Written evidence submitted by St Albans Commuter and Passenger Action Group (RTC0096)

About us

St Albans

Report on our Evidence

   Passengers’ pre-May overcrowding warnings were ignored
   Performance stats - no public accountability
   Communication and services were not as advertised
   Pressure on people’s careers (and basic ability to get to work)
   Overcrowding, replacement buses, terminations
   Carnet ticket users – poor customer experience
   Compensation package is an insult
   Delay Repay – a completely inadequate system
   The structural problems of GTR’s “management contract”

Conclusion

Summary of questions

Recommendations

Link to our dossier of evidence
About us
St Albans Commuter and Passenger Action Group is a 1000+ strong Facebook group. The group was set up by St Albans resident and commuter Daisy Cooper on 20 June 2018: the day after Govia Thameslink had cancelled its attendance at a public meeting in St Albans, organised by the Association of Passenger and Transport Users (APTU), and one month after the botched introduction of the 20 May 2018 timetable.

Notwithstanding Govia’s absence, the APTU confirmed that Govia Thameslink only captures statistical information on delays and cancellations. Neither Govia, nor any other organisation, have sought to collect any evidence of the human impact of the disruption caused by the introduction of the 20 May timetable, nor take it into account when designing their “compensation” package.

The Action Group was set up with the specific purpose of using the collective power of commuters and passengers to generate the evidence that Govia Thameslink (and East Midlands) trains don’t collect and using that to lobby the rail industry, MPs and Parliament.

The group held a protest at St Pancras station, have been mentioned in Parliament, and members of the group have shared their experience with the media, including to The Guardian, BBC Three Counties Radio and our local newspaper the Herts Advertiser.

The group has also held two public meetings. The Facebook group and the two public meetings have generated a 57-page dossier of evidence, which provides just some examples of the human impact of the new 20 May timetable and the additional hidden costs of the disruption. It is attached to this submission and we think it makes for shocking reading.

We have engaged in a lot of research of our own. We have attended ‘meet the manager’ sessions, we have quizzed Thameslink bosses, and we have found parliamentarians willing to ask questions in Parliament. However, as rail passengers we feel we have no idea who decided what and when: there is zero accountability to passengers and that must change. To us, the entire industry seem impenetrable, and rail operators and various Government actors appear to be working ‘in cahoots’ against the interests of passengers.

In light of our own experiences, and the limited information we have been able to ‘uncover’, we have suggested our own recommendations as commuters and passengers. We are now looking to the Transport Select Committee to get to the bottom of what was an unholy mess and make bold recommendations to the Government that support our three aims:

1. Improved services and service information without further delay
2. Proper compensation is provided, to all passengers, and at a level that takes into account the broader hidden costs and impact of the disruption of the timetable
3. That lessons are learned and structural changes are made so that the disruption caused by the introduction of a new timetable can never happen again.

St Albans
In terms of our rail connectivity, St Albans is known for being “just 20 mins from St Pancras.” Having a fast and reliable rail service to and from London is central to the lives of thousands of individuals and families in St Albans. Day-to-day it enables thousands of residents to easily commute to London for work, whilst also managing the school run, caring responsibilities, or other evening activities.

The proximity and convenience does however come at a price. St Albans is the busiest station on the north Thameslink route and the St Albans to London route has been reported widely is one of – if not the - most expensive in the UK compared to other cities with rail commuter links a similar distance apart. The Campaign for Better Transport has likened the cost per minute to that of a premium rate phone line.

Given the cost of rail travel even at the best of times – and the annual increases, unnecessarily linked to the higher rate of inflation - the disruption caused by the introduction of the 20 May timetable was a particularly bitter pill to swallow.

Before the 20 May timetable, St Albans rail passengers were:
• Served by Govia Thameslink trains (running from Bedford and Luton through to St Pancras, London Bridge and beyond) and
• Indirectly assisted by East Midlands Trains (running from Sheffield to London St Pancras International) stopping at Bedford, Luton and Luton Airport Parkway, thereby lightening the volume of passengers needing to use Thameslink.

With the implementation of the Rail2020 plan we were promised “A significant increase in frequency of trains between St Albans and St Pancras”¹ and more specifically “More services on the Bedford Thameslink route with a 60% increase in carriages and over 50% more seats from St Albans to London.”²

Just four days before the 20 May timetable was introduced, Govia Thameslink were still claiming that the new timetable would bring 32 per cent more carriages and 4,200 more seats on St Albans services.³ In reality the new timetable wrought chaos.

It has also not gone unnoticed by a fair number of longstanding commuters that “Rail2020 plan” seems to be the new name for the Thameslink

---
³ http://www.hertsad.co.uk/news/thameslink-upgrades-at-st-albans-1-5520272
Programme that was originally called “Thameslink 2000” when it was conceived in the 90s. So these “benefits” are 18/20 years late delivered by an industry that seems to have ‘run out of time’ to do its timetabling properly when in fact it has around 25 years to prepare.

