

Dear Member



We're covering the following in this newsletter:

Compensation offer ♦ FCC's franchise ♦ Parliamentary debate ♦ 377 reliability
♦ Thameslink Programme

Compensation offer

You may well be aware that FCC have now offered increased compensation for weekly and longer ticket holders. In summary, those that travelled throughout the period end October to mid January can receive around 10 days compensation.

Practicalities

For monthly and longer ticket holders, there is choice between a discount on renewal and 10 days free travel [assuming you have travelled during all or most of the disruption]. A couple of key observations:

- The free travel can be used at peak hours, but is only valid on FCC - so, for instance, if you complete your journey by Underground, then you will need to pay for this segment.
- The discount on the ticket is conditional on you renewing at an FCC ticket office or on their website. I will take up with FCC an issue that exists for those whose employer buys their ticket (eg in conjunction with an annual loan) and therefore cannot use an FCC office.
- If you do not have tickets, other proofs of purchase are being accepted, including credit card / bank statements.
- If you are a first class ticket holder, you can also be refunded the cost over a standard ticket holder (less any previous claims).
- It is clear that the relative benefit between the two offers can vary significantly:

	Free days	Ticket extension days⌘
Weekly	10	n/a
Monthly	10	10 - 11
3 monthly	10	5 - 7
Annual	10	12 - 14

⌘ My estimate, work days only

Your choice of options will depend on your circumstances, but from what I can see, it is a fine balance for monthly ticket holders, quarterly ticket holders are better off with the free tickets and annual ticket holders with an extension.

FCC have provided a leaflet on the subject and this is available on our web site at www.btinternet.com/~nlks/aptu/pdfs/fcccompensationoffer_280110.pdf (it was handed out at the St Albans "Meet the Managers" session on Thursday and it will be formatted etc and then published formally).

It should be possible to apply later this week (by web or post) and applications close on 31 March. Monthly season tickets choosing the discounted ticket option will need to take this up by

30 April 2010; other ticket holders on renewal. I do not know what the cut off date is for an annual season ticket holder, but it is not instant. Logic suggests it ought to be 31 March 2011, since you can apply for a discount on 31 March 2010 and have bought an annual ticket the previous day.

Prior to our 17 January newsletter, FCC confirmed that they will consider special circumstances not covered by the published arrangements.

In terms of the total compensation available, do not forget to lodge your delay repay claims for any badly disrupted journeys - this is over and above the discounted renewal / free travel offer.

Questions

If you have any questions, or feel your circumstances are not covered by the leaflet, then please drop me an email and I will make a combined submission to FCC.

The amount of compensation

Both BCA and APTU lobbied for higher amounts than FCC have chosen to offer, without success - we strongly argued that part of the rehabilitation of FCC would come through a better compensation offer. We observed that this would also help deal with the view that FCC have profited from the driver disruption because of savings in driver overtime and train use.

Some of you may have seen this comment in The Times (<http://tiny.cc/wg2Zz>):

“Lord Adonis also slammed as “inadequate” FirstGroup’s offer to pay compensation to commuters of 5 per cent of the cost of season tickets for three months of disruption. He intended to use the powers available to him if improvement on the Thameslink service was not forthcoming.”

Unfortunately, there seems to be little follow up to this story. I am told that FCC are in dialogue with the Department for Transport.

We will continue to pursue this issue.

FCC’s franchise

You will undoubtedly have seen many stories in the media and on social networks calling for FCC to be stripped of the franchise.

As I see it, there could be three justifications:

1. *The dispute with drivers.* The DfT has already stated that FCC can use the “force majeure” clause - as shown by this extract from Hansard (the official parliamentary record) [see <http://tiny.cc/5EDYs>]: “Chris Mole: The Secretary of State was satisfied that in this instance the concerted action that was taken by the drivers on the First Capital Connect Thameslink route was industrial action for the purposes of schedule 10.4 of the franchise agreement, and therefore a force majeure event.”. My understanding is that this option is now effectively dead.
2. *The immediate response to the bad weather*
3. *Failure to implement an effective recovery from 1 & 2.*

In my view, given that ‘1’ has been deemed force majeure, any attempt to remove FCC will have to prove a failure of ‘3’ - I think that ‘2’ alone is insufficient. It also needs to be remembered that the Great Northern route out of Kings Cross has had nothing like the disruption we have suffered, and this will count in their favour.

It is also clear from comments above (eg by Lord Adonis) that FCC's response to '3' is the key. As regards politicians generally, we need to remember that we are in the pre-election point scoring season when any chance to say something rude about the "other side" is taken.

At least we can take comfort that FCC has many incentives to improve the service:

1. To position the First Group as a credible bidder for the East Anglia and C2C franchises.
2. To provide evidence to the Department for Transport to ensure that there is no franchise early termination.
3. To get FCC off the front page of the media and to get MP's to move on to the next story.
4. To encourage those who have fled the service to return.

Parliamentary debate

FCC is due to be debated in Parliament. Depending on which MP's correspondence you read, this will either be on Tuesday morning, or Wednesday afternoon.

377 reliability

FCC have commented to us:

I thought you would be interested to learn that we have not been taking the issue of the 377/5 reliability lying down - I know you know this already because I have told you that we've been pressing Bombardier to address the three top faults the trains have been suffering (doors opening, power switchovers and in-cab monitors) and believe we have made real and significant progress. Taking matters a step further, we have now secured Bombardier fitters to travel with the 377/5s in the peak through the core so they are on hand to instantly assist if necessary. They should be starting very soon.

Thameslink Programme

There is a lot of talk at the moment of reductions in the scope of the Thameslink programme. The talk includes reductions in the number of trains through central London (from 24), reductions at London Bridge and maximum train length.

The official position was outlined at a recent Thameslink consortium meeting, which is "no changes". However, irrespective of who wins the election, there will be considerable pressure to save money.

We will aim to digest the material that is out there in time for the next newsletter.

Regards

Neil

Neil Middleton
31 January 2010