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Deputy Director, Railway Markets and Economics



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

Dear Patrick

ORR investigation of GTR Compliance with condition 4 of GB Statement of National Regulatory Provisions: Passenger¹

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

From the source evidence gathered as part of this inquiry, we have identified concerns with GTR's provision of passenger information relating to the May 2018 timetable; with particular reference to Thameslink and Great Northern services.

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

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

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

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



We are therefore advising GTR that the above issues are now the subject of a formal investigation into whether it contravened, (or is contravening), condition 4 of its Statement of National Regulatory Provisions (SNRP). We will carry out our investigation in accordance with our economic enforcement policy³ processes. An investigation terms of reference is attached.

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

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

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

Yours sincerely



Stephanie Tobyn

³ http://orr.gov.uk/__data/assets/pdf_file/0018/4716/economic-enforcement-statement.pdf

Annex: Terms of reference for a formal investigation into the issues relating to GTR's provision of passenger information ahead of and after implementation of the 20 May 2018 train timetable.

Purpose

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

Scope

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

The provision of appropriate, accurate and timely information provided:

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

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

Methodology

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

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

Investigation team

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



How the investigation will be conducted

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