REPORT ON OUR EVIDENCE:

Passengers’ pre-May overcrowding warnings were ignored
In December 2017/January 2018, commuters learnt that under the then imminent 20 May timetable, East Midlands Trains (EMT) would no longer be stopping at Bedford or Luton on their way to London.

Campaigners sounded the alarm. We warned that passengers from Bedford and Luton would instead use the Govia Thameslink Rail (GTR) line to get to London. The knock on effects would be that any extra capacity brought about by the new timetable would immediately be used up at the start of the line; St Albans passengers would be left trying to get on to already crowded trains or be forced onto the slower trains, therefore filling up the slower trains that serve the smaller stations between St Albans and St Pancras.

Thameslink bosses and APTU confirmed to us that this decision could only be made – and unmade - by the Transport Minister.

Thameslink bosses also told us that this decision was made by the Minister (at EMT’s request) without consulting Thameslink. As a result – they said – the two timetables they put out for consultation with residents in 2017 would be ‘null and void’. They would have to design a whole new timetable from scratch. They would not be able to put it out to consultation as there wasn’t enough time and they wouldn’t be able to amend it anyway. We would like the Select Committee to investigate and establish whether this was in fact what happened.

Even before the botched roll-out of the 20 May timetable, campaigners were asking the Minister to reverse this decision as a matter of urgency.

In June – after the chaos of the 20 May timetable - we asked a member of the House of Lords to put a question to the Government on this matter. Baroness Sugg confirmed on behalf of the Government that the Minister had no plans to reserve this decision. This refusal– in our opinion – massively contributed to the additional overcrowding experienced after 20 May, and which still continues.

We believe that there are also serious questions to be answered by DfT, GTR and EMT regarding the legality of this decision as a significant number of services were removed from certain stations (Harpenden, Leagrave, Flitwick) without any consultation and with the result of seriously degraded services from those stations. It is understood that this decision was made to satisfy DfT’s insistence of a journey time of 47 minutes from Bedford to London (and return) following the removal of EMT services stopping at Bedford in the morning and evening peak. The decision of DfT appears to be utterly irrational.
and driven by an arbitrary journey time linked to the journey time delivered previously by EMT on services that DfT allowed EMT to withdraw. Evidently the decision was made with no consideration for passengers at intermediate stations including St Albans.

It is not clear to us whether Thameslink’s claims that they had to design a whole new timetable because of the Minister’s decision to allow EMT trains to cancel their stops at Bedford and Luton is correct or not. If it is, then the ensuring chaos goes to the highest level and we would expect the Minister to resign. If not, then it smacks of a rail operator covering its own back and an industry engaged in passing the buck. Either way, passengers have been left in the dark unable to work out what happened, who is accountable, or how to hold them to account. We ask the Transport Select Committee to get to the bottom of this.

We subsequently uncovered – from our own research – that every new rail timetable is normally subject to a “12-week lock-down”, meaning that a new timetable must be agreed at least 12 weeks before it is rolled out (and that in reality for driver rostering purposes train operators must plan for new timetable introductions significantly earlier than this, perhaps as much as 26 weeks out from the new timetable). We understand – though we’d like the Select Committee to confirm – that in this instance, the new timetable was only agreed a few days before it was rolled out.

If true, then who took the decision to proceed with the roll-out of the new timetable? How is it that passengers can’t find out? Was it the Minister? The DFT? The Industry Readiness Board? The ORR? Network Rail? The train operating companies themselves?

No-one has admitted responsibility for this, and there have been no consequences. The then CEO of GTR resigned but services did not improve. It seems to us that he was likely the ‘fall-guy’ and that the industry and various Government actors have still not been held to account. At various ‘meet the manager meetings’, Thameslink bosses have claimed that it was a “failure of the whole industry.” Some politicians have used the same line. For passengers, this conclusion is simply not good enough.

**We are looking to the Transport Select Committee to uncover who knew what and when, who made which decisions and when, and to advise how passengers can hold them directly to account now and in the future.**

Following weeks and weeks of disruption, and public pressure, the Government and its MPs threatened to withdraw the Thameslink franchise unless performance improved within two weeks. We believe this was no threat at all as the timing of the two-week deadline conveniently linked to the third version of the new timetable starting on 15 July.

It was also unclear to us how the government planned to or did measure performance over the two week period - it could have been based on
frequency, timeliness compared to new interim timetable, customer feedback (bearing in mind many more people were on holiday following July 15th) or something else.

The announcement looked to us like a phoney stand-off designed to make it look like the Government was doing something. It smacked of a stitch up between the Government and the industry. Needless to say, that the threat was not enforced.

