



Department
for Transport

Mr Craig Welsh
Correspondence Manager
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Web Site: www.gov.uk/dft

Our Ref: F0014046

20 October 2016

Mr Geoff Needham

By e-mail:

request-361064-b254be36@whatdotheyknow.com

Dear Mr Needham,

Freedom of Information Act Request – F0014046

Thank you for your Freedom of Information (FOI) request of 25 September 2016. You requested the following information:

The current "FRANCHISE AGREEMENT – GREAT WESTERN" between (1) The Secretary of State for Transport and (2) First Greater Western Limited (as published at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486668/red-fgw-franchise-agreement.pdf) says:

"4.8 Co-operation in respect of implementation of delay repay

The Secretary of State and the Franchisee shall co-operate in good faith with the intention of implementing a revised Passenger's Charter including "delay repay" passenger compensation provisions (or such other passenger compensation provisions as may be proposed by the Secretary of State) on or before the first anniversary of the Start Date" with "Start Date" being defined as "02.00 on 20 September 2015".

This deadline has now passed and GWR (the trading name of First Greater Western Limited) has said that "this was reviewed and Delay Repay won't be implemented under the current franchise" (this was published by GWR on Twitter in response to a customer enquiry).

Under the Freedom of Information Act, please provide all correspondence and documents relating to the proposed implementation of Delay Repay within the Great Western rail franchise since the date of the published Franchise Agreement (22 March 2015).

For the avoidance of doubt this shall include but not limited to: letters, emails, briefing notes, minutes of meetings (and their attachments where they exist).

Your request has been considered under the FOI Act 2000. The Department for Transport (DfT) wishes to provide the following clarification:

The statement included on the Great Western Railway (GWR) Twitter feed does not accord with the DfT's understanding and GWR has also confirmed that it is incorrect, has reiterated its intention to move to Delay-Repay, and has corrected the statement on Twitter.

<https://twitter.com/GWRHelp/status/780738897328345088>

The DfT would, of course, be happy to proceed with the FOI request if you wish to do so, but if this information about the GWR Twitter statement means that you do not wish to continue with the request in its current form, we would be grateful if you could confirm.

Please note that if I do not receive appropriate clarification of your information requirements within three months from the date of this letter, then I will consider your request closed.

If you wish to discuss any of the above, please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's Information Rights Unit at:

Zone D/04
Ashdown House
Sedlescombe Road North
Hastings
East Sussex TN37 7GA
E-mail: FOI-Advice-Team-DFT@dft.gsi.gov.uk

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely

Craig Welsh

Correspondence Manager – Passenger Services

Your right to complain to DfT and the Information Commissioner

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF