



Department
for Transport

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

Web Site: www.gov.uk/dft

Our Ref: F0016693

23 January 2019

Mr Doug Paulley

[By email: request-530786-7a5287a3@whatdotheyknow.com]

Dear Mr Paulley,

Freedom of Information Act Request – F0016693

Thank you for your Freedom of Information request of 7 November 2018. You requested the following information:

The TransPennine Franchise Agreement says:

"82.2 The Franchisee shall engage and use its reasonable endeavours to agree with:

(a) Network Rail that the advance notice required to be given by a customer when making a Passenger Assistance reservation in respect of a rail journey from or to a Network Rail Managed Station at which the Passenger Services call is reduced to no more than 2 hours;

(b) the Northern Franchisee that the advance notice required to be given by a customer when making a Passenger Assistance reservation in respect of a rail journey from or to a station in respect of which the Northern Franchisee is the Facility Owner and at which the Passenger Services call is reduced to no more than 2 hours ("Advanced Notice Reduction"). From the date of such agreement, the Franchisee shall establish and implement such procedures as are necessary for the purposes of giving effect to the Advance Notice Reduction as agreed with the Northern Franchisee."

The ORR said in their most recent TransPennine DPPP approval letter:

"We recognise that you have not been able to secure the introduction of a 2-hour notice period for booked assistance travelling on your services to or from Northern and Network Rail managed stations, as envisaged in your franchise agreement, and that this is the subject of franchise variation discussions with Rail North"

I am disappointed that Network Rail and Northern have proven to be intransigent on this issue. Please provide material that demonstrates what has happened; what TPE have done to attempt to get Network Rail and Northern to acquiesce; and what they are negotiating about in respect of their franchise agreement.

We have written to you a number of times between 5 December 2018 and 18 January 2019 to confirm that the Department for Transport (DfT) holds information that is relevant to your request. We also advised you that we required more time to complete complex

public interest considerations. This process is now complete. Replies are provided under each of your requests below.

Please provide material that demonstrates what has happened;

I enclose with this reply the correspondence that the DfT holds in relation to this part of your request. Information that falls outside the scope of your request has been redacted.

The names and direct contact details of DfT and other junior officials (that is staff below the senior civil servant grade) and those of external stakeholders have been redacted from the attached information in reliance on the third party personal information exemption at section 40(2)&(3) of the FOI Act 2000 (see **Annex A** for the full text of the exemption).

These individuals are not in public facing roles and therefore have a reasonable expectation that their names and direct contact details will not be placed into the public domain. To do so would be unfair and would contravene current data protection legislation. Section 40 is an absolute exemption so does not require a public interest test.

You may find it helpful to note, as background, that TransPennine Express (TPE) planned to become the first Train Operating Company (TOC) to introduce two hour notice passenger assistance. This would only be available between TPE managed stations, as Network Rail and Northern would not be ready to introduce within the same timeframe, however TPE would continue to work closely with both parties on this initiative. TPE were reliant on an industry app (a Rail Delivery Group specified product), which suffered issues around the date of the originally contracted date for introduction.

Since this was a 'national' app, TPE were limited in their ability to resolve these issues. Furthermore limitations in the National Reservation System (NRES) mean it is not possible to make wheelchair bookings once train reservations have closed (typically in the evening of the day prior to departure). On 9 August 2017, TPE advised that they had sought guidance from the Accessibility Forum and were encouraged to proceed with the two-hour minimum horizon, despite the on-going issue regarding seat reservations.

what TPE have done to attempt to get Network Rail and Northern to acquiesce;

Please note that the DfT does not hold the information that you have requested, as we have no business need for this information.

and what they are negotiating about in respect of their franchise agreement.

I enclose TPE's letter to DfT of 28 April 2017 for derogation for the Committed Obligation to reduce the advance notice required for assistance bookings between TPE stations to two hours. Contact details of DfT and other junior officials and external stakeholders have been redacted from the attached information in reliance on the third party personal information exemption at section 40(2)&(3) of the FOI Act 2000 (see **Annex A** for the full text of the exemption).

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 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

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

Annex A

Section 40: full text of exemption

1. Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.
2. Any information to which a request for information relates is also exempt information if:
 - (a) it constitutes personal data which do not fall within subsection (1), and
 - (b) either the first or the second condition below is satisfied
3. The first condition is:
 - (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene:
 - (i) any of the data protection principles, or
 - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
 - (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.
4. The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(c) of that Act (data subject's right of access to personal data).
5. The duty to confirm or deny:
 - (a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and
 - (b) does not arise in relation to other information if or to the extent that either:
 - (i) the giving to a member of the public of the confirmation or denial that would have to be given to

comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or

(ii) by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(a) of that Act (data subject's right to be informed whether personal data being processed).