**We are looking to the Transport Select Committee to uncover any communications between government actors and the industry in order to ascertain whether or not this was as “staged” as it appeared. We are also looking to the Transport Select Committee to uncover how the government measured performance over the two week period and whether the measurements and supposed improvements were reasonable.**

**Performance stats - no public accountability**

To our knowledge, the rail industry did not publish any comprehensive, comparable or easily accessible performance information on the differences between the planned 20 May new timetable and what was actually delivered.

Luckily for us, a rail activist (and one of our group members) Mark Wherity set up his own site called [www.ontimetrains.co.uk](http://www.ontimetrains.co.uk) A performance chart is on p4 of our dossier.

Looking only at fast commuter services arriving in London 8:00 - 9:30am and departing 5:00 - 6:30pm, he concluded:

- 2 more services per day compared to the previous timetable
- But half as many services on time (28% vs 55% previously)
- And 4x as many services cancelled (11% vs 3% previously)

Slow services were hit harder by delays and cancellations (17% cancelled vs 3% previously).

More figures at [https://www.ontimetrains.co.uk/stations/SAC](https://www.ontimetrains.co.uk/stations/SAC)

We would also like to know whether GTR’s definition of off-peak is reasonable. We understand that it regards off-peak as “arriving in London up to 10:00am” - when in reality, most people need to get to London by 0830 to allow an average of say 30mins to get across London; others may need to be in London by 0930 to get across London by 1000. It seems to us that GTR’s definition does not reflect the actual work patterns of passengers which means that (1) some people are forced to travel at peak time rather than off-peak, and (2) any performance reporting on peak time trains are skewed because a number of them will not be heavily used.

The sheer frustration of the scale of the delays and cancellations inevitably led members of our group to become angry, frustration and desperate. Some examples of their exasperation are documented in pages 5-9 of our dossier.
People should not have to rely on fellow commuters for this type of performance information. We think there should be statutory duties for all train operating companies (TOCs) to publish such information in real-time or as fast as practically possible and in a form which is useful to passengers. We understand that performance reporting is governed by franchise obligations so this is likely to be franchising / DFT issue. Moreover, DFT seems currently only to be interested in publicly reporting performance measures of trains arriving within 5 minutes of scheduled arrival and % cancellations. We understand that real time reporting (to the minute each train arrive and measured at every station) will be introduced from April 2019 but it is unclear how this will be used to hold TOCs to account for their performance and what information will be provided to passengers. We believe that passengers should be consulted on how real time performance information is reported from next year, and that it should be made clear now how real time reporting will be used to hold TOCs to account.

Communication and services were not as advertised

The delays and cancellations were by themselves hugely disruptive. What made them so much worse was the sheer scale of incorrect information given to passengers both before and during their journeys.

Members of our group reported multiple instances of getting on a train, only to be told once the train had left the station that the destination or stopping patterns had been changed. In some cases, passengers had to return to London only to try to start their journeys all over again.

Pages 12-16 of our dossier give some real life examples.

This shockingly poor standard of information is STILL a problem – even in early September, more than three months after the 20 May timetable was introduced.

This had previously happened during the “Southern Rail crisis” from 2015 onwards – another rail company owned by GTR.

We have been told by industry insiders that the routinely and ongoing incorrect service information is due to GTR only having one service centre (in Three Bridges) from which the service information is generated for all GTR services, including GTR’s Thameslink, GTR’s Southern Rail, and GTR’s Gatwick Express. If true, we wonder whether this may have been a franchise requirement.

We are asking the Transport Select Committee to investigate why it is that service information is so poor on all GTR lines, why was it so appallingly bad during the roll-out of the 20 May timetable, and why is it still so unreliable three months on. Is it because of only having one service centre, or is it for another reason? If there is only one service
centre, why was that allowed in the franchise? In future franchising, what safeguards will be put in place to ensure it is fixed?

Pressure on people’s careers (and basic ability to get to work)
The botched roll-out of the 20 May timetable – with the consequent delays, cancellations, overcrowding, station closures, and re-routing – was that thousands of people just could not reliably get to or from work, resulting in enormous pressure on people’s careers.

A poll in our facebook Action Group showed that the number one non-financial impact of the chaos, was “professional reputation worries” on account of arriving late, leaving early, and missing meetings (page 2 of our dossier).

Video testimony - captured from just one morning of talking to commuters outside St Albans station by members of our group - revealed that nurses were late for administering medication to patients, people were losing paid work or were being forced to take annual leave (to account for daily late arrival and early departure), and children missed GCSE and A level exams.

Pages 10-11 of our dossier show just some examples of the pressure this put on people’s careers: NHS team meetings being delayed, people losing paid work and new contracts, people on probation or seeking contract renewals “worried sick” they’ll lose their jobs, and one person reportedly being asked on a job application “Do you rely on Thameslink, Southern Rail or GNR to get you to work?”

