

Transport Committee

Oral evidence: [Minimum service levels for rail](#), HC 1153

Wednesday 26 April 2023

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[Watch the meeting](#)

Members present: Iain Stewart (Chair); Mike Amesbury; Mr Ben Bradshaw; Jack Brereton; Ruth Cadbury; Paul Howell; Grahame Morris; Gavin Newlands; Greg Smith.

Questions 69–125

Witnesses

[I](#): Tom Joyner, Managing Director, CrossCountry Trains; and Jamie Burles, Managing Director, Greater Anglia.

Written evidence from witnesses:

– [Rail Partners](#)

Examination of witnesses

Witnesses: Tom Joyner and Jamie Burles.

Q69 **Chair:** Welcome to today's session of the Transport Select Committee. For the purposes of our record, I invite our first panel of witnesses to give their name and organisation.

Jamie Burles: My name is Jamie Burles. I work for Greater Anglia.

Tom Joyner: I am Tom Joyner, managing director at CrossCountry.

Q70 **Chair:** Thank you both for giving us your time this morning. We are looking at the proposals for a minimum service level for rail. To begin with, can you both give us an overview of what services you were able to run during recent industrial action? Mr Joyner, can you go first?

Tom Joyner: Certainly. The most recent industrial action has been particularly difficult because of the fact that there has often been industrial action on train operators at the same time as on Network Rail. That meant that, from a service perspective, not only have we had to reduce the number of trains that we were able to operate, but the hours of operation reduced as a result of infrastructure not being available because signallers were not there. That has meant that often we have been able to operate only from the hours of about 7.30 am through to 6.30 in the evening.

CrossCountry has a variety of different routes. We cross the whole of Britain and operate in Scotland and Wales, as well as most of England. We have been able to operate around 30% of our route miles, but that has differed quite significantly depending on whether Network Rail was on strike at the same time. When it has been just the train operator, we have operated, potentially, 40% of route miles. Having said that, that is with an RMT strike. With the ASLEF strikes that we have had, sometimes we have operated 0% of services or, at best, extremely minimal services, less than 1%.

Q71 **Chair:** Mr Burles?

Jamie Burles: When RMT members have been on strike at both the train operator and Network Rail, the number of services that we can operate has been reduced significantly. We have operated around 12% of services. That is less than the 20% to 30% that was spoken about on a national basis.

That is because we operate on a route where we share lines with the likes of the Elizabeth line, London Overground, freight operators and so forth. Therefore, the Network Rail infrastructure is constrained; there is a limit to the number of trains that they can signal and that capacity is divided between several operators, so the maximum that we are permitted to operate when RMT members at both Network Rail and the train operator are on strike is around 12%.



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If RMT members are on strike only at the train operator, we can operate many multiples of that 10% or 12%. When ASLEF, the train drivers' union, is on strike, we are able to operate a similar percentage, circa 11% of our services. That is for an ASLEF-only strike.

Q72 Chair: I fully appreciate that what you can run will be determined largely by who is on strike and which members turn up. What other factors do you take into consideration when determining which of your services you will operate on a strike day?

Jamie Burles: From our perspective, if we have a finite number of services that we can operate and, when Network Rail RMT members are on strike, a finite capacity, we look at the best way of providing a service for the passenger. Passenger need is paramount in the spending of that finite capacity.

For example, if we are operating only 12% of our services, typically we concentrate those services on key routes so that we can provide a reasonably frequent and reliable service. You concentrate your limited resource on key routes. For example, branch lines can railhead, if they are able to, and travel a small distance to access the main lines. You can concentrate your staff, your rolling stock and the finite number of services that you are allowed to operate by Network Rail on key routes to provide a credible frequency and capacity. It is all about the passenger need.

Q73 Chair: Mr Joyner, is it the same for CrossCountry?

Tom Joyner: It is very similar. It is very much about trying to understand what the passenger need is, particularly looking at where passengers need to get into work, for example. Sometimes we think of commuters as people who work in offices, but huge numbers of people who use our services are shift-based. We think about how, potentially, we can get people who work in hospitality, security and healthcare in for shifts.

We also have to give thought to the fact that sometimes shifts can extend past the time when people are booked. People might think that they are going to finish at 4 or 5 in the afternoon, but they might be asked to stay on until later. It is about trying to plan a service that is meaningful for customers.

About a third of the CrossCountry network was completely shut during some of the strikes, as a result of the infrastructure not being available. If lines are shut, we must think about what happens for those people. Is it worth our running for a short distance on those lines, where we can, or is it better to use trains to convey the largest number of people? It is very much a balanced judgment, but looking at it from the passenger's perspective.

Q74 Chair: I would be interested to find out a bit more about how you consult customers. Do you make your decisions based on all the data about



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travel patterns that you collect over time, or do you proactively consult passenger user groups, or in some other form, to establish where the primary need is?