6. In determining for the purposes of this section whether anything done before 24 October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 1998 shall be disregarded.

7. In this section:

"the data protection principles" means the principles set out in Part I of Schedule 1 to the Data Protection Act 1998, as read subject to Part II of that Schedule and section 27(1) of that Act;

"data subject" has the same meaning as in section 1(1) of that Act;

"personal data" has the same meaning as in section 1(1) of that Act.

28 April 2017

[REDACTED]
Rail North Partnership
Wellington House
40-50 Wellington Street
Leeds
LS1 2DE

Dear [REDACTED]

**TransPennine Express Franchise Agreement Schedule 6.1 Paragraph 82.1
Two-hour passenger assistance bookings**

I am writing to you in connection with the above Committed Obligation in the TransPennine Express (TPE) Franchise Agreement which requires us to undertake the following:

The Franchisee shall amend the Passenger's Charter to ensure that from no later than 30 April 2017 and for the remainder of the Franchise Term, the advance notice required to be given by a customer when making a Passenger Assistance reservation in respect of a rail journey between Stations is reduced to no more than 2 hours.

In the last week, "PA Staff", which is the app which supports assistance bookings, has failed. The app is produced by a company called Northgate on behalf of Rail Delivery Group. Northgate are actively seeking resolution to the issues which appear to be localised to TPE. The issues which we have experienced prevent each of our station teams from accessing the system via the app. Password and account resets have been carried out, however the issue appears to be routed deeper within the app itself. We have requested a new version of the app from the developers which will be installed over the coming week. We will then need to carry out an element of testing to check the stability of the system before recommencing training with our station teams on its use.

As you know, TPE will be the first operator to reduce the Passenger Assistance booking window to two hours for reservations on direct services between two of its managed stations. As such, we are the first to encounter the issues we have described and the first to seek a route to resolution. We do not believe the issues are insurmountable and hope to have them

TransPennine Express Limited
Registered in England Number 09111801
50 Eastbourne Terrace, Paddington,
London, W2 6LG

resolved and tested ready for implementation in the next 4-6 weeks. There remains, however, an element of risk to these timescales as other issues may be encountered.

We therefore respectfully request that Rail North Partnership grants derogation for the Committed Obligation to reduce the advance notice required for assistance bookings between TPE stations to 2 hours. At this stage, we are optimistic this can be achieved by end July 2017 but giving due consideration to the variables and unknown issues that may be encountered, we think it prudent to build in some contingency and therefore request 31 October 2017 as a backstop.

Yours sincerely,



TransPennine Express Limited
Registered in England Number 09111801
50 Eastbourne Terrace, Paddington,
London, W2 6LG

From: [REDACTED]

Sent: 08 November 2017 09:54

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: TPE franchise commitment - 2hr notice for booking assistance

[REDACTED]

I can confirm that the obligation has yet to be signed off, as it is pending evidence review. [REDACTED] and I will be undertaking a further tranche of CO sign offs next week and may include this specific commitment (evidence permitting).

No formal variation to the Franchise Agreement has been made as yet (either in respect of the initial derogated date or any potential change in scope), as this change will be 'rolled up' with a range of other CO's that have also been subject to change over the past few months

Next steps beyond 31 October are for TPE to ensure that further improvements to the deliverable are made as and when supporting systems 'catch up' and that TPE co-ordinate with other TOCs (Northern initially), to ensure the best possible outcome for customers. Clearly the monitoring and assessment of these efforts will form part of RNP's contractual management – along with the processing of the formal change.

Kind regards

[REDACTED]

[REDACTED]

Rail North Partnership

[REDACTED]



Rail North Partnership
West Gate
Grace Street
Leeds LS1 2RP
www.railnorth.org

From: [REDACTED]

Sent: 31 October 2017 17:05

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: TPE franchise commitment - 2hr notice for booking assistance

[REDACTED]

Thanks for your comprehensive email. I understand that TPE are intending to go live with the 2hr notice system today or tomorrow.

I wanted to check a couple of points you covered in your email, to inform our decision on approving the DPPP:

- Has the Rail North Partnership Team now formally signed off the obligation? Or when is this expected to take place?
- Has the formal variation to the franchise agreement now been made? (is this a separate process to the sign off mentioned above?)
- What are the next steps beyond 31 October?

I'd be grateful for an early response from you if possible, as we're keen to get this clarified (and I know TPE are keen to get their DPPP approved).