We would like the Transport Select Committee to find a way of calculating the cost to the economy. All that was required to capture this information was one facebook poll and two hours of talking to commuters outside St Albans station. Once again, this was done by commuters. The industry has not sought to fully understand the huge impact of its botched roll-out on its customers, their reputations and careers, the impact on our employers and the country’s productivity. Part of the industry should be responsible for trying to capture the full impact of the rail industry’s failures - to passengers and to the economy.

Overcrowding, replacement buses, terminations
It is worth repeating that St Albans passengers were promised “50% more seats from St Albans to London”. In order to deliver this we would need both more trains and higher frequency - we have neither. We invite the Transport Select Committee to look at the photos and testimonies of overcrowding on pages 18-22 of our dossier.

On pages 18-19, there are some examples from passengers with additional needs: pregnant, elderly and disabled passengers. Many reported that they couldn’t even get to the priority seating area to ask for seat, such was the overcrowding. A profoundly deaf passenger couldn’t hear changes in information and found staff to be unhelpful. A number of passengers messaged us privately about mental health conditions, and the fact that the stress of delays/cancellations, overcrowding and poor information had triggered anxiety symptoms and/or panic attacks.

On a few occasions (three were reported by members of our group), even passengers with no obvious physical or mental impairments fainted on the trains simply because of the cramped conditions.

More than three months on, and many passengers STILL only have standing room only at peak times, and this during the summer holidays when many commuters are on holiday. Come September, we expect the standing room to become even more cramped.

Pages 24-26 give examples of how rail replacement buses, terminations, and the slow manual processing of tickets at understaffed stations, added insult to injury to these already awful services.

St Albans passengers are paying through the nose for their tickets. In recent years, this was in part justified by the industry on the basis of the promise of “50% more seats from St Albans to London”. Today, ‘standing room only’ is the norm and dangerously cramped standing room only is still a regular occurrence.

The previous train operator, First Capital Connect once had a “Passenger Charter” which said that passengers should not have to stand for longer than 20 minutes in peak times, nor at all during off-peak services. The commitment was later removed.

The new Siemens trains used by Thamelink have “passenger load indicators”. They should be able to automatically judge seating capacity on every train and provide automatic re-payment. As it is, we are not aware that we have any enforceable rights at all.

This yawning gulf - between what was promised and the reality - does not appear to have been taken into account by any part of the industry. It is not reflected in DfT’s insulting offer of compensation. And the Government is yet to intervene to freeze fares which we expect to increase by 3.5% next year. No-one has been held to account for failing to deliver the promised increase in seats. And as passengers we appear to have to have no enforceable or automatic rights, nor can we access any ‘levers’ of power to change our predicament. We are looking to the Transport Select Committee to make strong recommendations in this regard.
Carnet ticket users – poor customer experience

A major issue arising from our group is the treatment of passengers using carnets. The overwhelming sense – as captured on pages 33-36 of our dossier – is that carnets are “treated like criminals”. Our members have reported ticket inspectors ripping tickets, covering all the details in permanent black ink (rendering any attempt to claim them as work expenses impossible), and being belligerently questioned at ticket barriers. This experience is bad during normal service but it was heightened during the disruption of the new timetable and added insult to injury.

Some members of our group have reported rushing to get a train during the period of disruption and either forgetting to write a date on the ticket, or being unable to get their pen to work, meaning they weren’t allowed by staff to get through the barriers. Others had their tickets swallowed by the barrier so couldn’t claim compensation. The ticket barriers were not working on several occasions and were not staffed either, meaning that carnets incurred additional delays – trying to get to work and trying to get home. Carnet users feel that station staff systematically “bully” them, because – apparently – “lots of people use carnets fraudulently”.

Compensation

Compensation package is an insult

After weeks and weeks of us demanding compensation, the Department for Transport finally announced a compensation scheme for some Govia Thameslink passengers. Despite eight weeks of severe disruption, a worse timetable and ongoing sub-standard service, DfT announced compensation of up to four weeks but only to annual season ticket holders.

Pages 27-30 of the dossier highlight real life examples of how members of our group were - under the original compensation scheme - let down or excluded from the offered compensation. Their comments in our Facebook group further highlight why and how the season ticket option is not the best option for many passengers, including those who travel five days a week – and why their exclusion is therefore unfair and potentially discriminatory.

A number of members in our group thought that the initial decision not to offer compensation to non-season ticket holders could amount to indirect sex discrimination. This is because most part-time workers are women, and part-time commuters are likely to use tickets other than season tickets. Please see pages 31-32 of our dossier.