Tom Joyner: We consult. We work with organisations like Transport Focus to understand need, particularly globally. We are very aware of some of the key places that we serve—for example, educational establishments. The strikes quite adversely affect students and scholars who are attending their place of education or who might need to attend an exam, so we work directly with educational establishments—schools, colleges, universities—to understand what their needs might be at that particular time and have dialogue with them. The same would be the case for hospitals, where we know and are aware that our customers are travelling for hospital appointments. We also have links with rail user groups and other such fora.

Q75 **Chair:** And for Greater Anglia?

Jamie Burles: I will be very clear. We operate the service on a daily basis. Through a combination of our revenue teams, our customer service teams and our stakeholder management teams, we have a very intricate understanding of the make-up of our passenger base and the needs of passengers. For example, where are the key trains that are taking children to school and educational establishments? Effectively, we pool that knowledge and use it as a filter to decide how to spend precious capacity. If we can run only 12%, what are the absolute must-haves, from a passenger need perspective, where you spend that 12%?

Q76 **Chair:** I have one final question at the moment before I hand over to colleagues. To what extent do you look at other providers of public transport when making those decisions, whether it be a coach operator connecting two places or another rail operator on the same track? In the west country, between Bristol, Exeter and Plymouth, there are Great Western and CrossCountry. To what extent do you work together with other providers to look at service patterns as a whole?

Tom Joyner: From a railway perspective, we work completely alongside other train operating companies. As an industry, we have a level of central co-ordination when it comes to any type of major disruption. For example, at the moment a key viaduct is not open at Nuneham, in the Oxford and Didcot area. We have worked together as an industry to try to put forward the best service possible, mapping the trains that we are each going to run and any bus replacement that is going on. It is the same principle, from an industry perspective, when it comes to putting together a strike plan, to make sure that passengers are best served.

In answer to your question about buses, the most recent example is that we have had a situation where they have also been taking industrial action at West Midlands buses. That has been quite difficult in the west midlands region for people who want to attend the hospitals at University station, in the university area of Birmingham. We make amendments to



our services to cater for a particular need that we are aware has arisen as a result of other public transport operators not being able to serve it, for whatever reason. There was an example last year when the tram in the west midlands was out. We were contacted by our colleagues in the West Midlands transport authority and made ticket provision specifically for people to enable them to move between Birmingham and Wolverhampton. That is commonplace. It is part of our mantra, part of the way that we do things all the time.

Q77 Chair: Do you have anything to add, Mr Burles?

Jamie Burles: It is only to emphasise two things. First, from a rail operator perspective, there is the central co-ordination Tom alluded to, which is the PMO or programme management office, where they look at the network map in totality and at areas where there are one, two or three providers, and make sure that there isn't overcapacity or, indeed, undercapacity. There is a level of co-ordination, which is helpful.

Secondly, of course, as you say, there may be an alternative for customers. For example, on some of our rural networks in Suffolk, Norfolk and so forth there can be quite strong competitors. A bus network might run in parallel with the rail line and provide a frequent service with decent capacity, so we bear that in mind. If you are spending that precious 12% of capacity and a customer already has choice and an alternative, that will not be top of your list when providing essential travel opportunities for customers who simply must travel.

Q78 Ruth Cadbury: Is the introduction of minimum service levels necessary?

Jamie Burles: In terms of the need or the merits of minimum service levels, that is for the Government to legislate. I really think that is a question for Government. For Tom and me, and for the industry, our lens, so to speak, is the implications of such legislation. If it is forthcoming, how is it going to work? Do we have clarity? Is there flexibility in its implementation? Our lens is considering the implications of the legislation.

Q79 Ruth Cadbury: Is it the same for you, Tom?

Tom Joyner: Absolutely. It is very much for Government to decide. What we can do is provide information about what the customer need is, from what we have seen from recent industrial action.

Q80 Ruth Cadbury: We will come on to that. You are leaving it to Government. Were you lobbying for this legislation? If so, how long for? Was your sector lobbying for minimum service level legislation?

Tom Joyner: I have not been lobbying for it personally. What is understood widely, and is widely reported, is the disruption that is caused as a result of strikes, obviously, and the impact that that has. No, I have not been lobbying personally.

Q81 Ruth Cadbury: Do you know whether other representatives of your



sector were lobbying for this legislation?

Jamie Burles: I am unaware of whether there has been lobbying or not.

Q82 **Ruth Cadbury:** Do you think that the introduction of the legislation will improve or worsen industrial relations in the sector?

Tom Joyner: What is really important is that we have good industrial relations. That is certainly something we as an industry strive towards. No one wants the strikes that are occurring. We very much want to do everything that we possibly can to end the strikes that are currently happening. That is the case with any industrial dispute.