Many thanks



[Redacted]
[Redacted]
[Redacted]
[Redacted]
One Kemble Street, London, WC2B 4AN
orr.gov.uk | Follow us [@railandroad](https://twitter.com/railandroad)

ORR protects the interests of rail and road users, improving the safety, value and performance of railways and roads today and in the future.

From: [Redacted]
Sent: 20 October 2017 10:55
To: [Redacted]
Cc: [Redacted]

Subject: RE: TPE franchise commitment - 2hr notice for booking assistance

Thanks [Redacted]

Can you confirm what the next steps will be after the 31st October please?

Kind Regards

From: [Redacted]
Sent: 19 October 2017 2:42 PM
To: [Redacted]
Cc: [Redacted]

Subject: RE: TPE franchise commitment - 2hr notice for booking assistance

Hi [REDACTED]

TPE have kept us informed of progress throughout in respect of this specific obligation, which has proved particularly problematic to deliver, given TPE's reliance on generic industry systems and 3rd party support. Whilst the obligation has yet to be formally signed off by the Rail North Partnership Team, based on the evidence presented to date we do not foresee any issues with TPE's approach.

Please see below the history of this obligation to date:-

TPE derogation request (extended time for delivery) dated 28/04/17 citing the failure of PA Staff (app), which is an app produced on behalf of RDG, with station staff unable to access the system via the app.

Derogation granted, extending the delivery timescale to 31/10/17 (formal variation to the current Franchise Agreement pending).

19/04/17 – TPE advise that as they are the first TOC to introduce two hour notice passenger assistance, this will only be available for journeys between TPE managed stations. Network Rail and Northern are not currently ready to introduce this at their stations but TPE will continue to work closely with them.

17/05/17 – TPE advise that the Industry App has no automatic alert meaning the new arrangements would rely on staff logging in frequently, and the App 'fell over' during training. The App is an RDG product, so TPE's ability to resolve these issues timeously is limited. More recently, limitations in the National Reservation System (NRES) mean it is currently not possible to make wheelchair bookings once train reservations have closed (typically sometime in the evening of the day prior to departure). NRES is an industry system, so again, TPE's ability to make changes is limited. However, TPE is pursuing a workaround, but timescales more likely to be October than July.

09/08/17 – TPE advise that they have approached the Accessibility Forum for guidance, gaining the advice to proceed with the two-hour minimum timeframe, despite the issue re seat reservations.

Therefore in conclusion, any approval of the DPPP should be able to proceed without conflicting with the Franchise Agreement.

Kind regards



Department for Transport

[REDACTED]
4/21, Rail North Partnership
West Gate
Grace Street, Leeds, LS1 2RP
[REDACTED]

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From: [REDACTED]

Sent: 19 October 2017 10:19

To: [REDACTED]

[REDACTED]
[REDACTED]
Cc: [REDACTED]
[REDACTED]

Subject: RE: TPE franchise commitment - 2hr notice for booking assistance

Can you please include [REDACTED] as [REDACTED] is on leave now.

Thanks

[REDACTED]

From: [REDACTED]
Date: 19 October 2017 at 08:43:24 BST

To: [REDACTED]
[REDACTED]

Cc: [REDACTED]
[REDACTED]

Subject: RE: TPE franchise commitment - 2hr notice for booking assistance

Hi [REDACTED]

Thanks, we'll have a look at this and respond to Anna.

Regards

[REDACTED]

[REDACTED] Rail North Partnership | [REDACTED]

From: [REDACTED]
Sent: 18 October 2017 18:15

To: [REDACTED]
[REDACTED]

Cc: [REDACTED]
[REDACTED]

Subject: RE: TPE franchise commitment - 2hr notice for booking assistance

[REDACTED]

The TPE franchise is managed by Rail North, so I have copied your email to [REDACTED]
[REDACTED] and [REDACTED] at Rail North who will hopefully be
able to assist with your enquiry.

Regards

[REDACTED]

[REDACTED]
[REDACTED]
From: [REDACTED]

Sent: 18 October 2017 17:57

To: [REDACTED]

Cc: [REDACTED]

Subject: TPE franchise commitment - 2hr notice for booking assistance

Hi [REDACTED]

I'm currently reviewing TPE's DPPP which they have submitted to us for approval. The updated draft includes information about a 2hr notice period for booking assistance.

I note that the TPE franchise states:

82.1 The Franchisee shall amend the Passenger's Charter to ensure that from no later than 30 April 2017 and for the remainder of the Franchise Term, the advance notice required to be given by a customer when making a Passenger Assistance reservation in respect of a rail journey between Stations is reduced to no more than 2 hours.

