



OFFICE *of the*
RAIL REGULATOR

**ACCURATE AND IMPARTIAL RETAILING
MEETING THE NEEDS OF PASSENGERS**

A CONSULTATION DOCUMENT

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Regulator's foreword

1. Over the last two years, a considerable amount of effort has gone in to establishing the new rule-based system, based on clear contractual obligations, within which the restructured railway industry needs to work. From the passenger's point of view, perhaps the most significant new rules are those which are intended to maintain those services and facilities which allow the railway to be used as a network while encouraging the new train operators to offer new competitive services across the network.
2. Ticket retailing has deservedly received a considerable amount of attention. Passengers need the certainty that they will continue to have easy access to ticket retailing facilities and that ticket retailers will continue to offer a full range of tickets - including through tickets - so that they can take advantage of the journey opportunities the railway network offers. The National Consumers Council has highlighted access, choice and information as three of the key principles which define the consumer's interest. Ticket retailing lies at the heart of these.
3. As a result of my consultation exercise on ticket retailing last year¹, a baseline has been established, for the first time, of retailing facilities at staffed stations, including opening times for booking offices and the range of tickets capable of being sold. This has provided a certainty of provision that never existed before.
4. With the ticket retailing network in place, attention has been turned to the quality of service offered - particularly in terms of the accuracy and impartiality of information provided about journey and ticket options. Rules have been set which require information - whether at ticket offices, telesales offices or telephone enquiry bureaux - to be given impartially, i.e. without discrimination in favour of one operator over another. This is vital, not only because all operators are dependent on each other to some extent to sell each other's tickets, but because passengers need to have confidence that they are getting the right information which meets their particular travel needs.
5. The impartiality obligation on ticket retailers is new, and is, on the face of it, a significant development compared with the way in which the single unified passenger

¹ *Ticket retailing: a policy statement* – April 1995

railway did things in the past. However, the current focus on impartiality should not be allowed to obscure the fundamental requirement, which is for information to be provided accurately, in a way which meets the needs of passengers and encourages use of the network.

6. I do not underestimate the difficulties of achieving fully accurate information provision. Limitations on ticket issuing and other systems, the many different ticket and route options, and the pressure to serve passengers quickly to avoid long queues, add to the difficulties and pose particular challenges to operators. These challenges are not new. However, restructuring means that the need for accurate information that passengers can trust is even more vital if the railway is to develop and achieve commercial success. Passengers have a right to expect accurate information. The challenge for the operators is to meet those expectations consistently, economically and effectively.
7. My primary objective is to work **with** the industry to achieve a better railway for passengers. In the context of impartial ticket retailing, there is evidence that the requirement is not being achieved consistently and that improvements may not be happening to the extent, or with the speed, that passengers want. There have been calls for operators to be penalised as a result. However, I think I would be failing in my duty to both passengers and the industry if my only response to these issues was either to apply the heavy hand of formal licence enforcement or to sit back and wait for improvements to come about.
8. I believe that I have a wider responsibility to establish the reasons why there is an apparent mismatch between passenger needs and operator performance, to propose and encourage practical solutions to bring about improvements, and to implement programmes which will provide information about problem areas to be targeted for improvement.
9. This consultation document is intended to help me fulfil that wider responsibility. The first objective is to establish more clearly what passengers want, and to consider how the difficulties in achieving that can be overcome. Do the rules which have been established provide a sufficient mechanism to allow improvements, or do they need to be supplemented by additional guidance on how they should be implemented in practice? If additional guidance is needed, should it cover just practical interpretation of the rules, or additional means of supporting impartial retailing, including staff training and passenger information? And what arrangements should be put in place so that performance can be measured across the network?

10. This does not mean that operators are in any way being let off the hook. On the contrary, they will have to develop new ways of working to improve services to passengers and I am ready to use the powers at my disposal, including formal licence enforcement, should that prove necessary. But first, I want to be sure that passenger operators have the right framework and guidance to make improvements possible and I want much better information which will, amongst other things, allow me to target more formal action where necessary.
11. This document sets out the issues I have mentioned in relation to accurate - and therefore impartial - ticket retailing and outlines my preliminary views. I hope that it will provoke a lively debate about the needs of passengers and the ways in which retailing performance can be improved in the interests of passengers and operators alike, to contribute to the aim of creating a better railway.

1. Introduction and summary

Introduction

- 1.1 The arrangements approved by the Regulator under the licences of the majority of train operators for the sale of tickets include an obligation that they must act fairly and impartially when selling fares for travel on, or providing information about, other operators' train services.
- 1.2 There is a general perception, backed by some limited evidence, that train operators are failing to comply with this obligation in a consistent manner across the network as a whole. The issue appears to be, not that operators are deliberately setting out to provide partial information which consistently favours one train operator over another, but rather one of lack of product knowledge and accuracy of information. The problem appears to be particularly acute in cases where more than one operator provides alternative services between the same two points, but there have also been problems with the provision of reliable and accurate information relating to different products offered by a single operator.
- 1.3 There is also a perception that the position has worsened with the restructuring of British Rail (BR) into separate train operating companies since the commercial incentives on the new train operating companies lead them to sell their own products rather than those of their competitors. The Regulator does not believe that these impressions are necessarily right. The business divisions of BR introduced many new ticket types to respond to the needs of different sections of their market, and many new services, some of which provided alternatives to established services. These were never retailed "impartially": in fact, ticketing and information systems were geared to the assumption that passengers would generally want the fastest journey between any two points. And it is generally acknowledged that accurate and reliable information about all journey and ticketing options was not delivered consistently.
- 1.4 However, the restructuring of the railways has thrown these issues into sharp relief. Accuracy of information is critical if passengers are to be able to use the restructured railway with confidence. And the interdependence of operators, with more than a third of total ticket revenue generated through sales by operators on behalf of others, means that operators themselves have a key commercial interest in accurate and impartial retailing.

- 1.5 In addition, the intention of the restructuring and franchising programme is to deliver better services to passengers at every stage of the process - from obtaining information and buying the right ticket, to making the actual journey. The Regulator believes that it is timely to review the information and ticketing issues which are critical to the prospective passenger's decision on whether to use the railway or not; to determine the improvements needed and the means of achieving those improvements in a way which meets the needs of passengers and the commercial interests of operators.