Jamie Burles: I very much echo the fact that, first and foremost, what everybody in the industry wants is good industrial relations. From a customer perspective and from an employee perspective, we do not want strikes and we do not want people feeling the need to strike. That is the overriding objective for everybody in the industry.

If the minimum service level came in, it would be incredibly important to have absolute clarity about the policy, the legislation, the requirement on employers and the requirement on employees, for example. If you did not have that absolute clarity of requirement, one of the unintended consequences would be further conflict or stress in the relationship. That is where we need clarity.

Q83 **Ruth Cadbury:** You have confirmed that the industry was not pushing for this legislation. Now that it is going through the legislative process, have you had conversations with both unions and Government officials about how minimum service would operate in practice? If so, what sorts of conversations have you had and with which side?

Jamie Burles: As we all know, there is a consultation ongoing now. We are all feeding into an industry response to that consultation. There are lots of discussions and considerations. For example, I talked about the fact that, in order to achieve the Government's aspirations in this area, you would need to establish absolute clarity about the requirements and the way it would be implemented. All of those discussions are taking place within the industry at the moment in the process of compiling the response to the consultation.

Q84 **Ruth Cadbury:** Some commentators and those involved in the rail industry have said that there could be unintended consequences of the legislation. The chief exec of the Rail Safety and Standards Board, Mark Phillips, suggests that there would be a risk of much higher levels of sickness absence because people would not want to be seen to be breaking the strikes their colleagues were involved with. Do you fear that or any other unintended consequences?

Tom Joyner: From a safety perspective—obviously, the consequence that has primacy—the validation and risk assessments that we apply when we operate during industrial action are exactly the same as what



we do when we operate normally. The railway has an embedded safety culture. Of course, we seek to improve that, but when you compare us with other European railways, our record is excellent. We apply that regardless of what the day of operation is, so I cannot see that there would be a direct impact as a result. We would not approach it in that way.

Q85 Ruth Cadbury: Yes. Sorry. That was one of the quotes, but the question was more about the unintended consequences of higher sickness rates as a result of the way it could work—requiring people to go in.

Tom Joyner: That is why it is really important, as Jamie said, for us to be clear about the legislation and to make sure that there is flexibility in it. It is very positive that we are here today talking about it, to give information from the industry about what the potential implications of the legislation are, operationally and for passengers.

Jamie Burles: As Tom said, we have talked about flexibility and the importance of that. To achieve the Government's aspirations, you would need to consider things such as the sickness point, which you mentioned directly. If there was to be the unintended consequence of higher sickness, the flexibility point is that you might have to issue work notices to a higher percentage of employees in order to guarantee being able to deliver the minimum service level. That is exactly one of the implications that needs to be thought about. If this Government legislation is to come forward, that is a specific example of the flexibility point.

Tom Joyner: What passengers want is certainty. What we have found on CrossCountry, and it will be the same for lots of operators, is that passengers are concerned about whether or not there is going to be a strike in the weeks and months ahead. As a result, they choose not to travel by train. Either they will not make the journey or they will drive as a result of the potential for industrial action. What is really important, particularly for longer-distance operators, is that passengers have a level of certainty about what might operate and what will operate on days not just in the week or two weeks ahead, but in the weeks and months ahead.

Q86 Ruth Cadbury: Finally, we have heard from freight operators, which are not within the Government's scope because the scope of the legislation is around passenger services. How do you think that the needs of your passengers should be balanced against the needs of freight users?

Tom Joyner: It is similar to the answer that we gave earlier. We have an industry PMO that we are all part of when it comes to any type of unusual situation. We seek to achieve a balance so that key freight flows are prioritised.

I come back to the example of Nuneham viaduct, which is closed. Last week I and other train operating company MDs, along with Network Rail and freight MDs, were looking at the key freight services that need to run



and how to make that happen, potentially flexing our own timetables to enable that. It is very much the balance that we seek to achieve as an industry every day.

- Q87 Grahame Morris:** Can I ask a quick question in response to a point that was raised by my colleague? Both of the witnesses have said that clarity and certainty are important. We are clear that there is an ongoing consultation exercise. I am sure that the Minister will tell us about that when he appears in front of the Committee to give evidence, but you as individuals and as representatives of private train operators must have a view about the efficacy of this policy and how it should work in practice—if you support it. What is your view about how the notices will work and how the grades will be selected to determine who will work? Have you formulated a view that you are putting forward in the consultation?

Tom Joyner: From our perspective, I come back to the point that it is very much a matter for Government to legislate on.

- Q88 Grahame Morris:** They must be asking you what you think.

Tom Joyner: Yes. The point is that Government need to legislate. What we are doing—

- Q89 Grahame Morris:** What are you telling Government?