82.2 The Franchisee shall engage and use its reasonable endeavours to agree with: (a) Network Rail that the advance notice required to be given by a customer when making a Passenger Assistance reservation in respect of a rail journey from or to a Network Rail Managed Station at which the Passenger Services call is reduced to no more than 2 hours; (b) the Northern Franchisee that the advance notice required to be given by a customer when making a Passenger Assistance reservation in respect of a rail journey from or to a station in respect of which the Northern Franchisee is the Facility Owner and at which the Passenger Services call is reduced to no more than 2 hours ("Advanced Notice Reduction"). From the date of such agreement, the Franchisee shall establish and implement such procedures as are necessary for the purposes of giving effect to the Advance Notice Reduction as agreed with the Northern Franchisee.

However, it appears that TPE's proposed arrangements may not be fully compliant with the franchise requirements. In the draft DPPP, they state:

- Our new 2 Hour Passenger Assistance service is available to customers who are making a direct journey on TransPennine Express train services between two TransPennine Express managed stations, and allows assistance bookings to be made up to 2 hours before travel.
- Our 2 Hour Passenger Assistance service can only be booked by calling the TransPennine Express Assisted Travel team.
- It is not possible to purchase tickets at the time of booking using our 2 Hour Passenger Assist service. Tickets should be bought via alternative methods.
- We are unable to take bookings for 2 Hour Passenger Assistance via our webform.
- Seat reservations cannot be provided at this notice, however by booking assistance, you gain the benefit of station staff being notified of your requirements in advance, and in place to assist you. If due to seats or wheelchair spaces being unavailable you are unable to travel on the service you have booked, and no alternative service is available within the next hour, alternative transport will be provided:
 - o To the nearest station where alternative TransPennine Express services are available to your destination; or
 - o To your destination station.

TPE has told us that this scheme is due to start at the end of this month.

I would be grateful for your comments on this, as we don't really want to be in the position of approving something in the DPPP which is at odds with the franchise requirements.

Thanks



One Kemble Street, London, WC2B 4AN

ORR.gov.uk

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Franchise Performance Review Meeting

Period 11 review

1 March 2017



Coffee painting at Liverpool Lime Street station to celebrate extended catering between Liverpool and Manchester and 100,000 coffees sold

Committed Obligations (slide 4 of 5)

Sched	Para	Obligation Title	Due Date	Status	Commentary
6.1	82.1 and 82.2	Passenger Assistance reservations (includes with Network Rail and Northern)	30/04/2017		CO delivery is dependent on non-TPE stations applying the same rules and Northern acceptance



Franchise Performance Review Meeting

Period 12 review

29 March 2017

Committed Obligations 2 of 4 (to end 17/18)

Committed Obligations 3 of 4 (to end June 17)

Sched	Para	Obligation Title	Due Date	Status	Commentary
6.1	82.1	Passenger Assistance reservations – TPE stations	30/04/2017		



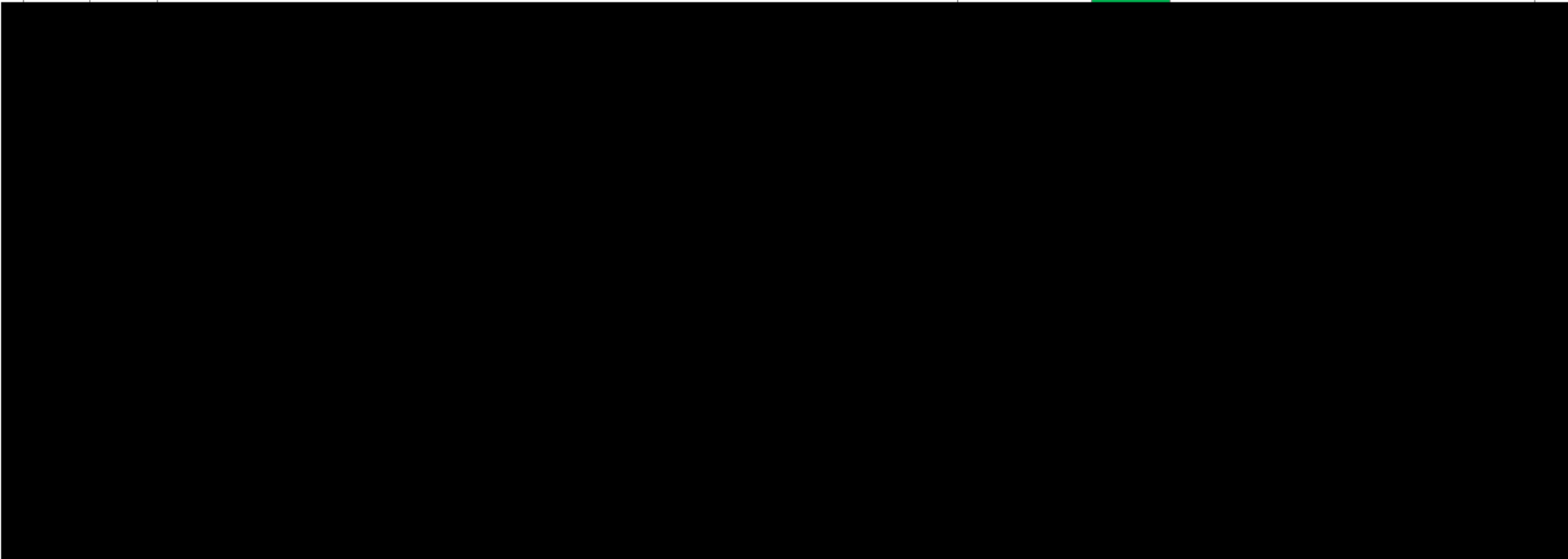
Quarterly Franchise Performance Review Meeting

