Information for passengers

Guidance on meeting the licence conditions

Version 3: April 2022

Introduction

1. This guidance supports the passenger information licence condition in passenger, station and network operator licences by giving more information about what we expect and how we will enforce it.

2. Since we introduced the licence condition in 2012 the industry has worked hard to deliver improvements in this area. However, at the same time, passenger expectations have increased. As new technology is introduced, the industry must continue to review the services that can be provided, whilst also ensuring that the basic information at the heart of the system is correct.

3. We have a duty to protect the interests of passengers and this is an important area where continuous improvements are needed. We have other duties including to enable service providers to plan their businesses with a reasonable degree of assurance and not to make it unduly difficult for network licence holders to finance proposed activities. In framing and enforcing these obligations we must take account of all our duties.

4. We are updating the guidance to recognise the Customer Information Pledges (Pledges) that have been introduced as part of the industry's "Smarter Information, Smarter Journeys" programme. Separately, delay compensation is now a standalone licence condition. While the passenger information licence condition itself has not changed, we have taken the opportunity to remove out-of-date references from this guidance document and to make sure that delivered actions from the smarter information programme are reflected.

Purpose & scope

5. The objective of the passenger information licence conditions in the passenger and station licences and related obligations in the Network Rail network licence, 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.

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

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

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

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

Licence obligations

Passenger licences

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

11. In November 2019, we wrote to the Rail Delivery Group (RDG) to ask that the industry publish a Passenger Information Improvement Plan. In its June 2020 reply, RDG set out what has now become the "Smarter Information, Smarter Journeys" programme. Its commitments under this programme included updating the code of practice (ACOP014) that we currently accept as meeting the requirement of the passenger information licence condition, which was last updated in October 2016.

12. In December 2020, RDG published its Customer Information Pledges and proposed that passenger train operators adopt them as their code of practice for passenger information. We consider that the Pledges are good practice and we support train operators in adopting them to satisfy the licence requirement to publish a code of practice.

13. Amongst other things, the Pledges require train operators to:

    - publish a page at toc.co.uk/pledges that includes the following information:
        - a link to the Pledges page on the RDG website;
        - a public facing Pledges document for its business that is recognisable as being part of the national initiative but which is tailored for its company, including the current arrangements and plans for the year ahead; and
        - any operator-specific key performance indicator data
    - collectively review the Pledges, at least annually.

14. We will monitor compliance with the licence condition, and so the Pledges, on an ongoing basis. To inform our compliance monitoring, we expect each train operator to complete and submit a compliance reporting template, specified by us, whenever it reviews its Pledges. We expect such a review to occur at least annually. For 2022, the compliance reporting template will follow the form developed by RDG under the Smarter Information, Smarter Journeys programme. Where an operator considers that an individual Pledge does not currently apply, it should set out its justification in its compliance reporting template.

15. Following any review of the Pledges by the train operators collectively, any changes that have been agreed must be notified to us. We will assess whether the updated Pledges still satisfy the licence requirement. We do not formally approve codes of practice but we can require a train operator to review (and, if necessary, revise) its code of practice. We would do this if, for example, we believed this would enable the operator to better fulfil the general duty[1] contained in the licence condition. This could, for example, be if the code had become out-dated due to technological

[1] General duty – "The licence holder shall achieve the Purpose to the greatest extent reasonably practicable having regard to all relevant circumstances, including the funding available."

advances, or if there were repeated problems despite the train operator following its code of practice and they were not being addressed in an improvement plan.

16. Should a licence holder wish to develop its own code of practice rather than adopt the Pledges, it would need to satisfy us that the bespoke arrangements would enable it to meet its obligations equally as well or better than the Pledges. A custom code of practice must still cover all stages of the passenger journey and be published.

Station licences

17. Station licence holders have a key role in providing information to passengers. The station passenger information licence condition requires station operators (including Network Rail) to cooperate with train operators to enable them to meet their obligations to provide information to passengers. We support station operators in adopting the relevant aspects of the Pledges in order to demonstrate compliance with the station licence condition.

18. Where a station operator is also a train operator, we expect the completed compliance reporting template (see paragraph 14) to include activities at stations. We require that train information must be provided for all services calling at a station, not just those operated by the licence holder. We recognise that to meet these obligations a station operator must secure cooperation from the train operators.

19. Where a station operator holds only a station licence (for example, Network Rail managed stations), it should have a station customer information plan that sets out how information will be provided, both in normal operation and in disruption, at each station. We expect relevant Pledges that apply at stations or to station staff to be considered when preparing the station customer information plan. Completed plans should be signed off by all the train operators that use the station and sent to us when issued or updated.

Network Rail's network licence

20. Network Rail, as an infrastructure manager, has additional obligations related to passenger information. Under its Network Licence, Network Rail is responsible for both the timetabling process and for providing appropriate information to train operators relating to planned and actual movements of trains on its network (including when there is disruption). This includes providing information under Relevant Industry Processes such as "informed traveller" in advance of any change being made to planned services.

21. During times of disruption, the network licence requires Network Rail to cooperate to pass information about the disruption to the relevant train operators as quickly as possible so that decisions can be made about changes to services, and to respond promptly to timetabling matters a train operator considers urgent.

Relationship with infrastructure managers other than Network Rail

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

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

National Rail Enquiries (NRE) and other third-party suppliers

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

Enforcement of licence obligations

25. The approach to enforcement is set out in our Enforcement Policy and Penalties Statement. In general, our policy is to monitor delivery of licence requirements and to take effective enforcement action if required to resolve serious or systemic issues. We aim to ensure that monitoring and enforcement is proportionate to the issue and will take a stepped approach of investigation and escalation.

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

27. The licence obligations are not intended to undermine the primary objective of providing the best available service for passengers. Making justified changes to the train plan to meet passengers' needs should not be conditional on providing perfect advance information about these. However, we would expect licence holders to use reasonable endeavours to communicate such information as widely and as quickly as

possible. We will take the circumstances into account during any assessment of compliance.

28. Where a franchising authority has included specific commitments in a franchise or concession that go beyond the licence commitments for passenger information, it is for the franchising authority to enforce these. Our economic enforcement policy is clear that we will not subject an operator to double-jeopardy, so we would expect to liaise with the franchising authority to clarify who should lead if contract and licence requirements overlap.

Further information

29. For more information about the licence condition or to submit documents on this subject to us please use the consumer@orr.gov.uk e-mail address. Information about the passenger-facing licence conditions may be found on our website.

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