We agree with this change. If punctuality measures are to be used our preference is for those that offer some leeway for the management of heavily used parts of the network, increasing the threshold before service intervention is required. This is desirable because intervention measures like skip stopping tend to elongate the journey times experienced by passengers, worsening the quality of their journeys and reducing the likelihood that they will travel by rail in future.

Please also note our response to question four which is relevant to this question.

Question 3: Should On Time be retained as our punctuality success measure for England & Wales, or should it be replaced with Time to 3? What is the evidence/reason behind this? Will a change result in improved train performance?

We consider that Time to 3 should replace On Time as the punctuality success measure for England and Wales. Time to 3 is less restrictive in terms of the management of services on heavily used parts of the network. Its usage should therefore lead to an improved journey experience for customers during disruption by increasing the threshold before intervention is necessary to recover the service. Service intervention leads to longer journey times for customers so should therefore be minimised to occasions when it is strictly necessary for operational reasons e.g. to stop drivers from going beyond their maximum driving time or to prevent severely escalating delays. The change should result in better performance results as the targets will be less stringent. More importantly it should improve the quality of service received by the passenger, improving the reputation of rail as a mode of transport and encouraging patronage.

Please also note our response to question four which is relevant to this question.

Question 4: Do you have any other views on the measures we should use to hold Network Rail to account for passenger train performance in years 3 to 5 of CP7?

We have used and advocated performance measures based around customer journey time over many years. These better represent the journey experience received by customers (covering the waiting time, in vehicle time and on train crowding they experience) than standard punctuality metrics which measure train service performance only. There is some degree of correlation between the two but punctuality metrics only tend to explain around 60% of the variability of journey time measures over time. This demonstrates their shortcomings in terms of measuring the actual customer experience and reflecting the variability of demand throughout the week. Contrastingly customer journey time (as we measure it) can be demonstrated to correlate strongly to demand and therefore revenue which are both key to the ongoing value and financial viability of the railway.

We have now adopted measures of customer journey time across all our main public transport modes to provide a common, comparable and customer focused way of measuring performance and service delivery across this part of our operation. We would be happy to discuss the formulation and value of these measures with you further to support the ongoing evolution of performance measurement on the National Rail network.

Thank you for taking the time to respond.

Publishing your response

We plan to publish all responses to this consultation on our website.

Should you wish for any information that you provide to be treated as confidential, please be aware that this may be subject to publication, or release to other parties or to disclosure, in accordance with the access to information regimes. These regimes are primarily the Freedom of Information Act 2000 (FOIA), the UK General Data Protection Regulation (UK GDPR) the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004.

Under the FOIA, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this, if you are seeking confidentiality for information you are providing, please explain why. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on ORR.

If you are seeking to make a response in confidence, we would also be grateful if you would annex any confidential information, or provide a non-confidential summary, so that we can publish the non-confidential aspects of your response.

Any personal data you provide to us will be used for the purposes of this consultation and will be handled in accordance with our privacy notice, which sets out how we comply with the UK General Data Protection Regulation and Data Protection Act 2018.

Consent

In responding to this consultation you consent to us:

- handling your personal data for the purposes of this consultation; and
- publishing your response on our website (unless you have indicated to us that you wish for your response to be treated as confidential as set out above.)

Your consent to either of the above can be withdrawn at any time. Further information about how we handle your personal data and your rights is set out in our privacy notice.

Format of responses

So that we are able to apply web standards to content on our website, we would prefer that you email us your response either in Microsoft Word format or OpenDocument Text (.odt) format. ODT files have a fully open format and do not rely on any specific piece of software.

If you send us a PDF document, please:

- create it directly from an electronic word-processed file using PDF creation software (rather than as a scanned image of a printout); and
- ensure that the PDF's security method is set to no security in the document properties.



Response to ORR's CP7 passenger train performance reset: consultation on performance measures for 2026 to 2029

This pro-forma is available to those who wish to use it to respond to our consultation. Other forms of response (e.g. letter format) are equally welcome.

