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Managing Directors
Train operating companies

8 October 2020

Dear Colleague,

Compliance with condition 4 of the Passenger Licence and GB Statement of National Regulatory Provisions: Passenger, and Consumer law

We are aware that the industry has moved into another period where Informed Traveller timescales will not be met. We are in discussions with the Network Rail system operator about compliance with its licence obligations in this area. However, we also require that train operators fully understand their obligations, both under licence and consumer law, for providing information to passengers when timetables are not confirmed.

Licence and consumer law requirements

In February 2018 we wrote to all train operators to remind them that the provisions of Condition 4 of the Passenger Licence and GB Statement of National Regulatory Provisions: Passenger (Information to Passengers) require train operators to provide appropriate, accurate and timely information to allow passengers to plan and make their journeys with a reasonable degree of assurance, including when there is disruption. Train operators must do so to the greatest extent reasonably practicable.

Additionally, we noted that the Consumer Protection (from Unfair Trading) Regulations 2008 (the 'CPRs') also prohibit unfair and misleading commercial practices. A commercial practice may be misleading if it omits or hides material information. The information that individual passengers need may vary depending on the type of ticket they are buying, the purpose of their journey, or the individual requirements of the passenger. Train operators should ensure that passengers are provided with all the information they may need to enable them to choose, buy and use the most appropriate ticket for their journey.

Failure to provide timetable information to passengers in accordance with accepted industry standards, providing it in a way such that its presentation might mislead, or omitting or hiding material information or providing information in a way that is unclear, unintelligible, ambiguous or untimely could all potentially infringe the CPRs.

We recognise that it can be difficult to keep information accurate in rapidly changing situations and this applies equally if not more so during the current pandemic. Nevertheless, we remain concerned about the accuracy of information provided to

passengers and the possible adverse impact on them. This is particularly important as the industry looks to encourage passengers back to the railway. In this regard, we note that the leisure market is showing the most recovery but in some instances weekend timetables are not being confirmed and uploaded to journey planners until the week before travel.

Key principles

In our February 2018 letter, we set out key principles to which we expect train operators to adhere to in order to ensure they are taking all the necessary steps to provide appropriate, accurate and timely information to passengers when timetables are not confirmed. We have reviewed and where necessary updated these to ensure that they remain current.

1. Be open about the impact on all passengers of the challenges train operators face. Take responsibility for ensuring that passengers can get the information needed to plan and make their journey as that information comes available.
 - a. Passengers should not have to look at multiple sources of information to get the information that they need; information and warning messages should be consistent across all main information sources, e.g. TOC website journey planner, ticket engine and National Rail Enquiries.
 - b. Extra effort should be made to highlight changes that are unusual such as work that might affect a weekday peak period rather than just overnight or weekend trains so that all travellers, regular or infrequent, are equally well-informed.
 - c. When there are engineering works, explain in clear jargon-free language what is being done and why, and the impact it will have on passengers.
 - d. Information should be consistent across all the train operator's channels. The passenger should receive the same information and warning messages when they are planning a journey or buying tickets via an app or mobile website as they would if they were using the main website.
2. It is necessary to provide clear information on the availability of advance tickets, what is available and when, to help passengers plan journeys even when the timetable is uncertain.
 - a. When advance tickets have not been released this should be made clear to passengers using the ticket engine and an estimate given of when these tickets are likely to be released.

- b. A facility should be provided for passengers to register their interest in future advance ticket dates and to be alerted when these tickets become available.
 - c. An advance ticket calendar should set out the latest date currently available for purchase, ideally splitting separating weekdays from Saturdays and Sundays where the availability may be different.
 - d. When train times are changed for a ticket that has already been purchased, every effort should be made to contact the passenger to let them know. Should the new journey times not be convenient for the passenger they should be invited to apply for a refund. Refunds should be given without having to pay an administration charge including for advance tickets.
3. Timetable information should be correct as far ahead as possible, and where timetables are not confirmed; information about their current status should be accurate and updated frequently.
- a. Where the times are not confirmed to the full extent of the journey planner (normally 12 weeks) and there is a possibility that they will be changed this should be clear to passengers when planning journeys or buying tickets, e.g. by the use of warning messages. Ideally this will include the date when the timetable will be confirmed to allow passengers to check back at that time.
 - b. Should incorrect timetables still be in planners at T-1 the train operator should take extra steps to advertise that the times shown are incorrect.

Monitoring

We will monitor compliance with the licence condition. We will share the results of our monitoring, as well as the monitoring framework itself with train operators to enable them to proactively identify areas where improvement is necessary.

If you have any questions regarding this matter, please do not hesitate to contact me at the e-mail address provided above. We will publish this letter on our website.

Yours sincerely

A handwritten signature in cursive script that reads 'Stephanie Tobyn'.

Stephanie Tobyn