The consultation document

- 1.6 The Regulator's normal practice has been to consult widely on policy issues to allow an opportunity for a wide constituency of views to be taken into account before policies are decided and implemented. The objectives of this consultation exercise are:
- (a) to establish more clearly the needs of passengers in relation to accuracy of information and impartial ticket retailing;
 - (b) to seek views on the need for additional guidance on how the impartial retailing obligation translates into front line service delivery;
 - (c) to stimulate debate on the practical means of delivering fully accurate information; the financial implications of proposed solutions and the way forward; and
 - (d) to seek views on the Regulator's proposals for a programme of network-wide surveys to measure performance and pinpoint problem areas for remedial action.
- 1.7 Section 2 of this document describes the statutory framework in relation to retailing in more detail; reviews experience of the operation of the framework to date; and sets out the Regulator's specific objectives in this area.
- 1.8 Section 3 clarifies the purpose of the impartial retailing obligation and proposes further practical guidance, particularly on providing information about competing services.
- 1.9 Section 4 considers some of the practical issues in achieving accurate information and impartial retailing including: the implications for queuing standards; the commission incentive; and systems limitations.

- 1.10 Section 5 examines how better training and information can improve product knowledge - for staff and passengers - and contribute to improvements in performance.
- 1.11 Section 6 considers the various means of monitoring performance, proposes an independent survey of performance and sets out how monitoring information will be used to help the Regulator to consider the need for more formal enforcement action.

Next steps

- 1.12 Comments are invited on all the issues covered in this document. The Regulator envisages that the result of the consultation exercise will be a policy and guidance document which:
- (a) sets out what passengers have a right to expect;
 - (b) formalises any guidance needed for train operators on what the impartiality obligation means in practice; and
 - (c) sets out a programme of action to ensure that requirements are met.

Address for responses and dates

- 1.13 Comments in response to this consultation should be sent in writing to arrive at the following address no later than 27 September 1996:

Iryna Terlecky
Director, Licensing and Consumer Protection
Office of the Rail Regulator
1 Waterhouse Square
138-142 Holborn
London EC1N 2ST

- 1.14 Unless there is a clear indication that the response has been provided on a confidential basis, it will be assumed that responses can be published or quoted publicly by the Regulator.
- 1.15 Additional copies of this document are available free of charge on request from the Office of the Rail Regulator Library. Telephone: (0171) 282 2001; Fax: (0171) 282 2045; E-mail: orr@dial.pipex.com; or write to The Librarian at the address shown in paragraph 1.13.

2. Background to the consultation

Regulatory requirements

- 2.1 Condition 7 (Through Tickets and Network Benefits) of the Passenger Licences granted to all train operators running scheduled passenger services on the Railtrack network (with the exception of European Passenger Services and London Underground Ltd) includes a requirement for the licence holder to be a party to, and comply with, arrangements approved by the Regulator for the sale and honouring of through and other tickets. A copy of the condition is at Annex A.
- 2.2 The arrangements which enable operators to comply with this licence condition are set out in the Ticketing & Settlement Agreement (TSA), which was approved by the Regulator on 23 July 1995 and to which all relevant passenger operators are signatories. Franchise operators are also required by the Franchise Agreement to be a party to and comply with the TSA.

Retailing arrangements

- 2.3 The arrangements in the TSA for the sale of tickets at staffed stations provide that each existing staffed station at which tickets are sold must have a ticket office operated by a single train operating company, termed the 'lead retailer'. This is the case even where the services of more than one passenger train operator call at the station. The lead retailer is always a licensed operator of passenger trains and normally operates trains which stop at the station in question. The lead retailer for a particular station may be changed with the agreement of the Regulator. The lead retailer is not always the same as the licensed operator of the station itself. For example, Railtrack is the licensed operator of the major London termini and a number of other major stations but does not operate the ticket offices at these stations.
- 2.4 Each ticket office operated by a lead retailer must continue to sell the same range of fares for national rail products during the same opening times and with the same ticket issuing and reservation capability as it did on 26 May 1995. The times when these ticket offices are open must be prominently displayed in a place accessible to the public at all times. The TSA contains procedures for changing those capabilities, including, in the case of proposed major changes, consultation with local authorities and passengers.

- 2.5 Clause 6-29 (1) of the TSA requires the lead retailer to sell products impartially from at least 51% of the open ticket windows at each station ticket office. Specifically, the lead operator must act fairly and impartially when selling fares for travel on, or providing information about, other operators' train services. Clause 6-29 (2) expands the general impartiality requirement by listing a number of specific requirements intended to assist lead retailers in interpreting how the impartiality obligation should be implemented in practice. In particular, it lists a number of key questions relevant in determining which product best meets the passenger's needs. A copy of 6-29 is at Annex B.
- 2.6 In addition to station ticket offices operated by lead retailers, other means by which passengers may purchase tickets include:
- (a) on-train sales (special arrangements apply in penalty fare areas);
 - (b) separate station ticket offices operated by train operating companies other than the lead retailer, and telephone sales centres run by train operating companies;
 - (c) ticket issuing machines; and
 - (d) travel agents, inclusive tour operators, British Rail International sales outlets abroad and ticket offices of certain other operators which issue through tickets, including London Underground, Northern Ireland Railways, certain ferry and other transport companies and foreign railways.
- 2.7 The impartiality obligation applies to all sales made under paragraph 2.6(a). In the case of sales made under paragraph 2.6(b), the impartiality obligation applies unless the operator responsible for the facility has clearly designated it as a point of sale which does not give impartial advice and information (a 'dedicated' point of sale). Ticket issuing machines sell tickets to only a limited range of destinations but must nevertheless offer all equivalent fares to those destinations, regardless of the identity of the operator. The impartiality obligation does not extend to the points of sale listed under paragraph 2.6(c) since currently these outlets sell only a limited range of products and are not operated by parties who can be bound directly by such an obligation.
- 2.8 Commission is paid to the retailer at two standard rates for most rail products sold at impartial points of sale. Two per cent is paid for season ticket sales and nine per cent for all other sales.

- 2.9 Clauses 6-32 and 6-34 of the TSA require that train operators must provide specified information about their services and other support to impartial points of sale. Clauses 6-35, 6-36 and 6-37 provide that the operators of these points of sale must offer a specified quality of service, including maximum queuing times; ensure that staff are suitably trained; and, subject to physical constraints, display information supplied by other train operators.