Please send your response to prm@orr.gov.uk by **4 October 2024**.

Please contact Matt Wikeley, Head of Outcomes and Network Regulation, at ORR with any queries: matt.wikeley@orr.gov.uk

About you

Full name: Philip Chandler

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**This information will not be published on our website.*

As part of the CP7 passenger train performance reset, we have outlined potential targeted changes to our outcomes framework to allow us to better monitor and hold Network Rail to account in years 3 to 5 of the control period.

Question 1: Do you agree with promoting 'Network Rail delay minutes per 1,000 miles train travel' to a success measure in our CP7 outcomes framework?

Yes, we would see this is a positive change due to the benefit it provides in providing consistency with TOC contracts, which contain TOC on Self delay minute per 1,000 miles as a core contractual metric. Similarly adding Network Rail delay minutes per 1000 miles as a success measure would ensure that both infrastructure manager and train operators would have clear common performance incentives within their own areas of control. Promoting this metric would be of benefit for incentivising Network Rail performance by providing a success measure based on reducing the

delay under Network Rail control. These delays make up the majority of those seen to services, so a robust incentive to reduce them through this success measure could deliver significant performance improvements to services assuming that effective action is taken as a result. We would expect this change to have benefits to Network Rail performance management by providing a success measure with clear and obvious links between factors that Network Rail has control over and the output success measure – with a more direct link between Network Rail actions and delay minutes than is the case with either on time or time to 3.

Question 2: Do you agree with adding Time to 3 to our CP7 outcomes framework?

Yes, again our main reason for supporting this change is because it aligns with TOC performance regimes, which uses time to 3 as a contractual metric, so adding this metric provides better consistency in this regard. This is not a major performance benefit in itself, but it is felt that it would facilitate more consistent focus on performance delivery by removing one area of inconsistency between TOC and Network Rail performance regimes.

Time to 3 has advantages over on time and, in addition to its use as a contractual metric for operators. Time to 3 measures different aspects of performance compared to on time, providing a clear indication of whether trains are running in path or if they have been delayed significantly enough that their delay is likely to have further impacts on other trains by running out of path. We would view this as especially beneficial for long distance operators, where time to 3 is a suitable and sensible measure for operational success, compared to on time, which can be more affected by lower levels of late running and therefore does not give the same understanding of operational success and overall lateness experienced by passengers.

It is useful to compare results across the different metrics of on time, time to 3 and time to 15 to give an overall view of performance, with different metrics showing different views of success and indicating different factors on performance. Providing all three metrics within the outcomes framework allows this broader view to be explored further.

Question 3: Should On Time be retained as our punctuality success measure for England & Wales, or should it be replaced with Time to 3? What is the evidence/reason behind this? Will a change result in improved train performance?

Our preference would be for on time to be replaced with time to 3. We consider that there are two major disadvantages of using on time as the Network Rail punctuality success measure:

- On time has disadvantages in measuring passenger experiences of performance, potentially resulting in actions aimed at improving on time as a performance metric producing detrimental results for passengers.
- Use of on time as a Network Rail success measure results in inconsistency between Network Rail and TOC performance measurement regimes.

On Time Correlation with Passenger Outcomes

We strongly consider that replacing on time with time to 3 would be beneficial by incentivising improvements to passenger performance outcomes. Improving time to 3 requires focus on the services that are more significantly delayed, rather than those that are 1 or 2 minutes late. If effective, this would be expected to improve overall passenger experiences of performance by reducing total delay and driving more consistent punctuality performance of services.

