



Department
for Transport

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Web Site: www.gov.uk/dft

Mr M Ponsonby-Talbot
[By email: request-548873-a9877fc1@whatdotheyknow.com]

Our Ref: F0017027

22 February 2019

Dear Mr Ponsonby-Talbot,

Freedom of Information Act Request – F0017027

Thank you for your Freedom of Information (FOI) request of 30 January 2019. You asked for the following information:

GWR have some shockingly lenient definitions of what constitutes "on time". Please provide the details of meetings and agreements where their punctuality KPIs were agreed.

In a recent FOI (F0016180) you stated that "Great Western Railway (GWR) do not currently operate a Delay Repay scheme. The DfT have asked a number of train operating companies for proposals, including GWR, to implement Delay Repay 15. This will be introduced if the proposals are affordable and represent value for money for taxpayers."

I would also like you to provide the minutes of the meeting where it was agreed that they would not have to compensate passengers in this way, and why.

I am writing to confirm that your request has been considered under the FOI Act 2000 and that the Department for Transport (DfT) has completed its search for the information. Replies to each of your requests are provided below.

GWR have some shockingly lenient definitions of what constitutes "on time". Please provide the details of meetings and agreements where their punctuality KPIs were agreed.

Please note that the DfT does not hold the information that you have requested. There are no details of meetings to give. The thresholds for compensation contained in the GWR Passenger's Charter reflect the Passenger's Charters of the three Train Operating Companies out of which the Great Western franchise was created at the start of the combined Great Western rail franchise on 1 April 2006 (First Great Western, First Great Western Link [originally Thames Trains] and Wessex Trains [created when the South Wales & West franchise was split into two separate franchises]).

Those Passenger's Charters in turn reflected the historical British Rail Passenger's Charter inherited by each of those constituent companies at privatisation in the second half of the 1990s, with some improvements bid as part of later franchise competitions. The franchise agreement obligations on compensation are to comply with the Passenger's Charter in place at the beginning of the franchise. That obligation prevents train operators from changing compensation arrangements for the worse, while allowing improvements and changes to reflect wider changes (for example the creation of the Rail Ombudsman) to be incorporated by agreement.

The GWR franchise agreement is available on the Department's web site (<https://www.gov.uk/government/collections/public-register-of-rail-passenger-franchise-agreements>). The GWR Passenger's Charter, which still refers to the former Train Operating Companies, is available on the GWR web site (<https://www.gwr.com/about-us/our-business/passengers-charter>).

In a recent FOI (F0016180) you stated that "Great Western Railway (GWR) do not currently operate a Delay Repay scheme. The DfT have asked a number of train operating companies for proposals, including GWR, to implement Delay Repay 15. This will be introduced if the proposals are affordable and represent value for money for taxpayers."

I would also like you to provide the minutes of the meeting where it was agreed that they would not have to compensate passengers in this way, and why.

Please note that the DfT does not hold the information that you have requested. As stated in FOI case reply F0016180, there has been no agreement not to compensate passengers under the Delay-Repay 15 arrangements. The contrary is true. The Department has asked GWR for proposals to implement Delay-Repay 15 and is negotiating with GWR to that end. When agreement is reached – subject to affordability and value for money - on the implementation of Delay-Repay 15, the Department expects to give approval to the new compensation arrangements in the GWR Passenger's Charter.

If you are unhappy with the way the DfT 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 DfT's FOI Advice Team 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 send or copy any follow-up correspondence relating to this request to the FOI Advice Team to help ensure that it receives prompt attention. Please also remember to quote the reference number above in any future communications.

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

Yours sincerely

Paul Roberts
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