Critically the initial compensation package left out carnets. Anecdotal evidence suggests that these are used primarily by working mum and dads (and predominantly mums), who work part-time. They are also used by freelancers who travel frequently but irregularly into London (to meet potential and actual clients).
As a result, on 2 August, the founding member of our group submitted the following FOI to the DFT:

Dear Department for Transport,

1. Please release any Equality Impact Assessment that was conducted by DfT when determining the compensation to be offered to Thameslink passengers impacted by the introduction of the “new timetable” effective 20 May 2018.

2. Please release all email and other correspondence that led up to the decision to offer between 1-4 weeks compensation to season ticket holders.

3. Please release the minutes of any meetings where the compensation package to be offered was discussed or noted in relation to the disruption caused by the 20 May 2018 timetable

Yours faithfully,

Daisy Cooper

On Thursday 30 August, DFT announced that the compensation scheme had been extended eligible non-season ticket holders who made at least 3 days return travel in any week between 20 May - 28 June.

On 31 August, DFT sent a holding reply requesting a further 15 days to consider the FOI request whilst considering an exemptions under sections 35-(Formulation of government policy) and 43(2)-(Commercial Interests) of the FOI Act.

We regard the initial compensation package as an insult:

1. It only applied to season ticket holders, even though - we have been told - that the industry knows that the percentage of commuters on a season ticket are probably going down. It was not available to non-season ticket holders, such as carnet ticket users, people who travel five days a week but off-peak, and day-ticket users. (This has now obviously now changed)

2. It was only for up to four weeks – even though the disruption lasted at least eight weeks, and the timetable, service and service information are still poor (more than three months on)

3. When announced it said that “details on how to claim will be published shortly” – so it was neither immediate, nor automatic. Passengers had to pro-actively claim – something which many can’t find time to do, once they are late for work, late for collecting kids from school or to put them to bed etc

4. It did nothing to address the other hidden costs of commuting – such as travelling at the most expensive peak rather than off-peak times to allow enough time to get to work on time (see page 38 of our dossier), extra taxis after train delays and instead of trains where they cancelled, extra childcare, losing work, parking charges, congestion charges and

https://www.whatdotheyknow.com/request/thameslink_20_may_timetable_disr?nocache=incoming-1224517#incoming-1224517
petrol costs from driving instead, school fines for late pick-up, taking
annual leave to make up for train delays, and in some extreme cases,
the opportunity costs of missing flights, appointments, job interviews,
and losing work (see page 2 of our dossier to see the range and
prevalence of the extra hidden costs of the timetable disruption).

As of 2 September, the vast majority of passengers are STILL not able to
actually claim any compensation. GTR has said that it is contacting
passengers for whom it has emails first, and is staging the different groups of
eligible passengers. Many passengers who HAVE registered their emails
have not received emails yet, and for those who have not registered their
email address, there does not appear to be a way of doing so. Initial reports
from the small number of people who have been able to claim (and who have
heard back) suggest that the compensation is not at the level they were led to
believe.

We strongly believe that the calculation and rationale for offering some
form of compensation to some passengers should have been published
with the actual announcement of compensation. Why isn’t this common
practice? We are looking to the Transport Select Committee to get to the
bottom of this – both in terms of WHY such sub-standard compensation
was offered in the first place, WHO made the decision to offer it, WHY
the rationale weren’t published, and what the reasons were for
extending the scheme.

The fact that GTR / DfT is trying to limit compensation to a period less
than the operation of the July timetable for tickets purchased before 15
July is wrong and is not correctly measuring the damages suffered by
those ticket holders. The 15 July timetable (the revised 20 May
timetable) is worse than the pre and post 20 May timetables and so for
anyone who purchased a ticket for a period prior to 15 July they are not
getting the service they paid for so it is a failure of consideration in
contractual terms. We’re asking the Transport Select Committee to
investigate this.

Delay Repay – a completely inadequate system

GTR’s Delay Repay is a completely inadequate system at the best of times.
During the disruption, it was almost completely useless. Page 37 of our
dossier gives some examples.

On many occasions, trains were too overcrowded to board so passengers had
to wait for the second, third or even fourth train to arrive. It isn’t possible to
record on delay repay that the train you wanted to get turned up, but that
you’re still running late because you had to wait for one that you could fit onto.
For most people, a £2.40 ‘repay’ for a 45 min delay is just not worth claiming.

Also, it wasn’t clear which timetable passengers could claim against: the 20
May timetable as advertised on 20 May, the actual timetable which changed
daily subsequent to 20 May, or the actual trains that turned up that were
different still.
In most cases, members of our group have said that because of the amount of effort required to complete the Delay Repay claim, it is simply not worth their while. During the stress of the all the disruption, this was clearly amplified.

This must change – for good.

We’re told that passengers cannot claim compensation for delayed / cancelled trains if the operator has officially changed / cancelled trains before 10pm the night before - if true, this is outrageous & needs to change.

