

Office of Rail and Road

Review of train operators' revenue protection practices - call for evidence

<https://www.orr.gov.uk/monitoring-regulation/rail/passengers/tickets-and-fares/review-train-operators-revenue-protection-practices>

I am the Director at Railfuture that specialises in fares and ticketing. We are Britain's leading, longest-established, national independent voluntary organisation campaigning for a bigger and better railway network for passenger and freight users.

I note the specific remit of this consultation and wanted to make some observations:

Personal experience

I have not personally been subject to penalty fares, nor a prosecution attempt or other settlement negotiations. There are two circumstances I wanted to mention:

1. The Rail Industry is often very accommodating – I recollect travelling on a Northern Train from Sheffield (which is an un-barriered station), and there was a train in the platform departing within the minute to my destination. I spoke to the guard, saying I haven't got a ticket, can I buy immediately I was on-board, was told, yes, did so (on the Northern App) and by the time the guard came to check, I had my ticket. So, these experiences can be pain free.
2. I am a regular user of Thameslink's KeyGo Smart Card. This process does recognise that mistakes happen, so all that happens if a tap is missing from Thameslink's records the following day is I get an email asking me to provide tap details manually. This I then do. I can do this online up to three times a month. I've never exceeded that and so don't know how painful it would be to sort out additional taps (whilst on some occasions I cannot be certain that I have tapped out, on others I am certain I did so, and thus the record has been mislaid within the railway's systems). A scenario in which errors and mistakes are catered for in a pain free manner.

Both of the above are examples when the process does work well in the passenger's favour.

Having a valid ticket

A common theme I see more generally is how difficult it is to buy a valid ticket, and I don't think the industry's processes often recognise this enough.

I do hear of plenty of stories of the guard / ticket inspector on the train accepting that it was a mistake, not a deliberate attempt to save money and taking no further action – I recollect one involving some friends with tickets bought from a TVM which were flexible Avanti West Coast only ones, but then the next service was a TPE one. They boarded without realising their tickets were not valid. But the guard was perfectly understanding, and they never felt threatened or similar.

More generally, I think it very 'dangerous' to assume that ticket and railcard validity can be replicated from journey A to journey B, or for journey A on a different day or time. Understanding is probably much better for the morning peak and other times, but otherwise I don't think the typical traveller understands this enough.

Some more specific examples include:

1. I live near London, so a Senior Railcard is not available in the am peak – unless I am travelling outside the Network SE zone – so, for instance, I have used it when travelling to Swindon and boarding a train at 7:30am on a Friday.
2. I can't Buy a Herts Older Person concession fare except at a ticket office – but I am sometimes told to buy a child fare at a TVM (it's the same price) if the ticket office is closed, but at other times I am told not.
3. From Central London, contactless arrangements for the four London Airports are all different: Heathrow and Gatwick are bank card and Oyster, Luton is bank card only and Stansted is neither. "Fines" for attempting to use Contactless at Stansted feature regularly, despite the industry offering a very incoherent set of products.
4. Many TVMs have no visibility of imminent trains. They are time aware, but that's it. So, the start point is only to offer tickets valid for immediate travel, with options to choose tickets for a future time (most often used

when buying tickets for the first off-peak service). But in the example I mention above, they are not capable of determining that when asked for a ticket from A to B, the passenger wants to make a choice of “more expensive and travel soon” or “cheaper and travel later”. My experience is that TVMs operated by longer distance operators tend to have real time connections to the ticket database and so can start a purchase request by asking for a train choice. But operators of commuter services often have most of their TVMs as only being time aware, so incapable of offering something based on actual imminent services. So, the less experienced (on that journey) can be confused into buying the “wrong” ticket.

5. My local line uses Class 700s – the first class compartment at the back is always standard class, but on some journeys the one at the front is also standard class – on most services it is first class. Yes, the passenger information screens do explain this, but I hear of fines being levied, without any reference to the passenger making a habit of doing this.
6. Disruption messages are usually clear if alternate routing is allowed during significant disruption. And for longer distance operators they usually deal with Advance ticket arrangements. But if you have a timed validity ticket (eg not valid in the evening peak), it is never clear if you arrive in time, but your train does not what you should do.
7. When using rail industry smart cards being forced off-route can render you “ticketless”. And this applies to contactless if forced off route – eg, until Saturday 1st if I needed to use London Northwestern not Thameslink.

More generally

I have the following observations.

“Penalty Fare” is an off-putting name – I believe it would be much less threatening and call it a “late payment charge” or similar instead.

I have less empirical evidence, but feel that, once the formal post travel recovery process starts:

1. There is insufficient recognition that mistakes are inevitable, even from experienced and regular travellers, due to the type of issues I outline above.
2. It seems to be that refusal by the passenger to engage in the post ticket irregularity process is too often taken as ‘guilt’ when it can be a lack of understanding as to what is happening, and also sometimes the traveller never gets the post travel correspondence (which can include failing to understand the significance of the letter from the outside and treating it as junk mail).

On the contra to the above, this response was shared with a fellow Director before submission. They commented “I’ve never had a penalty fare either. The rail industry can be very accommodating, because most staff can tell the difference between an honest mistake and someone who’s freeloading. The key advice to passengers is to ask, not to try to get away with it - as you did, and as I did for something similar.”

Railfuture would be happy to engage further with your consultation if that would assist your review.

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