Telephone enquiry bureaux

- 2.10 The National Rail Enquiry Scheme (NRES), formerly known as the Telephone Enquiry Bureau (TEB) Scheme, requires enquiry bureaux to operate according to the requirements for impartial information provision in the TSA. National telephone enquiry services are currently in the process of being linked together by a single national 0345 number, which will equally be subject to the obligation to provide impartial national information.
- 2.11 In addition, some train operators have dedicated enquiry numbers which are not part of the NRES scheme. The impartiality requirement does not apply to such dedicated numbers. However, all publicity, including entries in telephone books, must make clear whether an enquiry number offers national impartial information or a more limited service.

Experience to date

- 2.12 The last two years has been a period of continuous change in the railway industry. British Rail has been progressively split into subsidiary companies, which have themselves been transferring to the private sector through the franchising and sales process. Simultaneously, the industry has been working to develop new contracts and other bilateral and multilateral arrangements which codify and set rules for commercial activities which were previously, within a single British Rail, a matter of custom and practice. This is probably the single most significant change to the way things were done in the past. In many areas, including ticket retailing, clear obligations and standards have been placed on train operators for the first time. This is a benefit to train operators, in terms of making clear their rights and obligations towards each other, and should provide major benefits to passengers in making clear exactly what level and quality of service they have a right to expect.
- 2.13 Now that obligations, standards and expectations have been set, train operators' performance can be measured much more directly than has previously been possible. As a result, in the case of ticket retailing, accurate information to passengers and

impartial retailing has been put in the spotlight. These issues have received a considerable amount of media attention and have been reflected in correspondence from passengers to the Regulator and the Rail Users' Consultative Committees (RUCCs).

- 2.14 A network-wide survey conducted by ORR in October and November 1995, and two more limited surveys conducted by the Consumers' Association (CA) in October 1995 and May 1996, have highlighted failures at some points of sale and information centres to give information about the cheapest fares that are available for certain train services provided either by the company itself or by a company other than the one of whom the question was asked. ORR's survey, which covered all train operators, showed an average error rate of 20% but with a significant variation in performance. The CA's surveys showed a much higher error rate, but because only a small number of train operators and journey opportunities were surveyed, these results may not fully reflect the position on the network more widely.
- 2.15 These survey results need to be treated with some caution since neither survey was comprehensive and covered only a limited number of journey enquiries. Nevertheless, taken together, the results are of concern to the Regulator since they appear to show that the retail arrangements contained in the TSA, including the impartiality obligation, have not been operating as well as they should be. Although some of the failures relate to competitive routes such as London to Exeter and South Wales to London, others relate to different ticket types for routes operated by the lead retailer's train company. It therefore seems reasonable to draw the conclusion that the fundamental problem is accuracy of information rather than the provision of deliberately partial information.
- 2.16 While some of those concerns may be resolved with experience and time, it is not in the interests of passengers merely to wait for improvements to come about. Accurate information about ticket types and prices is already a key issue. Rail passengers already have a range of choices: between different ticket types; via London and not via London journeys; and, to some extent, between different operators. Accuracy will be still more important in future. In particular, the greater freedoms allowed to the train operating companies to introduce new fares and train services mean that the passenger is likely to have an increased range of choices. While the Regulator's approach to moderation of competition² means that, until 1999 at the earliest, new opportunities for operators to introduce competing train services where there is no

² *Competition for railway passenger services: A policy statement* – December 1994

existing competition will be limited, it is nevertheless likely that new franchise operators will wish to introduce new fare types and offers to attract passengers on to the railway.

- 2.17 With even more choice, passengers need to be confident that they will receive accurate information. If passengers trust the information they receive, they are more likely to be encouraged to use the railway, which will, in turn, allow new franchise operators to achieve their commercial aspirations.

The Regulator's objectives and proposals for action

- 2.18 The Regulator is required to carry out his functions in the manner he believes will achieve his statutory duties, set out in section 4 of the Railways Act 1993. The duties he considers are most relevant to the issue of ticket retailing are:

- (a) protecting the interests of users of railway services;
- (b) promoting journeys using the services of more than one operator;
- (c) promoting the use of the network;
- (d) having regard to the interests of persons who are disabled;
- (e) promoting competition in the provision of railway services; and
- (f) promoting efficiency and economy in the provision of railway services.

- 2.19 The Regulator has translated these and his other duties into a single high level objective: to work with the industry to achieve a better railway.

- 2.20 In the context of ticket retailing, it is clear that there is some way to go before that objective can be demonstrated to have been fully achieved. As an initial step in investigating any alleged licence contravention, it is necessary to ascertain the nature and extent of the potential breach. At present, there is insufficient information to determine why and to what extent the objective is not being achieved and therefore how best the current perceived failings could be remedied. The Regulator is therefore proposing a programme of action which has the following elements:

- (a) ensuring that there is greater clarity and a common understanding of what the impartial retailing obligation in the TSA means, in terms of front-line service delivery to passengers;

- (b) encouraging operators to consider how their retailing processes, including staff training, might be improved to ensure consistent provision of accurate information;
 - (c) considering what information provision best meets passengers' needs; and
 - (d) independent monitoring of operators' retailing performance to pinpoint problem areas and highlight best practice.
- 2.21 In the light of the information obtained from the monitoring exercise, the Regulator will need to consider the options for ensuring that any non-compliance is remedied, including the exercise of his formal enforcement powers.
- 2.22 In setting out and implementing this programme, the Regulator will wish to take into account initiatives that train operators have already taken to improve retailing services. In particular, he is encouraged that the Association of Train Operating Companies (ATOC) has produced, on behalf of its members, a practical guide to retailing standards which will put the various regulatory and contractual requirements into plain English in a form that can be used by those who need to implement them in the working environment. The Regulator is also aware that many train operating companies are putting in place, both independently and through ATOC, systematic approaches to monitoring their own compliance with regulatory obligations.
- 2.23 The Regulator wishes to focus on outputs, i.e. what is to be achieved, rather than prescribing in detail how it should be achieved. It would not be realistic or practicable for the Regulator to give highly prescriptive instructions about what should be done in every circumstance; nor is the Regulator in a position to be able to anticipate all such circumstances. It is vitally important for train operators to know what the Regulator expects from them, and he will be interested in operators' views as to how those expectations might be met.
- 2.24 The Regulator also believes it is important to consider the outputs from the passenger's perspective. He will therefore be particularly interested in the views of the RUCCs - co-ordinated through the Central Rail Users' Consultative Committee (CRUCC) - rail users' groups and individual passengers to the proposals set out in this document, as well as the views of funding agencies such as Passenger Transport Executives and local authorities.
- 2.25 The following sections set out the Regulator's preliminary views on the programme of action in more detail and as well as inviting general comments, pose some specific questions on which views would be welcomed.