Evidence for this is provided by a simple comparison of different metrics between the latest results and pre-Covid results from 2019/20 – the last year has seen improved on time performance nationally, but worse performance for T15, cancellations and PPM, with a slight improvement in time to 3. This suggests that current performance challenges are not related to on time trains and are not being captured through the on time metric. There have been improvements in the overall number of trains arriving at stations on time, driven primarily by reduced reactionary delay with slight decreases in services. These improvements to on time though are overshadowed by higher impacts when delays do occur – suggesting less consistent performance and worse outcomes for passengers as there is a higher chance that their trains will be significantly delayed or cancelled. This overall indicates that on time is not a suitable metric for overall performance indications of passenger disruption, and whilst time to 3 shares some of the same disadvantages it is a step towards a metric which better measures overall passenger experiences of performance delivery.

Metric	National Moving Annual Average		
	2019/20	At P5 2024/25	Change
On Time	65.0%	67.2%	+2.2%
Time to 3	84.0%	84.9%	+0.9%
Time to 15	98.5%	98.2%	-0.3%
Cancellations	3.42%	3.87%	+0.45%
PPM	86.2%	85.4%	-0.8%

The consultation document suggests that using on time as a performance metric provides a “Clear commitment to passengers”. We would dispute this and suggest that the on time metric provides no such commitment – with the evidence of declining severe delays and cancellations at the same time as improving on time performance showing this. Any commitment to passengers to ensure that their train is on time as often as possible in reality is a passenger unfriendly commitment as it would result in increased total passenger delay with more significantly delayed trains and passengers. Focussing performance on improving the on time metric also views all late trains in the same way – whether the train is 1 minute late or 20 – therefore a commitment to the on time metric does not provide any commitment to passengers on the significant number of trains that get delayed. By using on time as the only success measure for punctuality performance, the railway is considering that all delayed passengers might as well be 30 minutes late – on time makes no discrimination between different levels of lateness.

An example of how emphasizing the on time metric would have detrimental impacts for passengers has been seen in the regulation of Transpennine Express services at Leeds. Here (in previous timetables and again from December 2024), 2JXX stopping services that originate at Leeds and run to Huddersfield calling at all intermediate stations are booked to depart 3 minutes after the 1PXX express services from Saltburn to Manchester Airport. If the 1PXX services are slightly delayed before Leeds it is beneficial for passengers overall to hold the 2JXX service and run them behind the 1PXX – as if the 1PXX is put behind the 2JXX then it will lose further time, resulting in the express service running significantly late and likely having a late start on the back working from Manchester Airport, causing further reactionary delay. Instead, the 1PXX services are normally run first, resulting in a few minutes of delay to 2JXX services but also allowing the 1PXX to recover time for an on time departure from Manchester Airport. If the services were managed for on time, then the 2JXX services would be prioritised as they have 9 recorded station stops between Leeds and Huddersfield (compared to 6 on the 1PXX services), with on time achievable on these if the trains depart Leeds on time. The regulation decision in this case is made with overall passenger and operational benefit in mind and so prioritises the 1PXX services, but results in worse results for the on time metric. It therefore follows that if on time was the only focus of the railway in this instance (and many like it) a different decision would be made and passenger experience would be degraded.

We would also observe that management of subthreshold delays is limited in practice, with little obvious improvements in this area. In particular, continuing impact from speed restrictions is felt across the network, with little urgency seen in improving these or other sources of subthreshold delays. We would suggest that sub threshold delays should not be a focus (as suggested to be an advantage of on time by the consultation document) when so much of the performance impact felt by passengers is in severe disruptions causing cancellations and significantly late running, rather than minor delays to trains.

Many of these disadvantages of the on time metric for understanding passenger impacts of performance are also seen (in a less severe way) in the Time to 3 metric, so we would support further changes to the success measures to include metrics that overcome these disadvantages – as described below in our response to question 4 of this consultation. However, we would still consider time to 3 to be advantageous to on time in this respect and therefore would support its use as a Network Rail success measure.