Tom Joyner: What we are doing is answering questions, looking at it from the passenger's perspective, in particular. We are also providing detail about what the operational reality is when it comes to operating services and how that might work with the legislation. It is a really complex area. There are lots of examples where we think about how the minimum standards legislation might work operationally when we are discussing that. That is the greatest value that we can add to Government in this consultation period.

Grahame Morris: My colleagues will go into these areas a bit further. I might be able to come back if there is time.

- Q90 Paul Howell:** If I am hearing things correctly, basically you are saying that if the Government legislate you will just work out how you would enable the legislation. The short story that I am hearing so far is that you are putting forward your opinions on the frustrations or impact of that.

If Government legislation puts in a minimum service level, how do you think that the specification of that minimum service level should happen? What should it say? How detailed should it be? How much flexibility should local operators have? Can you give us a sense of your position, or your interpretation of that?

Jamie Burles: Yes. I will give one example. Going back to the flexibility point, one of the key discussions that we have been having in recent days and weeks is that if the Government come forward with this legislation we will be saying that, ideally, it will not be one size fits all. I know that people will be aware that there is a debate around whether you would go



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for a reduced timetable across a whole network or whether you would have a priority route strategy. In recent strikes, we have had priority route strategies, but if you had to enact this legislation and the minimum service level was higher than the levels that we have been operating in recent strikes, you might consider the feasibility of running a reduced timetable across your network, not just on key routes.

That might work in my train operator, but it might not work in Tom's train operator. He might be better serving the passenger need with a priority route strategy. That is one example where my operational opinion is that it is horses for courses. You look at the passenger need in your region and you would not want to be hamstrung by, "Thou must operate a priority route strategy," or, indeed, a reduced timetable. It is whatever would best serve the needs of the customers.

Q91 Paul Howell: Is there anything that you would like to add, Mr Joyner?

Tom Joyner: I agree completely. We have an industry timetable. That industry timetable meets as best it can the passenger need that we have. We understand what those passenger needs are. That lends itself to saying that, potentially, a reduced timetable across the whole nation would be a logical way of proceeding. However, as Jamie has alluded to, there are complexities with that. Some rural routes have real passenger needs. People need to travel on rural routes, but they will be travelling, potentially, in smaller volumes than on key routes in and out of major conurbations. It is a case of finding a method of balancing that, but, in principle, there is a strong argument for the reduced timetable.

Q92 Paul Howell: It appears that you very much think that it is a local or an operator decision. I would like to probe a little how you get the right information on that. My understanding of the need for this legislation is that it is to make sure that people can get to work and/or that in the critical services, health service workers or whoever can get to their place of work, to education and things like that. How do you assess which are the most critical? We know that Transport Focus posed a question as to whether the operators know enough. What methodologies would you use to help you to determine, as much as you can, whether to have services less frequently or to target specific routes? How do you get to that point of decision making?

Jamie Burles: It is through a variety of channels. We do not know everything, but we know a reasonable amount through the intelligence from our knowledge of our passenger flows and the knowledge of our customer service teams, who are on the ground 365 days a year dealing with our passengers, dealing with school kids, key workers and every flavour of our passenger base. Obviously, we liaise; we have very close relationships with rail user groups and we draw on the data of Passenger Focus.

Through the stakeholder and passenger network, plus the intimate knowledge that we have built up over decades of the passenger base,



and through a combination of that picture, we would be able to establish the best route to serving passenger need as best we possibly could.

Tom Joyner: There is a recent example with Cheltenham races, where things can change from week to week. There were strikes during Cheltenham race week. In liaison with local authorities and the British Transport police and with our own knowledge of the passenger numbers that we would expect, we took different decisions on Cheltenham week during industrial action than we might have done in other weeks to enable CrossCountry to successfully run a service in and out of Cheltenham races, conveying customers there. There were potential safety concerns if we had not done that.

I talked about educational establishments. We change and vary our services if there are exams, for example. We stop additionally at places or make different decisions. It is also about special events—probably particularly applicable to national operators—or times of the year when we want to vary our service to meet passenger need. Ultimately, it all boils down to passenger need, which we know about from a variety of different sources.

Q93 **Paul Howell:** If we look at things that happen around Europe, one of the things that happens in certain countries is that there is a need for certainty of what is going to be strike action at a point in time before the strike action takes place, so that you can get a communication out that says, “This is what’s going to happen.”

I go back to the points that both of you have raised so far. One of the critical things for passengers is to know what is going to happen. If it is only going to be one train in 10, one train in five or no trains at all, they can make the decision as to whether they are going to go and look for a bus, a car they can share or whatever alternatives there are. If the legislation was to come in, would you see it as a critical part of the process that you are getting into a situation where you have certainty for the travelling public as to what is going to happen and at what level it is going to be?