3. Clarifying the retailing obligation

3.1 This section sets out the purpose of the impartial retailing obligation; suggests a working definition of impartial retailing; and proposes additional guidelines for the provision of impartial information.

Objectives of impartial retailing

3.2 The TSA enables operators to comply with the conditions of their licence, but it does not specify the purpose served by the impartiality obligation. The Regulator feels, however, that an understanding of the underlying purpose of this obligation is important for train operators if it is to be implemented effectively.

3.3 The Regulator considers that the impartiality obligation serves three primary purposes:

- (a) to ensure that passengers get the information they need to enable them to decide which product best meets their needs, irrespective of which company provides the train service, and to provide a mechanism to allow them to obtain that product;
- (b) to ensure that train operating companies do not suffer discrimination where ticket sales points and information centres are controlled by other companies; and
- (c) to ensure that the retailing service provided by operators supports and encourages the use of the railway and maintains the flexibility of use which passengers value.

3.4 Compliance with the impartiality obligation is important for train operators, since, in many cases, discrimination by retail or enquiry staff against an operator - whether discrimination is conscious or not - can be reciprocated elsewhere at another sales point or information centre. This would benefit no-one, least of all the passenger.

3.5 From the consumer's point of view, impartiality per se is unlikely to be a key issue. The priority for consumers is more likely to be accuracy of information so that they can understand the range of options available and make an informed choice. Achieving what consumers want is a major issue for train operators. Every time a passenger is sold a product at a price higher than they would otherwise have paid, or

for a service which does not meet their needs in relation to journey time, frequency, departure/arrival point or on-board facilities, means a potentially dissatisfied customer who may be reluctant to use the railway again.

- 3.6 The key question, therefore, is what needs to be done to help train operators achieve the impartiality obligation in the TSA, in a way which recognises and meets passengers' needs for accurate information and meets the commercial aspirations of train operators.

Definition of impartiality

- 3.7 The question of definition is an important one since, although the TSA provides some detailed specific requirements, it does not define the word 'impartial'. The Regulator believes that specific guidance is essential for train operating companies who need to comply with the obligation, and for passengers so that they know what to expect.
- 3.8 The Oxford English Dictionary defines impartial as "...not favouring one more than another; unprejudiced, unbiased, fair, just, equitable". However, this does not mean that the impartiality obligation can be satisfied by simply presenting passengers with a long list of what is available, with no means for the passenger of assessing what is most appropriate for their needs. The information to be provided must therefore relate to passengers' requirements. The TSA already provides a suggested check list of questions that may singly or in combination elicit the necessary responses to allow the appropriate product to be sold, irrespective of the identity of the train operator providing the service. If information about products accurately reflects passenger needs or preferences, and takes into account all relevant services, whether provided by the same operator or not, it is likely to achieve the objective of the impartial retailing obligation.
- 3.9 It appears, however, that the TSA checklist may not have been sufficient to provide passengers with accurate information about journey options in a consistent manner across the network, particularly where there are competing operators. It seems clear, therefore, that some additional specific guidance is needed on how retailers should deal with competing services, whether from the same station or from another station in the same town. The following paragraphs offer guidance on how the principle set out above applies to information about competing services and consider whether there are differences in the information requirements for advance and immediate travel enquiries.

Competing services

- 3.10 Where competing operators serve the same origin and destination station and tickets are not inter-available, the difference between the services should be clearly explained. It is not enough to offer a comparison of just one service attribute: e.g. faster/slower, cheaper/more expensive. Neither is it reasonable to assume that the passenger necessarily favours one operator over another or is likely to want a faster rather than a cheaper journey. This information alone is not enough to allow the passenger to make an informed choice and could lead to accusation of partiality from one of the competing operators.
- 3.11 In such cases, the questions in the TSA provide the means of finding out the passenger's preferences about:
- (a) departure and arrival time;
 - (b) the importance of overall journey time;
 - (c) the importance of price;
 - (d) whether a change is acceptable;
 - (e) flexibility of choice for any return journey; and
 - (f) any special requirements.
- 3.12 Having established the passenger's needs and preferences, the retailer can then offer the appropriate options - regardless of the identity of the operator.
- 3.13 If two or more operators provide services to the requested town or city, but not necessarily to the same destination station, the same principles should apply, in terms of establishing the passenger's needs and offering the appropriate options. However, in such cases, the retailer will also need to establish whether the passenger has a preferred destination station, since one rather than another might be more convenient for the final destination. In some cases, the choice of arrival station may be an overriding criterion for the passenger, in which case, the retailer should provide accurate information in relation to journeys to the preferred station.
- 3.14 Where competing operators serve different origin and destination stations in the same towns or cities, the issues are rather more complex. If a passenger is seeking an advance booking, or information in advance of travel, the Regulator believes that the

same principle should apply as in the paragraphs above, i.e. that there should be no preconception that one type of service will automatically be preferred, and that questions need to be asked to ensure that the passenger can choose the service that suits him best. However, if a passenger is seeking to buy a ticket for immediate travel, the Regulator does not believe it is necessarily helpful to provide information about what options are available from a different station. It seems reasonable to assume that the passenger has already, to some extent, made a choice of origin station, and the retailer's obligation is to ensure accurate information about the products available at that station. That assumption does, however, depend on the sources of information available to passengers which enable them to narrow down the choices in advance of arrival at a particular station. These issues are covered in section 5.

- 3.15 These examples distinguish between cases where passengers may not have decided in advance what journey attributes are most important to them, and cases where a choice has already been made in relation to a particular requirement, e.g. the fastest journey; a preferred origin or destination station; the cheapest journey. In all cases, however, the primary requirements are:
- (a) to find out what the passenger wants in terms of service attributes; and
 - (b) to provide accurate information about all the options which meet those needs, regardless of the identity of the operator.
- 3.16 Providing accurate information may also entail pointing out any particular features or disadvantages of any options, e.g. longer journey times, additional changes, restricted choice of return journeys. The TSA requires such information to be factual and not judgemental. If information is provided on that basis, the Regulator would not consider the impartiality requirement to have been breached.
- 3.17 However, there is an issue about whether it is either realistic or most helpful to the passenger to imply that judgement plays no part in the retailing process. A booking office clerk will routinely use his judgement, e.g. to filter out certain options which are unlikely to be suitable. The benefit to passengers is that this avoids making the retailing process overcomplicated and helps speed transaction times. The Regulator does not believe that passengers would prefer receiving a complete and possibly lengthy list of options without any guidance which helps them make a choice. If that is so, then the use of judgement has to be recognised explicitly, so that passengers are clear about what to expect. It is for consideration whether there might be a need for

guidelines in this area. It is not clear, however, how guidelines might most helpfully be framed or their observance monitored.

