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By email

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Dear Guy

RE: LATE NOTICE PRE-CANCELLATIONS

I have today written to TOCs and Network Rail, further to ORR's previous letters to TOCs and Network Rail on this matter on 28th March and 4th April 2024 respectively.

Those letters updated on actions we asked TOCs and Network Rail to progress, promoting better passenger information along with a consistent approach to managing and recording late notice pre-cancellations.

Ongoing inconsistency in how pre-cancellations are handled creates disruption and confusion for passengers. When journey planning in advance, passengers using more than one operator should not be expected to understand the differences between how different TOCs handle the same scenarios.

Further harm arises from the potential to mislead, when passengers are making choices between different rail journey options or in making wider decisions about how they will complete an important journey.

We remain concerned that passenger experience is not consistently reflected in the statistics the railway reports, which has historically been proven to damage public and stakeholder trust in the railway and to dissuade some passengers from travelling.

Stakeholder harm results from, among other things, inability to simply use the industry's datasets to create directly comparable cases for investment.

However, we want to be sure further unintended harm isn't caused as the industry becomes consistent. Therefore, this letter asks you to provide ORR with informed and

considered feedback on the matter.

Passenger information

TOCs need to communicate to passengers as soon as they know a train is cancelled. The customer information pledges (the regulated code of practice under the TOC passenger information licence condition) have been amended to include relevant requirements. We will continue to monitor the provision of information to passengers through relevant mechanisms, and will take appropriate action where issues exist.

Cancellation statistics

We highlighted to TOCs and Network Rail in our previous letters that:

1. For several reasons (notably efficiency and data quality), the industry needs to move a method that allows automatic data collection; and

2. Excluding trains shown in passenger systems as "cancelled" from the official cancellations statistics (regardless of cause) was contrary to the industry-agreed definition of the cancellations measure, for which ORR publishes the official statistics.

We noted that – in line with the established industry process - the Performance Measures Steering Group would need to consider and process any clarifications to the definitions and ancillary documents.

It has not proved possible for industry to clarify definitions and methodology in time for Period 4 (23rd June).

Therefore we have had to acknowledge that the timescales for achieving full consistency and automation of information collection will be delayed, and so as an interim measure will continue with manual data collection and publication.

Updates since last letters

The Performance Measures Steering Group (PMSG) discussion reconfirmed there is substantial inconsistency between different operators' approaches to late notice pre-cancellations. We found that:

1. Many operators reattribute any self-caused late notice pre-cancellations within delay attribution systems, to ensure they are recorded as self-caused (i.e. T* or M* coded) and are included in the official cancellations statistics.

2. Other operators pre-cancel services in the "late notice" period and exclude these from the final operation plan for the day (via "P*" delay attribution codes).

3. Some TOCs amend their operating plan earlier, through train planning and

based on a forecast traincrew picture, with residual self-caused cancellations occurring (and attributed as self-caused) on the day.

4. Finally, some do not pre-cancel at all, with passengers experiencing higher levels of "on-the-day" cancellations and amendments.

5. Network Rail-caused late notice pre-cancellations – affecting any operator - are not normally included within the official statistics (being P* coded and therefore excluded).

At PMSG, some parties – most notably but not solely Network Rail – disagreed with ORR's understanding of the written definition of a cancellation. These parties believed that a train advertised to the public as cancelled should not form part of the cancellation measure, if cancelled before 22:00. Their reading of the wording and "custom and practice" suggested this cancelled train was not part of the planned train service and so should be excluded from the statistics. Others agreed with ORR's understanding of the definition, that a service advertised as "cancelled" should be counted as a cancellation regardless of cause or of the time it was cancelled.

I note that, from a "helicopter" perspective, excluding a service advertised as cancelled from the official statistics simply because it was cancelled before 22:00 remains unlikely to make sense to passengers or stakeholders.

The discussion again highlighted the pressing need for clarity and consistency in approach.

Further work

The presentation of this different interpretation at PMSG means further clarification of the core definition is required to achieve consistency. As above, we acknowledge this work will not be completed before Period 4 begins.