Consistency between Network Rail and TOC Performance Regimes

As with providing time to 3 within the outcomes framework, a major advantage of using it as the success measure for punctuality is that doing so will align Network Rail success measures with TOC performance regimes, improving consistency across the industry. As with the addition of time to 3 to the outcomes framework, this is unlikely to produce performance improvements by itself, but can facilitate performance improvement by removing distractions and potential areas of conflict between operators and Network Rail.

Network Rail using on time as a success measure has in our experience provided distractions to performance improvement, with two particular reasons for this:

- Inconsistency between TOCs and Network Rail metrics.
- Performance analysis showing a large proportion of on time failures as unattributed.

These topics have been observed to receive a lot of discussion, distracting from performance improvement actions. Changing the Network Rail success measure to time to 3 will reduce the impact of these distractions, as it provides consistency between Network Rail and operators and because time to 3 has fewer unattributed failures, allowing for more definite performance analysis and simplifying performance improvement.

Consistency between Network Rail and TOC performance metrics may help to improve potentially contentious issues where regulation could be used to improve one metric over another, as all operators and Network Rail would be attempting to improve the same metrics. One example has been seen with the trial to regulate trains for on time on the East Coast Mainline – Network Rail wanting to make this change to improve their success measure, but TOCs being resistant to the change because of likely impacts on other metrics.

For these advantages to be seen, it will be necessary to improve understanding across the industry of causes of failures of different metrics. This will support implementation of schemes that help improve performance metrics. The industry's understanding of these issues applied to all current performance metrics is very much in its infancy, with the inconsistent metrics between TOCs and Network Rail being one barrier to improved understanding. At present, even when TOC and Network Rail metrics are in alignment, actions to improve performance can be limited by the lack of understanding of the metrics, with an example being proposals to improve regulation for originating services at Liverpool Lime Street – where simple actions have been delayed despite evidence of them providing performance benefit. A consistent set of metrics may be hoped to remove this barrier and allow performance improvement actions to be progressed.

These improvements would also require improved understanding of trade-offs between metrics and clear direction in terms of what lateness should be tolerated and therefore which metrics should be prioritised. Our view is that consistency of metrics between Network Rail and operators would benefit this understanding.

Question 4: Do you have any other views on the measures we should use to hold Network Rail to account for passenger train performance in years 3 to 5 of CP7?

In our option Network Rail does not focus clearly enough on performance that results in significantly delayed trains and cancellations – which have the greatest impact on passengers (existing and potential) and on reputational impact. These are the major performance challenges at present and are not addressed by the current Network Rail success measures sufficiently – also not being addressed by the changes being

consulted on as many of the disadvantages of on time are shared with time to 3. We would therefore make the following comments on options for performance metrics:

Use of T-15

We would support use of T15 as a Network Rail success measure in addition to time to 3, again due to its stronger ability to indicate performance experienced by passengers and to drive consistency between Network Rail and TOC contracts – which contain time to 15 alongside time to 3 as a key performance metric. Time to 3 shares many disadvantages with on time, and these can be overcome by using an additional punctuality metric as a success measure that does not share the same disadvantages. We would note that T15 measures different aspects of performance from T3 (in similar way as T3 measures different aspects from on time), and indeed this is seen in the historical results as time to 15 is not correlated with the improved on time performance since 2019/20, but instead accurately depicts the decline in severe late running experienced by passengers over this time.

Use of two different complimentary punctuality metrics would require further understanding of trade-offs between metrics and clear direction on which metric should be prioritised and what level of lateness should be accepted – which has been a challenge with TOC contractual metrics. We acknowledge that this would be an additional challenge if time to 15 was added as a success measure but would consider the advantages of using time to 15 in measuring passenger performance impacts as justification for this challenge – also noting that such challenges already exist between cancellation and punctuality metrics.