Services targeted at intermediate stations

- 3.18 In the past, some services which operate between the same origin and destination points as, for example, an InterCity service, have not been marketed by their operator as an end-to-end alternative. They have, instead, been targeted on customers from intermediate stations who wish to travel to one of the end points. Such decisions are for operators themselves. The Regulator believes that requiring retailers to treat these as competing end-to-end services, against the wishes and plans of the operator, could have undesirable effects in terms of an operator's rolling stock requirements and, possibly, loadings at intermediate stations. Such instances are likely to be rare and, where they do occur, it is the responsibility of the operator to make clear to retailers that they are not end to end competitors.
- 3.19 In the absence of a specific notification, if such a service is in the timetable and an end to end fare for it exists, it must be treated as a competing service and its tickets retailed impartially. And even if the operator does not market the service as an end to end one, if such a ticket exists and is specifically requested by the passenger, it must be sold.

Disabled people

- 3.20 One important area where the provision of fully accurate information is essential to a satisfactory travel experience is advice to disabled people. Some stations have better facilities than others. Equally, some types of train are better equipped than others. It is very much in the disabled person's interest that they should be given accurate information about those services which meet their needs. In some cases, a strong recommendation may be appropriate.
- 3.21 The Regulator has a specific duty under the Railways Act 1993 to protect the interests of disabled people and attaches particular importance to this aspect of the interpretation of the impartiality obligation. Since accurate information is of the essence in this case, the Regulator will be looking to the train operating companies to maintain and improve the information they have available on facilities for disabled people, and to ensure that enquiry staff in particular have appropriate training to be able to provide accurate, reliable information.

Summary

3.22 The Regulator believes that the objectives of the impartial retailing obligation can best be understood by focusing on the importance of accuracy, so that an appropriate definition of impartial retailing might be:

"The provision of accurate information and advice on rail products that best meets the passenger's needs, irrespective of which company provides the train service: and the means to purchase the product the passenger chooses."

3.23 Views are sought on:

- (a) the assumptions that passengers place a high priority on accurate information; that a balance has to be struck to avoid excessive information; and that providing helpful information will involve the exercise of judgement by retail and enquiry staff (paras 3.5, 3.8, 3.17);
- (b) the proposed definition of impartial retailing (para 3.22);
- (c) the adequacy of the check list of questions in the TSA (paras 3.9, 3.11 and Annex B);
- (d) the need for further guidance (para 3.9);
- (e) the suggested approach to achieving impartial retailing for competing services (paras 3.10 - 3.16) ;
- (f) whether it is reasonable to make a distinction between the impartiality requirements for advance travel and immediate travel (para 3.14);
- (g) the preliminary conclusions on services targeted at intermediate stations (paras 3.18 - 3.19); and
- (h) the need for disabled passengers in particular to have accurate information about services that meet their needs (paras 3.20 - 3.21).

4. Barriers to achievement of accurate and impartial retailing

4.1 Retail staff training and information for both retail staff and passengers are key requirements which are considered in more detail in the next section. The following paragraphs deal with other issues which need to be considered in the context of practical implementation of the impartial retailing objective.

Queuing standards

4.2 There are long-standing performance objectives in relation to queuing which have been enshrined in the TSA and which operators are obliged to use their best endeavours to meet. Operators' commitment to those objectives is generally set out in individual Passenger Charters. One of the criticisms of the impartial retailing obligation has been that it is likely to lengthen transaction times, make the queuing targets impossible to achieve, and detract from the advantages of rail as a walk-on service. However, over the years, as market-based products have been developed, including products which require reservations and therefore take longer to issue, the railway has developed, in parallel, a range of mechanisms for balancing the different needs of its customers. These include:

- (a) the introduction of ticket issuing machines;
- (b) separate windows for different types of product at larger stations;
- (c) restricting the time of day at which more complex products (e.g. those requiring a seat reservation) are sold to ensure fast service for simple products at times of highest demand (e.g. the morning commuter peak); and
- (d) the introduction of telesales services for advance purchase.

4.3 Under the TSA, lead retailers are obliged to display posters at each staffed station which set out:

- (a) times of peak demand (so that customers know when they might have to wait longer and can avoid those times if they wish); and
- (b) times at which complex products are not sold.

- 4.4 These posters are likely to be of more help to regular travellers than the occasional traveller. However, the infrequent traveller is also more likely to want to obtain information by telephone before visiting a station to buy a ticket, so information could be provided about the best time to go to the station to avoid a long queue, or about telesales facilities.
- 4.5 It is not clear to what extent longer transaction times and longer queuing times are likely to be a problem generally, or the extent to which passengers would value the likelihood of a longer transaction giving all the relevant options against a speedy transaction with a short queue. There could, for example, be particular difficulties at stations with high volumes of passengers at particular times of day.
- 4.6 Both the Regulator and the Franchising Director believe that the retailing objectives and the queuing standards are important and that there is no case for allowing either to be achieved at the expense of the other. This is an area that needs to be monitored, but the Regulator believes that train operators themselves are likely to wish to look for ways of avoiding problems, since longer retail transaction times may then require additional expenditure to achieve the queuing standards, as well as run counter to aspirations to improve customer service.

Commission payments

- 4.7 As mentioned in paragraph 2.8, there are two standard rates of commission payable on basic rail products. It has been suggested that impartial retailing is an unrealistic expectation since lead retailers will always have a financial incentive to:
- (a) sell their own company's tickets and receive all the revenue; and
 - (b) sell higher priced tickets to receive more commission.
- 4.8 This however, takes a very narrow view of the commercial interests operators have to monitor each other's retailing performance, particularly since commission payments may be a relatively small source of income for retailers and are unlikely, of themselves, to provide significant incentives one way or another. A much more powerful incentive is the significant extent to which railway operators are interdependent. Out of total ticket sales of £2.3 billion per annum, some £820 million relates to sales on behalf of other operators. Some operators - notably CrossCountry which has no stations of its own - are significantly dependant on other operators to sell their tickets and, as mentioned earlier, all operators have their tickets sold by others to some extent.

