

Rail Sector Liaison Panel

Minutes of the fourth meeting of the Rail Sector Liaison Panel, held by Zoom Link on 28 September 2020 at 2pm

Present:

Chair: Jon Walters

Vice-Chair: Emma Vincent

Billy Quinn

Christopher Hodges

Judith Turner

Matthew Thomas

Susan James

John Smith

Marcus Clements - ORR

Minutes prepared by Rail Ombudsman secretariat

The Chair declared the meeting open at 2pm

1. Previous Minutes & Matters Arising

No actions noted as outstanding and minutes accepted.

2. RedQuadrant Report –

a. Overview from ORR and discussion

Marcus Clements introduced himself in his capacity as Head of the Consumer Policy Team at the ORR and thanked the RSLP for the invitation to speak about the ORR review of the Rail Ombudsman.

MC outlined the importance of the Rail Ombudsman for the industry from its inception, citing the Rail Minister's aspirations for best practice in rail sector dispute resolution.

Turning to the RedQuadrant report, he highlighted three distinct areas, being:

- Governance, acknowledging the role of RDG as contract holders and Scheme Council secretariat, recognising that a strengthening of the Scheme Council was required.
- The Ombudsman, specifically referencing the need for more detailed feedback from consumers.

- Impact and Influence – closing the feedback loop and the virtuous circle that was important to the Rail Minister on inception.

The next step from the ORR perspective was to work towards the next Scheme Council meeting in December 2020, having engaged RedQuadrant to assist ORR in the implementation of the actions regarding governance and enhancements to the role of the Scheme Council.

With regards to the specific recommendations made regarding the Rail Ombudsman, MC acknowledged the positive responses received from the Rail Ombudsman. It was the ORR's intention to ask RedQuadrant to facilitate a workshop to discuss actions around data and raising understanding within the Rail Ombudsman of the scheme's impact and influence role. It was recognised that in other sectors (such as energy, of which he had direct experience), the review of its operation and definition of its role in this regard had taken place considerably after its creation and appreciated that the rail sector was working ahead of this timescale.

b. Feedback to RSLP

JW agreed that RO was ahead of the curve when compared with the energy sector, where it took longer to get this right. MC agreed that a more streamlined Scheme Council structure should lend itself to this approach. EV confirmed that this was a good step forward.

CH observed that a feedback mechanism can only work when the data is available and the case data is currently low, something for which the Rail Ombudsman cannot be held responsible. The Rail Ombudsman can only feedback on what it sees. He would seek to understand why more complaints are not being raised. MC commented that this could be due to the existence of the Rail Ombudsman generating good behaviours, also that a proportion of complaints are not heard because the eligibility timeframe may be too long. MC voiced support for the review of reducing 40 working days to 20 working days. EV agreed that there has been a change of behaviour amongst TOCs but the drop-off is not such that that is the only factor. EV also made the point that change may have been felt at the complaints handling level, but it is too early to take a view on wider change.

CH also asked why the Scheme Council was needed and could the regulator fulfil the governance function? Upon discussion of this point, MC commented that ORR aspire to be on the same statutory footing as other sectoral regulators, but was not in that position. It was explained that the creation of the Scheme Council was fundamental in providing assurance of independence to OA as it considered approval of the Ombudsman initially as the sector was committed to an Ombudsman to fulfil its ADR requirements. EV confirmed this, stating that a review of the Scheme Council function would be beneficial along with the function of RDG more broadly.

CH commented that from an external view of an ombudsman system, there is more transformation evident when everyone has confidence in everyone else as part of the same eco-system and the Ombudsman is not an enemy but part of the solution. JW agreed that the role of an ombudsman is to influence positive change.

BQ highlighted the learning curve in what is not an uncomplicated sector, and that this is still an immature model, but one which has produced a high quality of information thus far in data, case studies and the Annual Review. This is evolving in terms of awareness and trust so that the scope can be increased.

