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Director Consumers and Scotland



Managing Directors
Train Operating Companies

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Dear Colleague

Passenger impact report – Hitachi class 800 trains

We have published today the results of our review of the impact on passengers following the Hitachi class 800 trains disruption. This work focussed on the information provided by the four train companies affected by the disruption and National Rail Enquiries (NRE) over the weekend of 8 May and over the following period to 21 May. The purpose of this letter is to bring the results of our review to your attention, and in particular to remind you about obligations in relation to ticket refunds.

Background

As you will be aware, alongside our review of the issues surrounding the safety issues with the Hitachi class 800 trains, ORR initiated a review of the impact on passengers of the resultant disruption. In particular, we considered the consistency and clarity of travel information, ticket refund rights, advice to passengers about alternative travel arrangements and ticket acceptance, and contact with passengers who had booked assistance. Our consideration of the communication of ticket refund rights also included a review of the information provided by third-party retailers.

Summary of findings

Our overall findings on the information provided by the train operators and NRE to passengers are positive and they performed well in the circumstances. Nonetheless, we identified a number of issues which are worthy of further consideration to reduce the impact on passengers should similar disruption occur in future. As they apply across the industry including to NRE, we have written to the Rail Delivery Group with whom we intend to meet to discuss these further.

Ticket refunds

It is important that passengers can access the information they need to understand their eligibility for a refund and are not faced with charges for doing so. In our review, we identified a number of areas where improvements in the information provided to passengers in future should be considered. In particular, we found the provision of clear and consistent information about the ability to claim a refund and the application of an administration fee to be inconsistent or absent in this instance.

Therefore, it may be helpful to remind train operators about our expectations in this area.

Under consumer law, consumers must be provided with material information, for example about their rights. This will help to ensure that they are not confused or misled about their existing contractual rights during the current disruption, a consequence of which could mean passengers not accessing the refunds to which they are entitled.

In the National Rail Conditions of Travel (Condition 30) the key contractual rights and terms relating to refunds include:

- Passengers can get a full refund on all tickets (except season tickets) if the train they intended to use is cancelled, delayed or their reservation will not be honoured, and they decide not to travel or are unable to complete their journey.
- Refunds in these circumstances will not be subject to an admin fee.
- Passengers should apply for a refund within 28 days of the intended date of travel, to the retailer from whom they bought their ticket.

We would expect this information (and any other relevant refund information) to be provided in a way that is clear, unambiguous and timely. On your website, we would envisage that this information is included not only in general information about ticket refunds but also referenced on any temporary webpages dedicated to the current disruption. It should also require a minimal number of clicks from the website homepage to access this information.

The refund claims process should be simple and easy to navigate online, with a clear category for cancellations/disruption in the options when choosing a reason for the refund application. This can help ensure the passenger is not dissuaded from applying for a refund and can obtain it fee-free.

We intend to come back to the issue of ticket refunds as part of our forward work plan.

We have also written to third-party retailers to set out our findings regarding the clarity and consistency of refund information and to reiterate our expectations in this area.

Yours sincerely

A handwritten signature in black ink that reads 'Stephanie Tobyn'.

Stephanie Tobyn