Tom Joyner: We have significant amounts of feedback from passengers about the frustrations that exist when there isn’t clarity about what might be happening in three or four weeks. It is one of the key areas of concern for passengers, and you can understand that. For ourselves, particularly, as a long-distance operator, if you are a family thinking about travelling by train, but you are not sure when you are taking your family on holiday, you are unlikely to book with us. Indeed, we have seen that in our passenger numbers and forward bookings, and revenue that has been lost as a result of that. You are absolutely right. That clarity is really important for our passengers.

Q94 **Paul Howell:** Do you have anything to add, Mr Burles?

Jamie Burles: No.



Q95 Jack Brereton: I want to dig a bit more into the prioritisation of routes. We have a number of larger urban areas that have continually been missed off the map; Stoke-on-Trent, my own area, is included. Cities like Hull, Swansea, Middlesbrough and Portsmouth are not included on the map of prioritised routes. How would you suggest that routes are prioritised? At the moment, a number of the larger urban areas are not included.

Jamie Burles: I want to illustrate the complexity with a reasonably simple example. What we have said on the concept of enacting this is that, if the Government pass the legislation, from a logical perspective ideally you would provide a reduced timetable so that you were giving your whole network some certainty and opportunity to travel. That would make sense logically, but that is when, unfortunately, from our perspective, the operational and Network Rail complexities come in.

If you look at some of our rural network from a Network Rail perspective, it is signalled in a different way from the main lines. The main lines are often operated remotely from one big super control centre and, in our case, that is Romford regional operational centre, whereas the rural network operates on an older-fashioned signalling system, which requires a lot more people and requires them to be geographically located in those regions.

If you are talking about requiring staff to come into work, you could be in a situation where, if you operate one of the rural lines, you might need a significantly higher number of Network Rail signallers to operate that line than you would for the main lines. Suddenly, it opens up complexity. It is not necessarily an impossibility, but it opens up complexity: "Am I going to need 90% of my Network Rail signallers to be able to operate 40% of services?" It is a resource-intensive part of the network. I am not saying that we should not do that. I am just saying that it is one of the complexities that needs to be considered.

Q96 Jack Brereton: I am a little puzzled by that. In the example that I gave, of Stoke-on-Trent, we are on part of the west coast main line, which is controlled, as you say, from a main signalling centre, but in this case it is not prioritised. The logic about the number of staff needed to operate this part of the network does not always seem to play through. Are there other reasons why certain parts of the network seem to have been deprioritised?

Jamie Burles: I don't know the specific answer to that. I was just trying to illustrate the point with the specific approach we had to take with Network Rail with regard to our rural network being resource intensive. Tom, do you have anything to add?

Tom Joyner: In terms of that specific example, it is a case of difficult decisions. First and foremost, we never want a situation where we cannot serve 100% of our network. It is as simple as that. We always want to be able to run the best service we can on all the routes that we are



supposed to serve. It is deeply frustrating for passengers, and for train operators, not to be able to do that, for whatever reason. Industrial action is one of those reasons. Primarily, we always want to run on all of our network.

I know that on the west coast main line there are a couple of reasons why there are difficult decisions, against that backdrop of wanting to serve everywhere, on some places not getting served. That is primarily because there are not enough signallers to open all the routes and, therefore, you choose one of the routes that opens up to Manchester. Secondly, there is potentially an issue with station staff on stations; if those staff are not available, you have to make a decision to close.

Q97 Jack Brereton: I was going to ask you about station staff as well. This is particularly for you as an operator, CrossCountry. You do not operate any of the stations that you serve. You are reliant on other operators to open those stations. Has that caused some issues and problems?

Tom Joyner: It has led to the same difficult decisions to face when we come across industrial action, inasmuch as we have to look at the resources that we have available and prioritise those resources. Those decisions are not easy, but we work in partnership with other operators to say, "What stations can open? Is there any way that we can do things slightly differently to still provide some level of service?" We go through every single possibility, and then we risk assess it to make sure that whatever arrangements are in place are safe and that all colleagues are properly trained. Those decisions are then taken. It comes against the backdrop of deep frustration that we are not able to run the service that we want to run.

Q98 Jack Brereton: In terms of the different strike actions, obviously when we have seen different unions taking action it has had a varied impact on different parts of the network. When RMT was on strike on 4 January, CrossCountry was able to operate 32%, whereas with ASLEF on 1 February it was 0%. Greater Anglia was 12% on both days. Is it having a differential impact when different unions are striking? What is the difference in the impact that it is having on your ability to run services?