**The structural problems of GTR’s “management contract”**

We understand that the Government has a “management contract” with Govia, not an actual franchise. The reasons for this are fairly sound - the government / network rail knew they would be investing in electrification & knew there would be disruption so wanted to minimise the potential payouts to rail operators. BUT the terms of it are scandalous. Effectively the Government pays Thameslink a flat rate every month irrespective of poor performance - like having a guaranteed salary without ever turning up to work.

We understand that GTR could still be penalised for poor performance under its management contract and delay attribution minutes (the money go round between NR, GTR and other TOCs / FOCs still operates).

We understand that the DFT bought-out GTR’s liability for its performance failings for a flat £10m to cover all performance issues to September 2018.

This was done before the new timetable was introduced and must be the best £10m GTR has ever spent as it will be less than its liability would otherwise have been (albeit we suspect its losses are still capped under the management contract either in a performance year or overall).

**Questions for the DfT** would be: (a) if GTR knew or ought to have known that it would be unable to deliver the post 20 May timetable; and (b) if it knew or ought to have known this at the time it did the settlement deal with DfT, could DfT unwind the settlement agreement. Equally, did DfT know, or ought it to have known, at the time of the deal that the timetable was likely to fail as if it did then the settlement deal must represent very poor value for the taxpayer (DfT argued it did the deal because it would take too long to argue over responsibilities for performance failings).

**Conclusion**

We hope that this report and the enclosed 57-page dossier have accurately painted the perspective of rail passengers. We see an industry that is completely impenetrable and which renders passengers completely powerless. We cannot choose to use a different train company so have no choice as ‘consumers’. In most cases, commuters cannot choose to travel at
off-peak times (ie. because they have to arrive at work by a certain time). We do not appear to have any enforceable rights.

We are worn down by every day frustration and exhaustion, poor service, information and ongoing problems. We cannot easily or quickly claim compensation – when we’re running late for work, or for the school run. And when we do, the amounts are so paltry that they’re not worth the effort required to claim.

In many cases, we are treated like criminals. We are warned not to make false claims for compensation when it is almost impossible to identify which delayed train we’re actually travelling on. Carnet ticket users report that they are systematically overly-scrutinised and quizzed by station staff.

We also feel like we’ve been treated with contempt by the system at large. The disruption of the 20 May timetable went on for weeks and weeks and got much worse before it got better. Some people lost work or jobs – leaving a personal impact longer than a summer of disruption. And then there’s the Government’s empty threats of action against train operators, it’s pathetically small offer of compensation (that isn’t automatic, and until recently didn’t apply to non-season ticket holders), the next rise in ticket prices next year (unnecessarily linked to the higher rate of inflation); and the general impression that EVERYONE involved can get away with it.

This is why we are making recommendations that will we think will go some way to deliver on our three aims:
1. Improved services and service information without further delay
2. Proper compensation, for all passengers, and at a level that takes into account the broader hidden costs and impact of the disruption of the timetable
3. That lessons are learned and structural changes are made so that the disruption caused by the introduction of a new timetable can never happen again.
SUMMARY OF QUESTIONS

Passengers’ pre-May overcrowding warnings were ignored

1. It is not clear to us whether Thameslink’s claims that they had to design a whole new timetable because of the Minister’s decision to allow EMT trains to cancel their stops at Bedford and Luton is correct or not. If it is, then the ensuring chaos goes to the highest level and we would expect the Minister to resign. If not, then it smacks of a rail operator covering its own back and an industry engaged in passing the buck. Either way, passengers have been left in the dark unable to work out what happened, who is accountable, or how to hold them to account. We ask the Transport Select Committee to get to the bottom of this.

2. We are looking to the Transport Select Committee to uncover who knew what and when, who made which decisions and when, and to advise how passengers can hold them directly to account now and in the future.

3. We are looking to the Transport Select Committee to uncover any communications between government actors and the industry in order to ascertain whether or not the threat to pull the GTR franchise was as “staged” as it appeared.

Performance stats - no public accountability

4. People should not have to rely on fellow commuters for this type of performance information. We think there should be statutory duties for all train operating companies (TOCs) to publish such information in real-time or as fast as practically possible and in a form which is useful to passengers. We understand that performance reporting is governed by franchise obligations so this is likely to be franchising / DFT issue.

5. Moreover, DFT seems currently only to be interested in publicly reporting performance measures of trains arriving within 5 minutes of scheduled arrival and % cancellations. We understand that real time reporting (to the minute each train arrive and measured at every station) will be introduced from April 2019 but it is unclear how this will be used to hold TOCs to account for their performance and what information will be provided to passengers. We believe that passengers should be consulted on how real time performance information is reported from next year, and that it should be made clear now how real time reporting will be used to hold TOCs to account.

