

John Larkinson
Chief Executive

David Brown
Managing Director
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Northern House
9 Rougier Street
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Dear David

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

ORR wrote to Northern on 3 October 2018 to inform you that we had launched an investigation into whether Northern did, or is doing, everything reasonably practicable to achieve compliance with its obligations set out in condition 4 of its SNRP.

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

Purpose

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

General duty

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

Thank you for Northern's co-operation and the information provided to ORR during the investigation. We have considered that information, including your responses, material provided to us in or following meetings and source information previously provided to us as part of the Timetable Inquiry.

We have undertaken a detailed analysis of the Northern passenger experience of the timetable change to better understand the nature and impacts of the primary information failures they were exposed to. We have also examined data collected in the course of our regulatory monitoring.

In particular, our investigation has focused on Northern's provision of appropriate, accurate and timely information:

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

In assessing the evidence we have considered whether Northern was and is doing everything reasonably practicable to comply with its obligations in condition 4. We have also considered:

- the steps Northern has taken 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.

A summary of findings from our analysis of the evidence we have collected is set out below.

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

In relation to Northern's provision of appropriate, accurate and timely information to enable railway passengers and prospective passengers to plan and make their journeys with a reasonable degree of assurance in the lead up to the implementation of the May Timetable ('pre 20-May'), the findings from our investigation are as follows:

- We consider that Northern's communications plan and campaign to encourage passengers to 'check their new train times' was successful in raising awareness amongst passengers and was appropriate in its methods and reach. The campaign commenced four weeks prior to the introduction of the new timetable, and our research found that 62% of passengers were aware that the timetable was changing.
- Timetables were made available online to help passengers to plan their journeys. Some of the distributed flyers at specific stations also highlighted the train times and where particular pinch points would be found in the new timetable. However, there was a delay in producing printed timetables, which hampered passengers' ability to plan their journey, particularly for those who are not able to access information through online methods.

- Our research found that the personal impact of the new timetable was not well understood by some passengers and there was confusion about the scale of the change. In this respect, there was perhaps the opportunity to convey a more urgent message both on social media and in literature to passengers generally about the new timetable.
- Northern demonstrated the ability and willingness to act in response to feedback from passengers and via staff about the impact of the new timetable on specific local services. Direct communications with passengers using services in hotspot areas was positive but passengers using these lines were not also informed via twitter. Messaging which goes to all passengers but is only relevant to some is normally a regular feature of rail communications (e.g. incident or service disruption on specific lines/routes) and would have supplemented more direct communication.
- Nonetheless, we consider that Northern's communications plan and campaign to bring the timetable change to passengers' attention was broadly successful. The methods used did signal to passengers that a timetable change was happening and the detailed communications relevant on specific routes was helpful. Prospective passengers were made aware of the change, had access to the expected timetable and reasonable efforts were made to keep passengers up to date in the period leading up to 20 May.
- It is therefore our final view that in respect of their condition 4 obligations, Northern took reasonably practicable steps to provide appropriate, accurate and timely information to passengers prior to the timetable change on 20 May

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

In relation to Northern's provision of appropriate, accurate and timely information to enable railway passengers and prospective passengers to plan and make their journeys with a reasonable degree of assurance during the period of disruption following the introduction of the 20 May timetable ('post-20 May'), the findings from our investigation are as follows:

- We consider that the exceptional circumstances that followed the introduction of the 20 May timetable meant that providing perfect advance information for all services was, from the outset, an impossible task. There were two weeks from 20 May to 4 June where in many cases Northern passengers suffered from the provision of particularly poor information, which affected their travel and journey planning. Passengers also faced disruption as a result of two RMT strike days on 24 and 26 May.
- Our guidance to support compliance with condition 4 recognises that timetabling services and providing information to passengers are difficult, complex tasks. There is a balance to be struck between service delivery and the ability to provide appropriate, accurate and timely information for passengers during sustained periods of disruption. The licence condition is not intended to undermine the primary objective of providing the best available services for passengers.