Tom Joyner: The different train operating companies are resourced in different ways. You talked about the fact that CrossCountry does not manage any of our stations, and you are quite right, so we potentially have fewer managers as a result. That may mean that we have fewer people to undertake contingent duties in certain areas. Different train operators have a different level of contingent managers who are able to undertake duties. That might be one of the reasons—probably the primary reason—why people make the choices that they do about the services that they can operate. In our case, when it comes to the difference between what we operated during an ASLEF strike and what we operated during an RMT strike, that was the primary reason.



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Jamie Burles: I don't have a great deal to add to that, other than to say that there is often slightly different union representation in train operators. You can find that there are some train operators where their control centre—

Q99 **Jack Brereton:** Why were you able to still run 12% on an ASLEF strike day, but CrossCountry were not?

Jamie Burles: There are different recognised agreements in different train operators that companies have with trade unions. Greater Anglia is able to utilise driver managers—driver management staff—to operate services on strike days. That is not possible at certain other train operators.

Q100 **Jack Brereton:** In terms of the expectations of passengers, what do you think they are, and do you think they are realistic?

Jamie Burles: Expectations of passengers on strike days?

Jack Brereton: Of minimum service levels.

Jamie Burles: From a passenger perspective, what is really important, and that you imagine would be taken into account, are the individuals who have no choice but to travel. For key workers, tradespeople, shift workers and so forth, in certain areas when there is no train service, it is very disruptive. Passenger expectation is, "If I don't have a choice but to travel, I would want there to be sufficient capacity for people who simply have no option but to travel."

Q101 **Jack Brereton:** Do you think there would be an expectation that, even on those parts of the network that are on the map as being closed, there should be at least some sort of service, or a replacement service?

Jamie Burles: In my opinion, yes, I think there would be a level of expectation that, if there was a minimum service level, there would be some expectation that there would be some level of service.

Q102 **Jack Brereton:** Would CrossCountry agree with that?

Tom Joyner: An example that we had during the current industrial action, most recently when Network Rail was on strike, was that we were not able to operate a service in Cornwall. We have heard from passengers that that is deeply disruptive. It has been a really difficult decision for the industry to take, but currently it is about trying to achieve balance. Yes, when there are no services passengers understandably feel quite frustrated about that. There is an expectation that services should be provided, if at all possible.

Q103 **Jack Brereton:** Earlier, you mentioned the need for certainty for passengers around timetables and what services are going to be run. How much notice do you think passengers should be given of what timetables would operate under minimum service levels?

Tom Joyner: Obviously, as much as possible, but it differs slightly—



Q104 **Jack Brereton:** Can you put a figure on it? How many days' notice?

Tom Joyner: It slightly depends on the markets that we are talking about. If you are talking about long-distance markets, people might very easily be taking decisions to travel long distance with us, for example, up to 12 weeks beforehand, and maybe even further than that. What we are finding, and what we have data on, is that our passenger numbers and revenue are dropping because people are not certain about a journey that they might want to book in five, six or seven weeks. From a long-distance perspective, understandably, people plan those journeys longer out. That is the answer for long distance.

For shorter-distance journeys, the longer you can have, the better, but people approach them slightly differently. They potentially plan them with a week or two weeks to go. It is unlikely that you are going to plan short-distance journeys five or six weeks out. At the same time, for someone who has taken employment, it is really important for them to know that if they are taking a short-term contract for six, seven or eight weeks, they can be sure they will be able to get in through that time. We found that a lot; I spent quite a bit of time on the Leicester-Birmingham route during industrial action and I have had conversations with passengers about it.

Q105 **Jack Brereton:** Does Greater Anglia have a view on how many days' notice?

Jamie Burles: The only thing I would add to what Tom said is a practical point. From an industrial action perspective, the trade unions are only obliged to give two weeks' notice.

Q106 **Gavin Newlands:** I am conscious of the time, but we still have a few questions to go through. In our previous session on a related but slightly different issue, Mr Lynch of the RMT stated that during the current industrial action Scotland and Wales were not best served, relatively speaking, compared to much of England. There was a very poor service. I am looking at the data. With the strike in January, CrossCountry, whose staff were on strike, operated 32% of services, whereas ScotRail, whose staff were not on strike, could only operate 19%. With Transport for Wales the figure was 14%.

The current situation is that about a quarter of the UK's land mass in the north of Scotland is not served at all on strike days at the moment. Is that lack of service, or disparity between the services that are delivered, going to be baked into the minimum service levels? That question is probably for you, Mr Joyner. Obviously, CrossCountry has services to Aberdeen up the east coast, and indeed to Glasgow Central.

Tom Joyner: During the strikes, we have taken those difficult decisions. If we look at the York route going up to Edinburgh, CrossCountry has most recently been serving about 40% of the stops that we would normally make. For us, that has been something that we have been able to serve. Different companies are in different places at different times, depending on which grade groups and which unions are on strike. It is



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really difficult to give a specific answer about the disparity between the service levels there.