- 4.9 The Regulator believes that operators should monitor their own revenues and take appropriate action through the TSA - including complaining to the Regulator - if they believe that they are being unfairly disadvantaged by a lead retailer's practices. The most powerful protection an operator has is to exercise the right, under the TSA, to operate a separate dedicated ticket office at a station it serves for which another operator is the lead retailer. The Regulator hopes, however, that the need for this step, as a remedy against undue discrimination, will be a rare event.
- 4.10 In addition, the Regulator believes that operators are moving towards regarding their retailing services as self-standing professional service businesses in the front line of their customer service strategies. This is a positive attitude which the Regulator strongly endorses. In particular, it carries with it the acknowledgement that a customer lost through dissatisfaction with the retailing service received from one operator, is a customer potentially lost for the railway as a whole.
- 4.11 The Regulator is not therefore convinced that the rules on commission payments are necessarily a problem. However, there is a perception that the rules may create perverse incentives so other options which would support the impartial retailing obligation better cannot therefore be ruled out for all time.

Systems issues

- 4.12 The great majority of staffed stations use APTIS ticketing machines which are capable of storing information about fares and of issuing tickets quickly with a minimum of key strokes. When journey details are keyed in, APTIS machines normally provide the fare for the route with the fastest journey time, which is the way in which BR always prioritised journey types. The limitations of current APTIS machines mean that they cannot easily be used to provide information about comparable competing services, which may have to be looked up in the relevant fares manual and keyed in separately. The ability of retail staff to do this will depend on the training received and the information readily available about competing services.
- 4.13 While the capability of APTIS machines may pose some difficulties in achieving the impartial retailing objectives, the Regulator believes that some of those difficulties could be addressed through the provision of information to staff in the short-term. For the longer term, operators collectively need to consider better systems support to retail staff, which might include upgrades to or replacement of APTIS. The Regulator expects such planning to take full account of the need to make it easier for front line staff to provide accurate and impartial information.

- 4.14 A similar problem exists for enquiry bureau and information centre staff, since the current timetable and fares information systems do not provide easily accessible information about alternative operators. Work is in hand to improve systems. Again, that work needs to take full account of the retailing obligations.
- 4.15 The Regulator believes that systems improvements should be given greater priority, and will be interested in the industry's views as to the timescales and expenditure involved.

Independent retailing services

- 4.16 There have been comments in the media and elsewhere that the retailing activity cannot be fully impartial unless it is carried out independently of train operators. While the Regulator understands the concerns which underlie such comments, he does not believe that there is sufficient information about retailing performance across the network as a whole to support such a conclusion. The countervailing view is that expressed in paragraph 4.10 above, that operators see retailing services as an integral part of their overall customer service strategy.
- 4.17 Section 6 of this document sets out proposals for comprehensive monitoring of retailing performance. One of the key uses of information received will be to assess whether the TSA as currently drafted is achieving the objectives of maintaining and promoting the network benefit of impartial retailing. The TSA is due for comprehensive review in mid-1997. By then, the monitoring programme proposed should provide a clearer indication of whether the impartial retailing regime in the TSA is working better, or whether and, if so, what changes are needed to secure better performance. The question of whether retailing should be a more discrete and arm's length activity can be addressed then, on the basis of more comprehensive information than is available now.

Summary

- 4.18 There are various issues which influence the ability of train operators to achieve accurate and impartial information and retailing in practice. It is not clear either how significant these issues are or what the implications - including financial - might be for train operators to overcome them.
- 4.19 Views are invited on:
- (a) the provisional conclusions on queuing standards (paras 4.2 - 4.6);

- (b) the provisional conclusions on commission payments (paras 4.7 - 4.11);
- (c) the provisional conclusions on systems issues, including ticket issuing machines and marketing of services (paras 4.12 -4.15);
- (d) the provisional conclusions on the issue of an arm's length retailing service (paras 4.16- 4.17); and
- (e) the potential costs of improvements and the implications for both passengers and train operators.

5. Information and training

- 5.1 This section considers the issue of appropriate staff training to achieve the impartial retailing obligation; the need for additional information to enable front line retail staff to provide best possible advice; and the information needs of passengers to help them make informed choices.

Staff training and information

- 5.2 The Regulator acknowledges that, over the last year, a good deal of effort has been put in to briefing all staff to understand the new obligations placed on train operators generally, including in relation to ticket retailing. He is aware from his own research that the competence and customer service attitude of retail staff is critical to the delivery of an effective service that meets passengers' needs. There are numerous examples of staff who take great pride in, and make considerable effort to provide passengers with the product they want. Training, including updates on other operators' products, is essential to enable those staff to provide a better service. Some lead retailers take a proactive approach and invite other operators to brief retail staff about their own products and offers. This is a positive and welcome initiative which promotes the concept of retailing as a distinct and professional business. However, operators of competing services need to consider whether they, in turn, are being proactive enough in ensuring that retail staff are aware of the alternatives on offer, and whether the information they provide is clear and easy to assimilate.
- 5.3 Given the limitations of ticketing equipment and the desire to avoid unduly lengthening transaction times (which might then impact upon the queuing standard and require additional expenditure), retailers should consider ways in which impartial retailing could be made easier for front line staff. For example, it might be appropriate, for journeys which have an alternative competing service, to provide a handy guide to those alternatives. There is no excuse for not offering a choice of ways and prices to get from Exeter to London or from London to Birmingham. It is not clear, however, that current publications, such as fares manuals, set out journey options in a way which supports impartial retailing - particularly where competing services serve different stations. Train operators need to consider how best to ensure that retail staff are aware of and are reminded of such alternatives.
- 5.4 The same issues apply to enquiry bureau and information centre staff, who are increasingly the first port of call for potential travellers - particularly those who use

the railway infrequently. Again, although there might be limitations on the alternatives that current equipment and software can provide, this is not a reason to compromise on accuracy and therefore on impartiality. Train operators need to look for ways to ensure that staff can give accurate information consistently and effectively, since that is as much an obligation for enquiry bureaux and information centres as for retail outlets.

- 5.5 The move to a National Rail Enquiry Service with a single local rate telephone number will enable significant improvements to be made in the number of calls handled and the speed with which calls are answered. The next priority must be for quality of information to be addressed - both in the short term through training and information given to TEB staff, and in the longer term, through improvements to information systems which take full account of the impartiality obligation.
- 5.6 More generally, the question of staff training as a whole needs to be considered by operators, not only in terms of product knowledge, but in terms of increasing the professionalism of retailing services. The Regulator would be interested in comments about training needs and possibilities in the restructured railway.