JW turned to the issue of richness of data. JT confirmed that there appears to be a gap in understanding the richness of data which has been available for some time. The Ombudsman intends to develop a training webinar to address this.

c. and Insight Sharing: RO Working Group

JT also highlighted that in terms of impact and influence the Rail Ombudsman will be looking into convening its own insights working group, available to all Rail Ombudsman members. MC considered this was “eminently sensible” and should be extended as widely as possible. EV agreed there was a gap and that there could be an opportunity to influence the DfT where a blurred line is leading to customers feeling the pain of policy. In terms of Covid, local lockdown measures are a current example of this. JS agreed.

ACTION: JT and EV to discuss TOR of a Rail Ombudsman Insights Group by revisiting governance handbook in first instance.

3. Rail Ombudsman Update

a. Operational Update from BQ/JT/MT

JT supplied an update on the Rail Ombudsman approach to cases which had been queried by a TOC who sought clarification as to its inquisitorial approach to cases. In this case, which concerned the application industry arrangements, the Rail Ombudsman had looked at the consumer’s overall entitlement, citing scheme rules. The Independent Assessor had oversight of the process undertaken and communicated that this should be disseminated more widely to ensure TOCs knew that the Rail Ombudsman was able to take this approach.

Inquisitorial investigation to adjudications was widely acknowledged by the RSLP as being the right approach to take.

BQ updated the panel as to the webinars planned both from a training and data-superuser knowledge gap perspective.

MT provided a walk-through of the Rail Ombudsman approach to service review, highlighting opportunities for wider insights from case work.

JW asked EV and JS for a view from a TOC perspective, the latter confirming that they might put a case through to the Rail Ombudsman to obtain the learnings from adjudication cases which would drive changes in internal case handling.

EV confirmed this enabled them to develop in leaps and bounds in terms of understanding what is working for consumers.

BQ also updated the RSLP that Kevin Grix is now returned and fully recovered and JT promotion to Deputy Chief Ombudsman is confirmed.

BQ also advised of the change taking place as regards the platform supporting the RO website, to give greater surety of availability, following difficulties that have arisen on the current platform.

BQ asked about the Williams Review, which MC confirmed that he believed conversations were taking place at a level but no substantive update.

4. Industry Update

a. Covid-19

b. Sector Insights

EV confirmed that due to EMAs the franchising model would change and the right engagement was required ahead of this. At present it is estimated that services are at 85% and there is a disconnect between how people are being asked to behave and how the industry can support with this. From a long distance provider perspective this had forced decisions such as mandatory reservations, however this had a knock-on on other service provision, with which JS concurred.

SJ provided insight that the messaging between industry and passengers was confusing for consumers. SJ also noted the role of government advice (e.g. stay at home / travel to work), and particularly the implications for TOCs operating across border with Devolved Administrations, where different rules apply. SJ also highlighted that issues such as railcard refunds/extensions remain unresolved. SJ believes TOCs have managed this really well, however wider questions remain regarding unfair terms and more flexible approaches to ticketing. EV still believes it is too hard for consumers to complain and now may be an appropriate opportunity for change. In terms of long-term damage, JS commented that they were running a more reliable service than ever, but other solutions were harder to provide.

CH questioned whether the industry had the right forum to recognise pinch-points and work out solutions, suggesting that the Rail Ombudsman could play a role in this. He congratulated the Rail Ombudsman on the data and feedback and as this builds, look for opportunities to extend this. At present though there are too many places to go and the Rail Ombudsman's single-front door function should be fully utilised.

BQ recognised that the information from Transport Focus had been very helpful in spotting trends.

c. Questions/Feedback of Rail Ombudsman from panel

SJ thanked BQ and JT for their attendance at and input into the London TravelWatch board meeting in September, commenting that this was appreciated.

5. Brief Initiative Updates
 - a. Byelaws – an update will be provided at the next meeting.
 - b. EBR – positive discussions are underway and the panel will be kept informed of developments.
6. AOB: No AOB was discussed.
7. Date of Next Meeting: TBC

Meeting closed 4pm