Communication and services were not as advertised

6. We are asking the Transport Select Committee to investigate why it is that service information is so poor on all GTR lines, why was it so appallingly bad during the roll-out of the 20 May timetable, and why is it still so unreliable three months on. Is it because of only having one service centre, or is it for another reason? If there is only one service centre, why was that allowed in the franchise? In future franchising, what safeguards will be put in place to ensure it is fixed?

Pressure on people’s careers (and basic ability to get to work)
7. We would like the Transport Select Committee to find a way of calculating the cost to the economy. All that was required to capture this information was one Facebook poll and two hours of talking to commuters outside St Albans station. Once again, this was done by commuters. The industry has not sought to fully understand the huge impact of its botched roll-out on its customers, their reputations and careers, the impact on our employers and the country’s productivity. Part of the industry should be responsible for trying to capture the full impact of the rail industry’s failures - to passengers and to the economy.

**Overcrowding, replacement buses, terminations**

8. This yawning gulf - between what was promised and the reality - does not appear to have been taken into account by any part of the industry. It is not reflected in DfT’s insulting offer of compensation. And the Government is yet to intervene to freeze fares which we expect to increase by 3.5% next year. No-one has been held to account for failing to deliver the promised increase in seats. And as passengers we appear to have to have no enforceable or automatic rights, nor can we access any ‘leviers’ of power to change our predicament. We are looking to the Transport Select Committee to make strong recommendations in this regard.

**Compensation**

9. We strongly believe that the calculation and rationale for offering some form of compensation to some passengers should have been published with the actual announcement of compensation. Why isn’t this common practice? We are looking to the Transport Select Committee to get to the bottom of this – both in terms of WHY such sub-standard compensation was offered in the first place, WHO made the decision to offer it, WHY the rationale weren’t published, and what the reasons were for extending the scheme.

10. The fact that GTR / DfT is trying to limit compensation to a period less than the operation of the July timetable for tickets purchased before 15 July is wrong and is not correctly measuring the damages suffered by those ticket holders. The 15 July timetable (the revised 20 May timetable) is worse than the pre and post 20 May timetables and so for anyone who purchased a ticket for a period prior to 15 July they are not getting the service they paid for so it is a failure of consideration in contractual terms. We’re asking the Transport Select Committee to investigate this.

**The structural problems of GTR’s “management contract”**

11. Questions for the DfT would be: (a) if GTR knew or ought to have known that it would be unable to deliver the post 20 May timetable; and
(b) if it knew or ought to have known this at the time it did the settlement deal with DfT, could DfT unwind the settlement agreement. Equally, did DfT know, or ought it to have known, at the time of the deal that the timetable was likely to fail as if it did then the settlement deal must represent very poor value for the taxpayer (DfT argued it did the deal because it would take too long to argue over responsibilities for performance failings).

RECOMMENDATIONS

In addition to the number of areas where we are asking the Transport Select Committee to investigate or ask questions (highlighted in bold throughout), we also have these recommendations:

**AIM 1: Improved services and service information without further delay**

1. To tackle overcrowding, the Transport Minister must reinstate the East Midlands Trains services that stopped at Bedford and Luton during peak hours prior to 20 May to alleviate pressure on Thameslink trains for St Albans commuters without further delay.
2. To improve the experience of carnet users, and to introduce an automatic compensation scheme for the on-going problem of delayed journeys:
   a. GTR should be required to use its train capacity indicators when there are clearly more passengers than seats to reimburse passengers on overcrowded trains;
   b. GTR should be required to have a passenger charter like that of the old First Capital Connect, this included a provision that no passenger should normally need to stand for a journey over 20 minutes.
   c. The Oyster card system should be extended to Luton Airport Parkway so as to make the ticket system easier and compensation automatic
   d. As a minimum, the carnet ticketing system should be replaced by the ‘touch-in and touch-out’ key pass.
3. Train companies should be required to acknowledge and apologise for delays on a daily basis so passengers can communicate this to their employers (who over time don’t always believe that the trains are still this bad)
4. Performance statistics should include specific rush hour metrics as delays have a greater impact when you’re travelling for work
5. Train Operating Companies (TOCs) should be required to give a commitment to provide clear, at once communication to platform staff and customers and should be judged and penalized on their ability/ inability to do so. If TOCs do not have the capacity to do this, they should not be awarded franchises / management contracts and should be stripped of their current ones. TOC’s should also ensure that updates about cancelled and delayed trains are consistently communicated to staff, their own website and app, their boards at stations and third party apps such as National Rail Enquiries by providing early notice of delays and possible
delays. One system could be a ‘traffic light system’ for the National Rail Enquiries App where delayed and cancelled are displayed as red, trains which may be delayed would be displayed orange and trains where there is no expectation of delay would be displayed green - such a system would greatly help passengers to plan their trips, and make alternative arrangements (e.g cancelling evening activities, contacting schools / childcare etc)

6. To assess passenger experience in real-time (generally and during new timetables), passenger groups should be involved in the commissioning of an independent customer satisfaction survey as industry assessments are absurd, and “How was your experience today” buttons should be installed at train stations as seen at UK Customs

7. TOCs must be required to have a system in place for immediate communicating rail ticket transferability to bus services, during periods of disruption. This could be done simply with a sign outside train stations with a code that can be quoted when alighting the bus.