Information to passengers

- 5.7 There may be a perception that passengers are already bombarded by information on all sides - whether through leaflets, information boards or poster displays. The Franchise Agreement requires franchisees to publish timetable information at stations and in booklets or other publications for passengers.
- 5.8 Publications such as the Great Britain Passenger Rail Timetable are available to passengers, as are commercial publications such as the ABC Rail Guide. However, many potential passengers will wish to contact a station or a telephone enquiry bureau for information, and many value the reassurance that such personal contact can give, particularly for infrequent travellers. There does not therefore appear to be any lack of quantity or sources of information and a key concern must be that passengers should not be overloaded with information to the extent that they perceive a journey by rail to be unduly complex exercise.
- 5.9 From the point of view of impartial retailing, however, it is important to consider whether the passenger is getting the right kind of information, i.e. about the choices and options on offer and the service standards they can expect. The better informed a potential passenger is, the more likely it is that he will be able to take advantage of the choices available and be satisfied that the choice best suits his needs. Surveys have

shown that both rail users and non-users would be likely to take the train more if they knew more about the timetables and fares. There therefore appears to be the prospect of increasing patronage and revenue as a result of better information.

- 5.10 To some extent, the marketing efforts of competing train companies will provide some information on choices available. Operators themselves need to take the responsibility for ensuring that their own leaflets and other publicity materials are effectively targeted and on display at the appropriate range of outlets to support the impartial retailing activity. However, train operators also need to consider whether there is a need for different or additional information which would allow passengers to benefit fully from the choices on offer.
- 5.11 Operators need to consider, for example:
- (a) whether passengers are adequately informed about the ticket types available, their validity and prices;
 - (b) whether passengers have enough information about alternative or competing services, at stations and elsewhere;
 - (c) whether timetables, including pocket and other derivative timetables, are sufficiently clear about the options available; and
 - (d) whether station information displays present choices clearly.
- 5.12 The Regulator is not advocating the production of a new omnibus publication for passengers, since this is unlikely to be the most effective way of providing information. Neither does he believe that operators should not produce information which focuses on their own services or abate their marketing efforts to attract passengers to use their trains in preference to others. However, since impartial retailing is an obligation which has benefits for both operators and passengers, he believes that it is in operators' interests to consider ways in which passenger information could help the obligation to be fulfilled. In particular, more collaboration between operators in producing information about all the choices available might well encourage more people to use the railway generally.

Summary

- 5.13 The Regulator believes that it is essential for retail, enquiry bureau and information centre staff to receive the training and support they need to retail accurately and impartially; and for passengers to receive adequate information to make informed

choices. This may require rethinking traditional ways of doing things and increased innovation and collaboration on potential solutions, in which ATOC could play a key role.

5.14 Views are sought on:

- (a) ways in which retail, enquiry bureau and information centre staff can be supported in achieving impartial retailing (paras 5.2 - 5.5);
- (b) what might be the best approach for staff training (paragraph 5.6);
- (c) the current information available to passengers and whether changes and improvements are desirable and achievable (paras 5.7 - 5.12); and
- (d) the cost implications of changes to training programmes and information provision.

6. Proposals for compliance monitoring

6.1 This section sets out the Regulator's intentions in relation to monitoring compliance with the impartial retailing obligation.

Monitoring complaints

6.2 At the most basic level, the success of a lead retailer in providing a satisfactory retailing service can, to some extent, be measured by the volume and nature of complaints from passengers. These complaints may be made direct to the train operator, to the relevant RUCC or to the Regulator.

6.3 The Regulator intends to ask train operators for quarterly statistics on complaints about retailing, and will also ask the RUCCs for similar statistics. Combined with statistics on his own correspondence, a compilation of figures from all sources should give some indication of the extent of problems across the network and any signs of improvement. However, this information will provide only part of the picture for two main reasons:

- (a) not all dissatisfied customers are likely to complain by letter if they have encountered a problem. Some may simply choose not to use the railway again; and
- (b) passengers can only complain that they were disadvantaged through incorrect or partial information being given if they know of the existence of alternatives. It is not clear at the moment that passengers are sufficiently well informed in this respect.

6.4 Monitoring complaints is not therefore a sufficient means of monitoring compliance, so this element of the monitoring programme will need to be supplemented by more systematic research.

Monitoring by train operators

6.5 The Regulator is aware that train operators, through ATOC, have been working on standards for retail staff competencies and have devised a survey programme which allows the quality of retail performance to be assessed by operators themselves according to a checklist which includes:

- (a) competence in the use of equipment;

- (b) satisfactory product knowledge;
 - (c) familiarity with publications (e.g. fares manuals);
 - (d) accuracy of information;
 - (e) use of appropriate questions to elicit information to aid impartial retailing; and
 - (f) whether the correct fare was charged.
- 6.6 ATOC intend to assess the results against minimum acceptable scores for travel centres and ticket offices separately.
- 6.7 The Regulator welcomes this initiative, which appears to him to be evidence that operators are taking their responsibilities seriously and have taken on board the fact that they have a major collective interest in retailing performance.
- 6.8 While it is intended that the survey will cover every staffed station on a regular basis, it is likely to be some time before the first round is complete and, in addition, it is not clear whether the frequency of surveys will allow trends to be monitored. The Regulator considers that the ATOC surveys may be capable of development to become a self-certification regime, backed by independent sample audits, which could provide a satisfactory means of demonstrating compliance with the retailing obligation. He will wish to explore this possibility with the relevant ATOC sub-group. Nevertheless, he believes that, given the problems that have been highlighted so far, and the importance of not only improving performance, but to be clearly seen to be doing so, there is a need, in addition, for him to commission his own independent research.

ORR research

- 6.9 The Regulator, in consultation with the Franchising Director, intends to go out to tender very shortly for a programme of mystery shopper surveys. He intends that the first survey should take place in the autumn, followed by one or two further surveys in the first half of 1997. The intention is to have at least two sets of robust results for the network as a whole in time for the formal review of the TSA, which is due to begin in July 1997. One of the purposes of the review will be to examine whether the TSA is meeting its objectives in relation to network benefits generally. The Regulator's survey results will be an important piece of evidence to inform that consideration.

- 6.10 The survey specification is currently being developed in detail. It is envisaged that it will cover an appropriate sample of different types of staffed station and, critically, an appropriate sample of TEBx. The aim of the survey will be to focus on accuracy of retailing information since, as discussed previously, if information is fully accurate, it will also be impartial. The Regulator will wish the survey to cover accuracy of information both in relation to different ticket types and in relation to competing services. The survey will also need to take account of retailing developments. For example, the introduction of new services, fares or ticket types which create new journey options may have an effect initially on retailing performance.
- 6.11 The Regulator intends to use the results of the survey to inform discussions with operators about their retailing compliance performance, and means of securing improvements. Options include:
- (a) requiring operators to submit action plans with target dates for improvement; and
 - (b) requiring operators to undertake more frequent surveys of problem areas at their own expense.
- 6.12 The Regulator may also wish to publish summaries of results more widely.