Period 13 review

19 April 2017

Committed Obligations 1 of 4 (to end Period 4)

Schd	Para	Obligation Title	Due Date	Status	Commentary
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6.1	82.1	Passenger Assistance reservations at TPE Stations – reduce to two hours notice	30/04/2017		
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Franchise Performance Review Meeting

Period 01 review

17 May 2017

Committed Obligations 1 of 4 (to end Period 5)

Schd	Para	Obligation Title	Due Date	Status	Commentary
6.1	82.1	Passenger Assistance reservations at TPE Stations – reduce to two hours notice	30/04/2017		TPE have written to RNP on 28 April requesting extension to end of July 2017 (backstop end of October 2017) due to issues with the app. Response awaited



Franchise Performance Review Meeting

Period 02 review

14 June 2017

Committed Obligations 1 of 4 (to end Period 6)

Schd	Para	Obligation Title	Due Date	Status	Commentary
6.1	82.1	Passenger Assistance reservations at TPE Stations – reduce to two hours notice	30/04/2017		TPE have written to RNP on 28 April requesting extension to end of July 2017 (backstop end of October 2017) due to issues with the app and NRES. Response awaited.



Franchise Performance Quarterly Review Meeting

Period 03 review

12 July 2017

Committed Obligations 5 of 4 – Beyond Period 7

The following table provides the status of COs which have been formally varied and other COs due beyond the 3-month reporting horizon with statuses to note.

Schd	Para	Obligation Title	Due Date	Status	Commentary
6.1	82.1	Passenger Assistance reservations at TPE Stations – reduce to two hours notice Derogated to end October	31/10/2017		Limitations with industry systems including NRES are proving difficult to overcome but work is continuing to try and deliver this.



Franchise Performance Quarterly Review Meeting

Period 04 review

9 August 2017



The RNP TPE Commercial Management Team get a sneak preview of refurbished 185101 before she enters service

Committed Obligations 4 of 5 (to end Period 8)

Schd	Para	Obligation Title	Due Date	Status	Commentary
6.1	82.1	Passenger Assistance reservations at TPE Stations – reduce to two hours notice Derogated to end October	31/10/2017		Limitations with industry system, NRES, mean that seat bookings cannot be made after reservations have closed the previous evening. Alternative approaches are being discussed with RDG and TPE's Customer Forum. TPE to discuss with RNP.



Franchise Performance Review Meeting

Period 05 review

8 September 2017

Commercial in Confidence

Committed Obligations 3 of 5 (to end Period 9)

Schd	Para	Obligation Title	Due Date	Status	Commentary
6.1	82.1	Passenger Assistance reservations at TPE Stations – reduce to two hours notice Derogated to end October	31/10/2017		Following discussions with the Joint Inclusivity Forum, TPE is set to proceed with changes to the passenger assist booking process to allow customers making direct journeys between TPE managed stations with up to two hours' notice. Customer awareness is dependent upon sign off of changes to the DPPP, which has been under review with ORR since June.



Franchise Performance Quarterly Review Meeting

Period 06 review

4 October 2017

Commercial in Confidence

Committed Obligations 2 of 5 (to end Period 10)

Schd	Para	Obligation Title	Estimated Delivery (where known)	Due Date	Status	Commentary
6.1	82.1	Passenger Assistance reservations at TPE Stations – reduce to two hours notice Derogated to end October	October 2017 subject to DPPP sign off by ORR	31/10/2017		Following discussions with the Joint Inclusivity Forum, TPE is set to proceed with changes to the passenger assist booking process to allow customers making direct journeys between TPE managed stations with up to two hours' notice.