8. Train Operating Companies (TOCs) should have special assistance points for passengers with additional needs on each platform – generally, but especially when new timetables are introduced - as the current system failed during the timetable disruption.

AIM 2: Proper compensation is provided, to all passengers, and at a level that takes into account the broader hidden costs and impact of the disruption of the timetable

9. GTR and DfT should be required to publish the rationale and calculations for the offered compensation package, now and at all times in the future, as a matter of course. This should include an Equality Impact Assessment.

10. The compensation package offered for the 20 May timetable, and updated on the 30 August, must be radically revised.
   a. It should be extended for the entire period that GTR fails to implement the promised 20 May timetable (ongoing)
   b. It must apply to ALL passengers who travelled during that period irrespective of which ticket they used or for how many days
   c. It must take into account the vast hidden extra costs of the disruption (school fees, taxis, etc)
   d. It must take into account the non-financial impact caused by the botched introduction of the timetable (losing work, harm to professional reputation)
   e. It must be made automatically where possible and definitely in the future.

11. DfT should be required to conduct and/or publish its Equality Impact Assessment of the compensation offered. It should be required to do so as a matter of course, in future as well, specifically in the event of large scale disruption caused by the introduction of a new timetable.
12. Business rate and/or tax relief should be provided for those businesses and self-employed individuals who have demonstrably struggled as a result of the new timetable.

13. The Delay Repay scheme should be replaced by a radically improved and ideally automatic scheme. This could be done by extending the Oyster card system to Luton Airport Parkway. This would record the average time through and out of gates and take journey delays into account (e.g. where trains are running on time, but passengers can’t board due to overcrowding). This should be in place at peak times, at the very least.

14. Additionally compensation should be managed by central body such as National Rail Enquiries, so that good repay systems (which received a lot of investment under First Capital Connect) are not lost when a franchise changes hands.

15. Rail fares should be frozen at 2018 prices and not increase in 2019. All future increase from 2020 should be linked to the lower rate of inflation.

AIM 3: That lessons are learned and structural changes are made so that the disruption caused by the introduction of a new timetable can never happen again.

We want a radical shake-up in transparency and accountability from the industry and a statutory role for passengers and their locally elected representatives.

16. We deserve answers as to what went wrong with the introduction of the 20 May timetable and how and why passengers were kept in the dark. Who knew what and when? What were the checks and balances in place, and were they followed? Who made the decision to implement the 20 May timetable despite the 12-week lock down apparently not being followed? Why was none of this communicated transparently to passengers before, at the launch of, or following the 20 May?

17. The rail industry as a whole feels completely impenetrable to us as passengers, despite commuting being a critical part of our everyday lives. The implementation of the 20 May timetable was so catastrophic that we want do not believe that any new timetable or any significant timetable changes should be introduced in future without passengers having real powers, underpinned by statute. These rights should give passengers real powers to influence how our rail services are commissioned, managed, and penalised and rewarded for performance. Our suggestions to achieve this are as follows:

- Passenger experience must be a factor in selecting future franchisees, including the ease of claiming compensation and the quality of service information
• Performance metrics should be reviewed based on passengers changing needs and should incentivise a better service
• Having passenger representatives on the board of franchises should be mandatory and those representatives should be elected by passengers themselves
• Passengers should have the right to be shareholders of rail companies
• Passengers and workers should have the right to form cooperatives or mutuals with industry workers and bid against private companies
• Real incentives and consequences for delays, cancellations, overcrowding and additionally incurred costs

18. We are conscious that the GTR management contract/franchise expires in 2022 and that the start of the bidding process for the 2022 franchise will likely start in 2020. This leave around 18 months for the government to give passengers a statutory role in influencing the terms of reference, proposals for breaking up the 'super-franchise' given to GTR which it is clearly unable to manage, and a direct ongoing role in monitoring performance, timetable changes and generally representing passengers interests. Without these long-term structural changes, we have almost no confidence that the industry will learn any lessons, and that the 20 May timetable fiasco won’t be repeated in the future.

19. Ahead of the open bidding competition for train franchises from 2022, passengers should be consulted on the terms of the competition and the franchise agreements themselves.

20. The process of allowing DfT to buy-out TOCs liability for poor performance should be outlawed - or heavily restricted - for the next round of ‘franchising’ likely to start in 2020 (ahead of awards for 2022).

**Link to our dossier of evidence**

https://www.facebook.com/groups/469243693525776/permalink/542545086195636/

*September 2018*