Other research

- 6.13 It has been suggested that more fundamental research would be valuable to establish:
- (a) what passengers value most in a ticket retailing service;
 - (b) how passengers make trade-offs between information and other issues, e.g. transaction times; and
 - (c) how retailing might be structured and developed in the longer term to meet passengers' needs economically and effectively.
- 6.14 The Regulator would welcome views on how such research might be specified, managed and paid for and, in particular, whether there might be scope for a collaborative industry venture.

Licence investigations

- 6.15 The Regulator will expect train operators to incorporate the more detailed guidance on impartiality which will emerge from this consultation exercise into their training and

information materials for retail staff. This will demonstrate, to some extent, an intention to comply with the retailing obligation, and be one of the issues the Regulator will wish to have information on in any formal investigation of an alleged or potential breach of the impartial retailing obligation.

- 6.16 The Regulator will use the various survey and monitoring results to assess whether failures of performance are persistent and material. He will not wish to initiate licence enforcement proceedings for every mistake made by a retailer, but he may consider it necessary to do so if there is evidence of a serious breach or if an operator is showing no signs of improvement or if the volume of complaints about an operator increases over a period.

Summary

- 6.17 The Regulator welcomes the initiative taken by train operators to monitor their own retailing performance, but believes this needs to be supplemented in the short-term at least, by analysis of complaints and by a comprehensive independent survey.
- 6.18 Views are invited on:
- (a) the aim, in the longer term, to develop the ATOC monitoring proposals into a robust self-certification regime (paras 6.5 - 6.8); and
 - (b) the proposed ORR mystery shopper surveys (paras 6.9 - 6.12); and
 - (c) the value of more fundamental research into passenger needs and retailing capabilities (paras 6.13 – 6.14).

Annex A: The Through Tickets and Network Benefits Licence Condition

Condition 7: Through Tickets and Network Benefits

1. The licence holder shall, except in so far as the Regulator may otherwise consent, be a party to and comply with such arrangements relating to:
 - (a) stations at which, and the journeys in respect of which, through tickets, and tickets from any station specified in or under such arrangements to any other such station, shall be sold and honoured;
 - (b) operation of a telephone enquiry bureau relating to railway passenger services;
 - (c) settlement of amounts due to or from the licence holder in respect of tickets within sub-paragraph (a); and
 - (d) conditions of carriage in respect of through tickets,as shall have been approved by the Regulator as at the date on which this licence comes into force.
2. In this Condition, "through ticket" has the same meaning as in section 4 of the Act.

From Section 4 of the Railways Act 1993:

"through ticket" means-

- (a) a ticket which is valid for a journey which involves the use of the services of more than one passenger service operator; or
- (b) a combination of two or more tickets issued at the same time which are between them valid for such a journey.

Annex B: Extract from the Ticketing & Settlement Agreement

6-29 THE IMPARTIALITY RULE

(1) The general rule

- (a) An operator which sells fares, or provides information about them, on a train or at an impartial point of sale or an impartial information centre must act fairly and impartially between operators. Any such information that is provided must be factual, accurate and impartial.
- (b) At least 51 per cent of a lead retailer's staffed points of sale which are open at a station must be impartial points of sale unless the Regulator agrees otherwise.
- (c) At any of the impartial points of sale referred to in paragraph (b) above only certain types of rail product (for example, only season ticket fares or fares which are intended to be used on the day of purchase) may be offered for sale as long as at least half the impartial points of sale which are open at the same station (or any smaller proportion agreed by the Regulator) sell the full range of rail products. Each impartial point of sale at which a restricted range of rail products is available must be clearly labelled with the type(s) of rail product that may be purchased there.

(2) Specific requirements

- (a) If more than one fare is available that meets the requirements specified by a potential purchaser and he does not specify which of the fares he requires, the operator must seek any additional information from him that is necessary to enable it to recommend (in an impartial manner) which of them is suitable for him.
- (b) Where an operator is asked to recommend a suitable fare or paragraph (a) above applies, it must request sufficient additional information to enable it to make the recommendation. This may (for example) include any of the following:-
 - (i) the departure and/or arrival time required;

- (ii) how important it is to the person requesting the fare to minimise the journey time involved;
 - (iii) the importance to him of the price of the fare;
 - (iv) whether he minds changing trains;
 - (v) (if a return journey is to be made) the extent to which he needs flexibility in his choice of trains for that journey;
 - (vi) whether he wants the flexibility of an inter-available fare; and
 - (vii) any special requirements that he has.
- (c) If more than one fare is suitable, the operator must explain the main features of the alternatives in an impartial manner.
- (d) If, on a train or at an impartial point of sale, a person asks to purchase a particular fare which is offered for sale there, the operator which operates that train or impartial point of sale may sell him that fare without seeking any additional information unless it is reasonably apparent that he wants to make a journey which it is not possible to make with it.
- (e) The operator must not give any information which it knows to be inaccurate or misleading. The operator must not give any opinion which is not based on verifiable fact.
- (f) If, on the basis of the information it has, an operator reasonably believes that the operator which is due to provide the train services to which a fare relates will be unable to provide them, it may take this into account when deciding whether to recommend that fare.

(3) Requirement to offer a full range of fares

- (a) If an operator offers a fare for sale at a station at which it is the lead retailer or on a train, it must also offer for sale all fares relating to that flow which have similar rights and restrictions, including those which entitle the purchaser to use other operators' trains.

- (b) Paragraph (a) above applies to self-service TIMs³ as well as staffed points of sale, but not to any self-service TIMs to which the Regulator agrees it should not apply. It also applies to a self-service TIM located at a station which is operated by an operator that is not the lead retailer at that station unless it is made clear to members of the public that such a range of fares is not available from the self-service TIM.
- (c) Any written information that is displayed on a self-service TIM to which paragraph (a) above applies must be impartial between the fares of different operators.

(4) Giving incentives

An operator must not remunerate or otherwise reward its ticket office, information centre or telephone sales office staff by reference to sales of the fares of one or more particular operators, except in relation to sales that take place at dedicated points of sale.

³ Ticket Information Machines