

## Petitioner submission of 18 June 2022

### PE1930/B: Ensure customers are always given information on cheapest possible fare in new Scotrail contract

Firstly, since the last petition closed with a stated "promise/aim" for inclusion in this new contract it hasn't happened despite nearly 2 years to achieve it. In fact, not only is it not in the contract, indeed even the same Scottish Government aren't currently proposing that Scotrail should be subject to the new Consumer Duty in Scotland. If an explicit and clear promise can't be made for knowing the cheapest fare (seems a basic service principle to me), surely the very least that could happen is that one of the public bodies with the largest consumer base and presumably revenue from the Scottish public could be subject to the that duty? Last year's Scottish Government [consultation on a consumer duty for public bodies](#) proposed that Regional Transport Partnerships be subject to the duty (many of which don't run transport services), but why not include Scotrail directly?

This point was highlighted in an article in the Scottish Sun: *Ministers under fire for not including ScotRail's parent firm in bodies covered by anti-rip-off law*: <https://www.thescottishsun.co.uk/news/scottish-news/8633273/scottish-government-scotrail-consumer-law/>

Secondly, currently Scotrail has said that its aware that given historical fare anomalies its often cheaper to buy a split ticket across the Strathclyde boundary. If there was a cheapest fare requirement of information or the consumer duty on Scotrail, they would presumably market these fares and knowledge to passengers to encourage increased public transport journeys, at a lower cost especially during the Cost of Living Crisis? This is lacking in their current marketing. We have net zero ambitions, as a nation this would seem to be a good first step to get modal shift by making journeys as cheap as possible?

Also, in terms of marketing, Scotrail have been given advice following my own complaints a number of times since 2019. I've made FOIs around the issues of how many fares (total and %) are available at the starting cost advertised between the 7 cities. It's been less than convincing the number (a significant number is required by ASA) that are on sale, and later FOIs seem uncertain from Scotrail that they can objectively substantiate the claims in line with Advertising Standards

Authority advice and guidance on pricing claims. Advertising should be clear about availability and its windows. I'm happy to share the FOI results with the Committee if helpful, and it would be great if a significant amount of travel on the network was available for £5.

In regard to the [Scotrail Price Promise](#), and the issue of SPT boundary and lower fares, the Committee may wish to note I have recently been [successful in challenging Avanti West Coast](#) to change their price promise.

Given that ScotRail know and acknowledge they know (happy to provide correspondence from Alex Hynes to me from 2019) there is a differential in the price per mile charged in Strathclyde compared with elsewhere in Scotland, it would seem that at the very least their price promise should proactively demonstrate this lower fare option (and others) and not leave it for the customer to stumble on through their own research?

Maybe I'm being too right and proper here, but if you know something, as a public body, you should probably tell the public about that surely?

Given the recent ruling on Avanti West Coast, I will approach the ASA again to see if a price promise is fair when the operator of it already knows of these lower fares but doesn't acknowledge these proactively to the public, especially when the operator is a public body.

Finally, as shown by the recent reversal on the Scotrail sale, there is a continuing worrying presumption that everyone in Scotland has digital access. During that period it would be worrying if one passenger was charged a higher fare for the same journey, just because they weren't aware of the sale or unable to access it digitally. It seems that you would only know or get the cheaper fare if you had digital access, in my view that's a concerning premise to base any service upon, especially one Ministers have clarified is subject to the Equality Act 2010 and associated duties. It took a bit of pressure to get the introduction of a telephone line but for me, and for those most vulnerable or digitally excluded, having a face to face point of sale in local communities continues to be of real importance.

Again I would note that these concerns have been highlighted in the media: *SNP's half-price ticket offer from newly nationalised ScotRail could breach anti-discrimination laws*

<https://www.thescottishsun.co.uk/news/8741491/snp-ticket-offer-scotrail-discrimination/>

It is also sad to see the ScotRail Price Promise is not valid for smart fares vs normal fares. In my view, this is the start of digital exclusion for passengers.

I doubt anything will happen here, and my feeling is it will be kicked into the Fair Fares review as a response, same way the previous petition was closed with a "aim/promise" but you can but try....you do have to wonder how much the Scottish public have been overcharged for a same journey between two places during recent years.

At the very least I hope we can get ScotRail to be subject to the new consumer duty as a reasonable outcome from this petition and amendments to the price promise to highlight the availability of known to the operator lower journeys proactively.