Cancellations

We perceive a lack of emphasis from Network Rail on cancellations, with these not affecting the on time metric – something not addressed by any proposal within the consultation as this weakness is shared by time to 3 and Network Rail delays per 1000 miles train travel is similarly not a measure of reliability success. Network Rail seemingly have little accountability for cancellations, with inconsistent measurement on a route/region basis and targets set to a lower level of detail than for delay minutes. We would also note that operators do have a TOC on self cancellations metric within the performance regime but there is no equivalent within the Network Rail success or supporting measures. This is especially relevant currently as many performance impacts are seen on severely disrupted days, which are often the result of significant infrastructure failures. There is an increasing tendency for inconsistent performance with some days with major incidents causing cancellations and resulting in large gaps in services. These severely disrupted days have high passenger impacts and reputational damage for the railway but are not emphasised within the Network Rail success measures. The current trends show a clear decline for cancellations, so this should be prioritised as a focus for performance improvement.

Composite Metrics

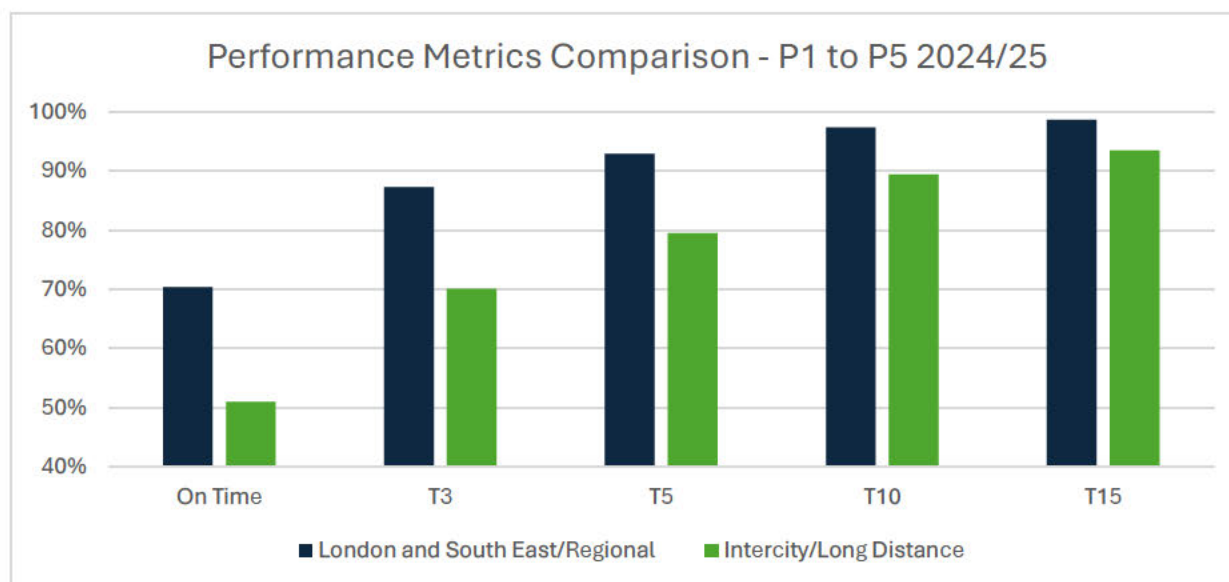
We would suggest that a composite metric that contains both cancellations and punctuality impacts would aid in providing overall performance indications across the industry and for historical comparison. We currently use PPM internally when this is required and feel that it would be beneficial to have a metric with similar characteristics but based on punctuality at every stop rather than just termination.

This could also allow for improved understanding of trade-offs between reliability and punctuality performance by building both into one metric once again.

Differing Time bandings

We would support any measures aimed at understanding different expectations of performance between long and short distance services, in a similar way to the definition of PPM. We would support the use of metrics that consider different time periods for different service groups dependant on whether they are long distance or short distance services. Currently, no such allowance is made within performance regimes, with the result that regardless of the punctuality threshold used, short distance services and operators see better reported performance results than long distance operators due to the different challenges of operating these services. This does not necessarily align with passenger expectations or operational realities, where small delays in short distance journeys are more impactful than similar lengths of delays over longer distances. A metric that accounts for this but applied at every stop along a train's journey rather than just at termination, would be welcomed as a means to show true performance levels across the industry (especially when comparing different services and operators) and to better align overall results with passenger expectations. Previous advice has been to avoid directly comparing the results from different operators for this reason, but this advice has not been followed with industry league tables produced. We would therefore support official metrics which consider the difference between long and short distance services, whilst being based on punctuality at all stations, not just the termination station, and then using these metrics whenever comparisons are made.