PMSG also did not complete its planned discussions on:

*   the appropriate cut-off time after which late notice changes should be counted within the figures (i.e. the point at which the timetable becomes the "final" promise to passengers, subject to any agreed exceptions); and

*   what appropriate exceptions are needed (for example the appropriate implementation of emergency timetables).

Further, Network Rail has verbally advised ORR it does not have a method ready by which to incorporate pre-cancellations supplied outside the delay attribution systems into the dataset.

Finally, in discussion with some TOCs it has become apparent that a transitional arrangement with parallel cancellations data (i.e. one set excluding pre-cancellations

and one including them) may be appropriate to ensure valid trend data can be produced throughout. A transitional arrangement like this would also allow for any changes to relevant TOCs' targets to be carried out as part of regular annual processes.

Manual data collection

Therefore, in the short-term, ORR will continue to collect manual data on pre-cancellations from each TOC via the established route. We recognise the additional resource demand that this manual collection puts on each operator, even when a nil return.

We are considering whether to move to a quarterly publication cycle (of periodic data) – in line with the publication of other official statistics – while the residual issues are worked through. We invite your feedback on this as described below.
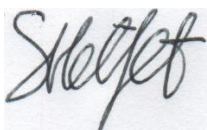
Requesting your feedback

ORR has been pursuing what – until PMSG – it considered to be a simple clarification exercise around the existing cancellations definition.

However, it is now apparent that further work as an industry is needed to ensure a clear and truly consistent understanding of the definition is reached – and so we are inviting your written feedback, as well as the feedback of other stakeholders with a relevant interest (including TOCs, Network Rail and DfT).

Annex 1 to this letter outlines some prompts that you may wish to consider in providing feedback to ORR. I'd be grateful to receive this by **Friday 12th July 2024**.

I appreciate your ongoing engagement on this matter. If you have any questions, please don't hesitate to get in touch.

Yours sincerely,

Steve Helfet
Deputy Director, Railway Operations

Attachments: Annex 1 – "Prompt" questions for feedback

Annex 1 – "Prompt" questions for feedback

We welcome your feedback and have provided the following questions as a prompt. It would help ORR if you could briefly explain the reasoning behind your responses.

1. How do you view ORR's reasoned position that there needs to be consistent and transparent treatment of late notice pre-cancellations (regardless of cause)?

2. Do you agree that excluding trains from official statistics that were publicly advertised to passengers as "cancelled", on the basis that they were cancelled before 22:00 the previous night, could reduce passenger and stakeholder trust?

3. Thinking about passengers, do you agree that all late notice pre-cancellations should be treated equally (i.e. Network Rail-caused pre-cancellations after an agreed cut-off point should be treated the same way as TOC resource shortages)?

4. Should late notice pre-cancellations should be included within a single cancellations dataset (with an updated definition), or kept permanently separate to "on the day" (i.e. after 22:00) cancellations?

5. When should the timetable be considered "set", as rail's promise to passengers (then only subject to any agreed exceptions that might – for example - include emergency timetables, publicised in line with the Network Code)? ORR previously established a threshold of 72 hours (mindful of "regular"/online passenger journey planning timescales and rostering timeframes) but would welcome your views on whether this is appropriate or whether a different point in time should be used.

6. Under what circumstances do you think the timetable should be able to be changed after the cut-off, without removed/replaced trains counting as cancellations (e.g. emergency timetables due to weather that replace the original timetable, published and communicated in line with the Network Code, or trains that are replaced by a slightly retimed service)?

7. If the cancellations clarification proceeds, would you welcome a transitional period where both "old" and "clarified" cancellations run in parallel – potentially until a "moving annual average" can be established for the clarified definition to indicate true movement of annual trends? [n.b. this may also confer the benefit of not requiring any "in-year" change in TOC targets].

8. In respect of interim data collection, would your TOC favour a quarterly data collection and publication cycle over the existing periodic cycle (noting that the data that is published will still be periodic)?

9. Should ORR change its the manual data collection now, to include all causes of pre-cancellation that affect passengers and thereby align with the request to TOCs from Transport Focus in September 2023?