- Against this context we consider that although passenger information was in many cases inadequate in the period between 20 May and 4 June, there is evidence to suggest that Northern took steps to provide appropriate, accurate and timely information to the greatest extent reasonably practicable having regard to the circumstances that it faced. Northern's interim timetable was introduced on 4 June, which stabilised service levels, improved performance, reduced last-minute cancellations and enabled the provision of better information to passengers (although it is widely recognised that on some routes passengers continued to experience significant disruption following this period e.g. on the Lakes Line).

In particular, we found that:

Northern's service recovery up to the introduction of the interim timetable on 4 June

In response to the timetable disruption, Northern took a number of operational decisions to try to stabilise the train service. These steps included:

- Implementation of a Gold Command Structure to provide a strategic response to the disruption including through focused leadership, co-ordination and communication (for both passengers and staff);
- Use of 'sweeper trains' to manage passenger demand - initially these additional services were ad hoc but when the timetable was reintroduced on 25 May (after a strike day timetable was in use on 24 May) the sweeper trains became part of the advertised timetable.
- Identification of services 'at-risk' of cancellation and use of a three-hour cut-off for decision-making regarding such services, at which point services still 'at-risk' were cancelled to provide certainty to passengers and accurate information on CIS screens.
- Northern was able to implement measures aimed at improving the situation that they faced on 20 May. The decision to hold an emergency directors' meeting on 23 May and subsequently plan the interim timetable for 4 June proved fundamental to providing passengers with greater certainty over the services that they were capable of running.
- Evidence indicates that whilst the quality of information provided to passengers was in many cases inadequate during the period between 20 May and 4 June, Northern did have regard to the fact that running a train service (or rail replacement bus) is only helpful to passengers if they know when and where the service will arrive, where it is going and how long the journey will take.

Communication and impact of the interim timetable

- Northern's interim timetable involved removing 6% of services (168 a day) from its 20 May timetable. Northern has said that this '*enabled us to accelerate our driver training, stabilise service levels, improve performance and significantly reduce last-minute-cancellations*'¹.
- Northern operated a reduced service until 30 July, when 75% of the removed services in its interim timetable were reinstated. Overall more trains were running after the interim timetable was introduced than were operating before the

¹ <https://www.northernrailway.co.uk/temporary-timetables> - statement from David Brown

timetable of 20 May, and the number of minutes Northern's services were delayed recovered to pre-20 May levels from week three onwards.

- Northern developed a comprehensive communications plan for passengers to support the introduction of the interim timetable. The evidence we have reviewed suggests that this communications plan was appropriate both in terms of its scale and reach. Firstly, it had clear provisions for ensuring the information reached as many different types of passengers as possible by utilising multiple communications channels. Secondly, it was also targeted through key actions to ensure information was especially focused on the routes which would be most affected by the change. In particular, it gave Northern passengers access to accurate information to enable them to make or plan their journeys from the 4 June with a greater degree of certainty than had been the case in the prior two week period.

On the balance of evidence assessed, and as summarised above and in our investigation report, whilst the quality of information provided to passengers was in many cases inadequate during the period between 20 May and 4 June, we consider there is evidence to indicate that Northern gave appropriate consideration to the provision of information alongside operational service recovery and that it subsequently took reasonable practicable steps to provide appropriate, accurate and timely information to its passengers. We have therefore concluded that ORR will not take any further action in relation to any possible breach of Northern's SNRP.

Next steps

We are writing separately to the industry to share the results of our investigation. We will be asking operators to review their crisis management plans, and to provide details of the arrangements to support passengers that require additional assistance during disruption (both planned and unplanned) including Northern.

We will continue to monitor operators' performance in this key consumer area and will hold them to account to ensure that they meet their obligations.

A more detailed assessment of the evidence ORR has used to reach these decisions has already been provided to Northern and our final investigation report will also be published with this letter on ORR's website.

I am copying this letter to Polly Payne, Ruth Hannant and Tim Rees at the Department for Transport.

Yours sincerely,



John Larkinson
Chief Executive