To illustrate this, the overall results for periods 1 to 5 of 2024/25 for both long distance and London and South East/Regional services (categorised in the same way as with 5/10 minute PPM thresholds) have been plotted on the graph below:



These results clearly suggest that time to 3 for long distance operators gives similar results to on time for short distance operators, and therefore would be a reasonable comparison on whether performance has been delivered on each service. Similarly, T10 for long distance operators appears comparable to T5 for short distance operators. Combining these into a single metric, determined based on the

characteristics of the service, would provide clearer indications on whether performance has been delivered, including allowing a more representative view of performance across Network Rail routes and regions.

Scotland Train Performance Measure

We would also query how well cross-border operators are captured in Scotland when the success measure is the Scotland train performance measure, which does not include operators other than ScotRail. The consultation suggests continuing to use on time (or replacing with time to 3) as a supporting measure. This is not a robust means to assess performance of cross-border services as these generally have a low number of station stops in Scotland and also see much delay imported from other Network Rail routes, so neither on time or time to 3 can be seen as indicative of Network Rail Scotland's operational delivery to cross-border services.

Furthermore, we would question whether it is acceptable in principle for cross-border operators' punctuality to not be included within the Scottish success measures – only featuring in the supporting measures. Therefore, we would support inclusion of metrics specifically considering delivery of cross-border services and would also support ensuring punctuality of cross-border services are included within a success measure for Network Rail in Scotland.

Office of Rail and Road
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7 October 2024

**Control Period 7 passenger train performance reset:
Consultation on train performance measures for 2026-29**

Transport Focus is pleased to be working with the Office of Rail and Road (ORR) and Network Rail to explore passengers' views to inform the decision about train performance measures for 2026-29. As you know, the quantitative phase of the research is not due to report until later in October, so please regard this as our interim response. We will confirm or amend our position as quickly as possible.

You have asked four questions, two of which are inextricably linked:

1. Do you agree with promoting 'Network Rail delay minutes per 1,000 miles train travel' to a success measure in our Control Period 7 outcomes framework?

This metric covers one organisation's element of train performance, and our preference is for 'whole industry' measures because passengers do not generally experience infrastructure performance in isolation. However, Network Rail's performance clearly plays a significant part in delivery of the end product. Even fast-forwarding some years, there will still be a need to understand the performance of Great British Railway's (GBR) infrastructure as part of its total product. And this will have ongoing importance for passengers using parts of the railway that will not be virtually integrated even after GBR is fully operational (that is, open access operators, Elizabeth line, London Overground, Merseyrail, Scotrail, Transport for Wales). Therefore, we support this proposal.

2. Do you agree with adding 'time to three minutes' to our Control Period 7 outcomes framework?

3. Should 'on time' be retained as our punctuality success measure for England and Wales, or should it be replaced with 'time to three minutes'? What is the evidence/reason behind this? Will a change result in improved train performance?

Adding 'time to three minutes' as *one* of the metrics ORR considers in holding the railway to account is not controversial. Indeed, Transport Focus would expect ORR to be considering train performance against a number of different delay thresholds. What divides opinion is whether the *primary* metric should be 'on time' (meaning within 59 seconds of scheduled arrival) or 'time to three minutes'.

Passengers were divided in the initial qualitative phase of research. For some, the question is black and white: on time means on time, not almost three minutes late.

Those in that camp take the view that success should not be judged as anything other than truly on time.