I come back to the fact that it is for Government to legislate, and we will look at that legislation and comment on it, and try to provide the best possible service. It is deeply frustrating when we are not able to serve somewhere. In the most recent strikes for us, we took the decision to concentrate our resource on the Edinburgh to Newcastle and further south route and did not serve Aberdeen on some occasions. That was a decision based on what was best for passengers, but working alongside Scotland's railway and other operators like LNER to make sure that we had the best blend of services possible.

Q107 Gavin Newlands: I appreciate that there are lots of other operators and stakeholders in play. I have a quick point before I move on to accessibility. Given that you provide cross-border services, what will you do, given that recently the Scottish Government have said that they are against minimum service levels? The First Minister said to the STUC just the other day that they would not be imposing a single work notice in Scotland. How, as a cross-border operator, will you operate in that circumstance?

Tom Joyner: We will look at the legislation and we will understand what the best path through is.

Q108 Gavin Newlands: I thought you might say that.

Tom Joyner: A good parallel is what happened during the coronavirus pandemic, when we continued to operate services and yet sometimes the approach of devolved Administrations was different. We had to look at the various guidelines and provide the best service to passengers based on compliance with whatever law we needed to comply with. We would approach this in the same way.

Q109 Gavin Newlands: I will move on to accessibility and come to you, Mr Burles. What steps do you think will be required to ensure that the implementation of minimum service levels meets the needs of people with disabilities? We are looking at accessibility in a separate inquiry, but how will it work with that?

Jamie Burles: It is obviously of paramount importance, as it has been during the recent industrial action. For example, somebody mentioned that Tom does not operate stations, but Greater Anglia does, with around 150 of them, and one of the things we had to do during recent industrial action was to resource everywhere that we operate. We need dispatch staff. We need customer hosts. We need gate-line operatives. We have been providing those members of staff predominantly from management teams. One of the key roles in ensuring that you are fully resourced at stations during industrial action is to effectively serve and provide for the needs of disabled travellers.

Q110 Gavin Newlands: Are you able to guarantee the usual level of



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accessibility on services that run on strike days?

Jamie Burles: On the services that are running, we have some advantages in that some of our Stadler trains—intercity trains, Stansted Express trains and so forth—and all of our rural trains have a sliding step. That means that the train is not just accessible for disabled people but it is helpful for people with luggage or elderly passengers and so forth. Effectively, we absolutely must, and do, ensure that we provide the same accessibility for the services that we operate.

Q111 Gavin Newlands: It would be helpful for the Committee to understand this. Other than track and train staff, are there any other roles that would be vital to provide a good and accessible customer experience during any minimum service levels?

Jamie Burles: It is a good point. One of the things that we have been discussing is that if the legislation is to come in, and the aspirations of Government are to be met, the scope of the legislation needs to be thought about very carefully. It has to cover all the critical elements of the operational supply chain. There are direct implications for accessibility. All of our trains are now maintained by third parties, some by a company called Stadler and some by a company called Alstom. If there were minimum service levels, would they apply to those suppliers as well, for example? If they did not, everything, such as servicing of universal disabled toilets, would come into question. If this is to come in, its scope being wide enough to ensure all of those critical components is important, including for accessibility.

Q112 Gavin Newlands: Mr Joyner, do you have anything to add on accessibility?

Tom Joyner: We have a huge focus on accessibility and we work as hard as we can with accessibility groups and our passengers on that. Part of the reason for that focus is that, particularly during industrial action, customers with accessibility needs are probably less likely to be able to take other forms of transport. It is therefore a key focus for us.

Q113 Paul Howell: I want to come back to a subject we touched on a little bit earlier—the safety situation. The RMT told us that they think there would be greater safety concerns in a minimum service situation as opposed to a normal strike day. I have a two-part question. First, do you agree with that? Secondly, what steps do you think should be taken to make sure that there isn't an increased safety risk?

Jamie Burles: Tom has touched on this already, but it will not surprise you to hear me say that safety cannot, and will not, be compromised. Safety was not compromised on the recent strike days. If a member of the management team is fulfilling the role of a conductor on a train, or a driver manager is fulfilling the role of a driver on a train, they have to be competent. They have to be appropriately trained, and they have to be qualified to fulfil the role.



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That applies to station staff, whether it is a dispatcher of trains, a customer host or someone deploying a disabled ramp on a train. We cannot, and would never, compromise safety. If this legislation were to come through, just as we have done in recent industrial action and all industrial action, we would have to maintain rigidly those standards and requirements.

Q114 **Paul Howell:** In essence, you are not agreeing with the RMT's assessment that there would be an increased risk. The way you would operate would mean that you would make sure that safety was maintained.

Jamie Burles: You would have no other choice but to ensure that you operated safely.

