

Our Reference: FOI-602

20 February 2019

Email

Glynn Magheramorne
request-546990-6eab29d3@whatdotheyknow.com

Dear Mr Magheramorne,

FREEDOM OF INFORMATION ENQUIRY: DELAY REPAY SCHEME

Thank you for your email of 23 January 2019 requesting the following information.

"Dear West Yorkshire Combined Authority,

Your FAQ section of your M-Card website (<https://www.m-card.co.uk/faqs/>) makes untrue statements such as:

"...The Delay Repay scheme applies to rail operator only tickets..."

This is, of course, incorrect, as mentioned here:

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-03-15/132871/>

"...Delay Repay should be paid on the rail element of multi-modal tickets."

Obviously, I expect a swift correction to your website.

However it is difficult to envisage why Metro would come out with such an untrue statement by yourselves; were you requested to make this misleading statement by a train company?

I would like to receive an answer to the above question, along with a copy of all relevant correspondence between yourselves (and any predecessor organisation) and any relevant rail franchises, regarding the matter of Delay Repay and multi-modal products such as M-Cards."

This request is being handled under the Freedom of Information Act 2000 ("The Act"). I can confirm that West Yorkshire Combined Authority ("The Combined Authority") does hold information covered by your request.

We are aware of the intention to include multi-modal products within the Delay Repay Scheme from central government. However, this is not specified in the franchise agreement of the Train Operating Companies and the Department for Transport (or Transport for the North) has not currently instructed the train operators to include multi-modal products as part of the delay repay scheme.

Please find attached correspondence and meeting notes between colleagues from the Combined Authority and Northern Rail on this topic. Including a recent email stating that in December 2018, Northern Rail updated their customer promise and delay repay policy to specifically state customers using multi modal products are not eligible to claim compensation via the delay repay process (due to the reasons stated above) but may be eligible for compensation under the consumer rights act.

Names and contact details of external third parties and Combined Authority staff whose details are not routinely publicly available have been redacted under Section 40(2) of the FOI Act which provides for the protection of personal information. Section 40 prohibits a public body from disclosing personally identifiable information as doing so would contravene data protection principles. Section 40(2) is an absolute exemption and therefore not subject to the public interest test when considering disclosure of information.

Additional text from the email titled "FW_WYCA Liaison Meeting" has been redacted as it is unrelated to the topic of delay repay and multi-modal products and as such, is out of scope of your request.

We will be updating the MCard website to inform customers that they may apply for compensation under the Consumer Rights Act if their service has been delayed. We will ensure the website is updated as further direction is given.

I trust the above is to your satisfaction. However, if you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to me.

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

Telephone: 0303 123 1113/01625 545745

Website: www.ico.gov.uk

For your information, there is no charge for making an appeal.

Yours sincerely,

A Grindrod

Information Governance Officer

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