They do not want the railway patting itself on the back for having, in their view, failed to achieve true success. When we explored the suggestion that a truly 'on time' metric might create a disincentive for the railway to minimise additional delay to an already-late train, these passengers were unconvinced. For others, up to three minutes late counting as on time is regarded as reasonable; viewed as understandable leeway given all the things that might prevent a train arriving within 59 seconds of schedule. The quantitative phase of research will provide further elucidation, including giving an understanding of how views differ depending on type of journey and other factors.

[Previous Transport Focus research](#) has shown a stark link between train punctuality and journey satisfaction, with the latter falling away sharply after the very first minute a train is late, particularly among commuters. That study showed that for every minute of lateness, overall satisfaction declines by one and a half percentage points, and among commuters the decline is steeper at three percentage points per minute. Unfortunately, because of discontinuation of the National Rail Passenger Survey as a result of Covid, it has not been possible to update that work. However, while there are fewer commuters and more leisure travellers post-Covid, it seems improbable that passengers' tolerance of delay has fundamentally changed. Indeed, Covid is said to have generally reduced tolerance in society.

Your sub question 'will a change result in improved train performance?' is *the* key issue. A change to 'time to three minutes' would, clearly, increase the *reported* level of punctuality. However, those parts of the railway currently ruthlessly focused on running a tight 'on time' ship are likely to relax, while those currently underachieving would no longer need to make the effort. And, looking at the 'within 59 seconds' data for April to June 2024, it is important to note that it can be done: Greater Anglia 87.2; Elizabeth line 83.1; Chiltern Railways 82.0; c2c 81.4 (all percentages). In short, we cannot see how a move from 'on time' to 'time to three minutes' will do anything other than worsen passenger experience.

Therefore, Transport Focus favours 'time to three minutes' becoming a supporting measure, but advocates strongly that ORR retains 'on time' as the primary metric by which it holds Network Rail to account for its performance on behalf of passengers.

Do you have any other views on the measures we should use to hold Network Rail to account for passenger train performance in years 3 to 5 of Control Period 7?

First, you already include cancellations as one of the primary metrics and this should continue. However that measures only cancellations made on the day of operation, not those made in advance. In our response to ORR's consultation 'late notice pre-cancellations' this summer we made clear that pre-cancellations are still cancellations to passengers, late notice or otherwise. In the qualitative research just undertaken passengers were quite clear about this. If a train has been advertised as running and is

subsequently removed from the timetable, it is a cancellation. That is, irrespective of how far in advance it was deleted, up to a cut off of about three months ahead, based on their experience that tickets are generally not on sale further ahead than that. Transport Focus therefore confirms its position that data showing all ‘pre-cancellations’* should be published routinely alongside ‘on the day’ cancellations, attributed to the organisation requiring that pre-cancellation and with the reason identifiable.

* Excluding trains removed from the timetable for engineering works where amendments were made according to Informed Traveller timescales.

Second, although outside the scope of your consultation, Transport Focus advocates that a strong measure of passenger experience sits alongside objective train performance in how the railway is judged. This is borne out in the qualitative research just completed. Clearly, whether a train runs and whether it runs on time is fundamental to passenger experience. However, other things matter to passengers as well. For example, day to day delivery of the softer elements of the product – is the passenger assistance and catering delivered, is the wifi/power power socket working at your seat; are the toilets working, clean and stocked with paper and soap etc. And ethos matters, too. Does the railway demonstrate, in the way it deals with passengers, before, during and after their journey, that it really cares about them as paying customers. In the industry reforms that lie ahead, these issues need to be considered alongside train performance as part of judging the railway’s success at delivering for passengers.

Guy Dangerfield
Head of strategy and intelligence

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1 November 2024

Control Period 7 passenger train performance reset: Consultation on train performance measures for 2026-29

As trailed in Transport Focus's 7 October 2024 response to the above consultation, this supplementary note follows completion of the research undertaken in partnership with the Office of Rail and Road (ORR) and Network Rail to explore passengers' views. That research is now complete, and we will publish findings in December to coincide with publication of your conclusions.