Q115 **Paul Howell:** I have one final point on that. In the process of this legislation, is there anything that the Government should be doing to make sure that you are in the best place to ensure that happens?

Tom Joyner: I think that those arrangements are already in place. If you look at the industrial action that takes place, we have discussions with the regulator who regulates us on safety. You often see inspectors out and about on strike days, just as you would on normal days, going through their regulation. We often talk through our plans and how we are approaching things. As I say, we have a thoroughly embedded safety protocol throughout the industry. It does not change, regardless of what is happening at a particular time.

Jamie Burles: Tom is absolutely right. The checks and balances are well and truly in place to make sure that we are doing what we state we are going to do, and doing it effectively.

Paul Howell: I understand that those are concerns that the RMT has raised, but I am reassured by what you are saying. Thank you very much.

Q116 **Mr Bradshaw:** Mr Joyner and Mr Burles, you did not ask for this legislation. You think it could actually make industrial relations worse. What happens in the European countries that the Government claim they are basing this legislation on?

Tom Joyner: As we have said, it is a matter for Government to legislate. From a what happens in Europe perspective, my focus is very much on CrossCountry and the UK, but we are always happy to learn from a best practice perspective, both within the UK and from Europe.

Jamie Burles: I am not an expert on railways elsewhere, on European railways. I only emphasise something that I said earlier. First and foremost, we all strive for good and productive industrial relations and avoiding strike action in the first place. None of us wants it, likes it or ever wants to see it happen or continue.



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Secondly, if this legislation comes our way, there is a need for clarity of requirement on everybody involved. I think that without that clarity it would increase tensions. Therefore, that clarity is absolutely fundamental.

Q117 **Mr Bradshaw:** Do neither of your companies' owners operate railways on the continent?

Jamie Burles: No longer, no.

Tom Joyner: Yes, Arriva operates railways on the continent.

Q118 **Mr Bradshaw:** But you have not asked them how this legislation works there.

Tom Joyner: We have not had in-depth conversations.

Q119 **Mr Bradshaw:** Might it be worth doing that?

Tom Joyner: As part of the consultation, we are talking to a range of different people. Then we will obviously feed back when the consultation is concluded.

Q120 **Mr Bradshaw:** The evidence we have heard already is that, where they have these laws, they either do not work or they are never used. What the Government here are proposing is very different from what operates there, in that it would leave no room for negotiation. It would basically be the Minister imposing a minimum service guarantee.

I suggest it might be something useful for you to look into as to how this works. You keep saying that it is a matter for Government, but you also say that it could make things worse. Have you actually told Government that you think it could make things worse in all these workshops and roundtable consultations that you have been involved in with the Government?

Jamie Burles: The tone of our response is that, if this legislation is coming our way and we are faced with having to implement it, it must be done in the best way.

Q121 **Mr Bradshaw:** You have a voice. You are an interested party, surely. This will have a massive effect. If it is going to make things worse for the industry and worse for the customer, surely it is your responsibility to tell Government that.

Tom Joyner: I don't think that is what we have said, in terms of making it worse. Our role is very much to give Government information about the impact, and there is a significant impact, on customers when there is that type of disruption through industrial action. There are also the operational arrangements that might apply.

As Jamie and I have talked about, there is quite a lot of complexity that applies to our industry, probably more so than in other parts of the country where this legislation may or may not apply. Our role is very



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much to talk to Government and to assist in understanding how this legislation might work in our industry.

Jamie Burles: I think we said that, if you did not have clarity and you did not have flexibility, one of the unintended consequences or risks would be that it would make things worse. Therefore, by default, if you had the clarity and the flexibility, it would not necessarily lead to making things worse.

Q122 **Mr Bradshaw:** Have these workshops and roundtables been taking place, and have you been participating in them?

Jamie Burles: They have. There were some this week, for example, and there were some last week. There is intense analysis, scrutiny and discussion going into the operational implications of implementing such Government legislation.

Q123 **Mr Bradshaw:** Is it your expectation that this will actually reach the statute book before the next election?

Tom Joyner: That is a matter for Government.

Q124 **Mr Bradshaw:** But you must have thought about how much time and energy you want to spend on something that might never become a law, when you have enough things to worry about at the moment.

Tom Joyner: I think it is really important that we spend time on things that are important to our passengers. The ability to run a service is what we are about. We spend time to ensure that we can run the best service for passengers. If legislation comes in that amends the way that we approach industrial action, it is important that we spend time on that, and we are doing so.

Q125 **Chair:** Thank you both for your time this morning. Finally, have we covered all the areas you would like, or are there any other points that you would like to make that we might not have covered?

Jamie Burles: Not from my side, thank you.

Tom Joyner: No.

Chair: Thank you both very much for your time.