The new research shows that 97 per cent of passengers considered arriving within one minute of the scheduled time as punctual, while 89 per cent considered arriving within three minutes as punctual. Seven in ten (69 per cent) felt measuring to one minute was fair and three-quarters (75 per cent) felt measuring to three minutes was fair. 16 per cent felt one minute was too strict, while one in five (20 per cent) felt three minutes was too lenient.

In our original response we concluded that passengers' interests would be best served by ORR sticking with 'on time' (that is, within one minute of scheduled time measured at each station) as the primary metric to hold Network Rail to account for delivery of a punctual railway.

That remains our position for three principal reasons:

- We know that passenger satisfaction declines steeply from the very first minute of delay, rather than only after three minutes¹. Passengers want trains to run on time, rather than nearly on time.
- For some there are real world impacts of being even three minutes late. A connecting train or bus, or appointments where the railway running bang on time really matters (for instance collecting children from nursery).
- For some it is a matter of principle: if the railway truly cares about paying customers it would not count a late running train as a punctual train. They do not want the railway patting itself on the back for having, in their view, failed to achieve success.

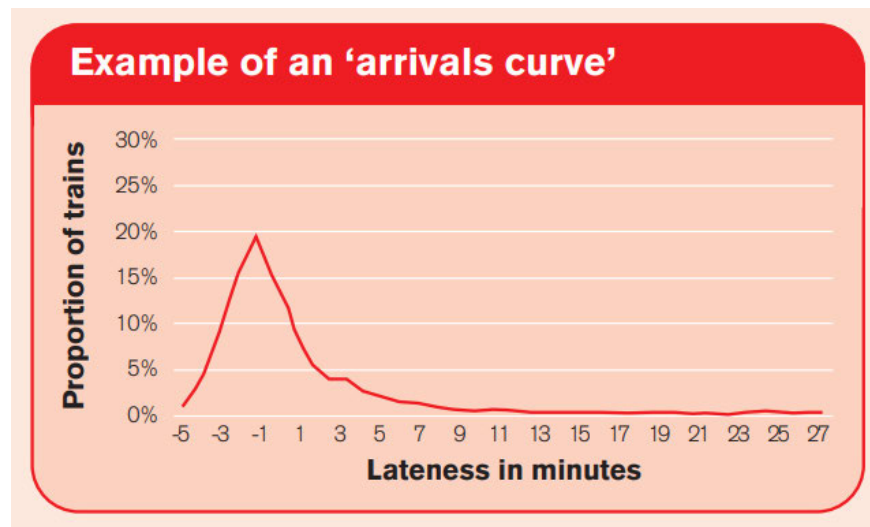
¹ <https://www.transportfocus.org.uk/publication/train-punctuality-the-passenger-perspective/>

It is true that many passengers could ‘live with’ a metric defining punctual as within three minutes of scheduled time, but some argue that is only because people are conditioned to accept mediocrity. Taking everything into account, our conclusion is that counting trains that are up to three minutes late as punctual will not incentivise the railway to strive for what passengers *actually* want – and is therefore not in passengers’ best interests.

In closing, we reiterate a point made in our 7 October response: “Transport Focus would expect ORR to be considering train performance against a number of different delay thresholds.” It is important to passengers that ORR is focusing the industry to striving to improve the whole of the ‘arrivals curve’.

This echoes a question we posed previously about the limitations of a single pass/fail metric, irrespective of the threshold it uses:

“Might the answer be targets to encourage movement of the whole ‘arrivals curve’ (example below) to the left on the graph, incentivising better ‘right time’ performance, but also giving incentives to achieve a three-minute delay rather than a four-minute delay, or a nine-minute delay rather than an 11-minute delay and so on?”



Guy Dangerfield
Head of strategy and intelligence