

## Rail Sector Liaison Panel

Minutes of the fifth meeting of the Rail Sector Liaison Panel, held by Zoom Link on 21.1.21 at 1.30pm

Present:

Chair: Jon Walters

Vice-Chair: tbc

Billy Quinn

Judith Turner

Richard Griffin

Susan James

John Smith

Mike Ross

Greg Suligowski

Marcus Clements

Apologies: Christopher Hodges

Minutes prepared by Rail Ombudsman secretariat

The Chair declared the meeting open at 1.30pm. The Chair welcomed the Panel to the first meeting of 2021 and recognised that CH had been awarded with an OBE. The Panel provides its warmest congratulations to CH.

### 1. Previous Minutes & Matters Arising

No actions noted as outstanding and minutes accepted.

### 2. Panel Composition, Vice Chair Appointment and Introductions

JW confirmed the EV has now left the Panel, having moved on from the sector and welcomed two new Panel Members: MR (LNER) and GS (Mersey Rail). Both new Panel members provided introductions.

A vice-Chair would be required from the Sector representatives and JW asked for expressions of interest upon consideration.

### 3. Rail Ombudsman Update

#### a. Operational Update from BQ/JT/RG

JT provided an operational update. The Ombudsman staff are all working remotely, and well-being continues to be a large consideration. Technology is working well.

JT provided an update from the Q2 published statistics that showed case-work dropping by 24% as against Q1 and 26% as compared to Q2 2020. There was a slight increase in cases having been referred to the consumer advocacy bodies which was probably as a result of the policy issues being referred by consumers, for example relating to season ticket refunds. The biggest drivers of complaints

In the published data were company policy, complaints handling, with fares and retailing featuring highly.

GS asked whether the RO considered that the government policy on refunds had driven complaints. JT moved ahead to item e. in the agenda regarding an issue which the RO wanted to raise with the Panel to seek industry input on a whether a recommendation should be put forward to provide insight into the noted increase in cases concerning season ticket refunds which were largely upheld in favour of the RSPs. This being a current driver of complaints which do not, in the main, based upon the factual scenarios presented, result in favourable outcomes for consumers. This seems to indicate a disconnect between the information which is in the public domain provided by the industry and the way in which it is presented and understood by consumers, many who had lost out on an opportunity to make a claim for a season ticket refund based upon their missing industry deadlines when relaxation of the rules were implemented and then subsequently reverted.

For example, the unverified figures from October 2020 to January 2021 indicate that 183 cases relate to Company Policy: Ticketing and Refunds.

Of the 93 in scope:

In favour of C: 3 (3%)  
In favour of RSP: 30 (32%)  
Mediation – 16 (17%)  
Simple Resolution Reached – 38 (40%)  
Split decision – 5 (5%)  
Other – 1\*

\*Percentages rounded and therefore do not add up to 100%. Figures are indicative, not having been checked by data analyst.

A further potential issue identified at the RSP Webinar held by the Rail Ombudsman 26.11.20 in terms of information in accessible formats which is provided by the train operators to passengers and which is highly reliant on the internet. The detriment to the digitally excluded was discussed along with the challenges of providing information when industry guidance was being updated and communicated at very short notice.

It was acknowledged that this being a fast-moving area, information was concentrated on websites (these also being the main focus of audits). GS also pointed out that messaging had changed very rapidly and MR sought to understand whether this issue was split equally across long-distance and commuter RSPs which JT would investigate.

SJ considered that TOCs had done well reactively, but thought they could have been more proactive, for example in relation to season ticket refunds – asking why couldn't passengers be contacted where information was held by TOC/s?

Notwithstanding, the Panel agreed that JT should attempt to formulate an industry recommendation to acknowledge that more could be done to provide information to passengers when policies change to ensure they understand when they should take action.

**Action: JT to circulate recommendation to panel and investigate how to disseminate this via RSPs.**

GS asked a second question relating to the perception of the industry in terms of its adaption to home working. In terms of complaint handling, this was found to be twofold in that case work had not been impacted overly (with a couple of exceptions) however the performance of some remedies had been difficult (e.g. issuing cheques and vouchers). Complaints Handling does continue to feature highly and JT will check the Recommendations Log to understand outputs from casework in this regard.

#### **b. Financial Reporting**

BQ confirmed that the current financial position was due to a downturn in caseload and assumptions had been made on the basis that the impact of the pandemic would not last as long as it had.

He had received a statement from DROL's accountants that he read, as follows:

*I can confirm that the overall Rail Ombudsman deficit extracted from the draft audited accounts for the year ended 30 June 2020 was £18,071.*

*For the 6 months to 31 December 2020 this deficit was £132,945, if this pattern of losses were to continue then the projected deficit for the 12 months to 30<sup>th</sup> June 2021 would be in excess of £275,000.*

*In making this projection we have not included any further redundancy or close down costs and for furlough to stop at the end of April.*

*The results of the Rail Ombudsman have been heavily impacted by the Covid-19 pandemic.*

*Moving forward we are aware that the Rail Ombudsman is planning a further restructure which should see the year 3 budget being achieved.*

BQ confirmed that an extended period of furlough was in hand and also commented that the continuation of the Rail Ombudsman throughout 2020 had impacted the figures more greatly than would have been seen in a close-down position (as had taken place in other sectors). For example, the average days to close cases has seen a minimal impact which is not the case in other sectors. JW asked about the future impact on the RO in terms of service in light of this. BQ noted as per the accountants' s statement, action taken including a planned further re-structure, will see the year 3 budget being achieved and that this will

involve steps to ensure that the valuable knowledge base that has been developed wherever possible is retained.

JW asked whether DROL have an obligation to publish accounts, for example in accordance with its OA membership. BQ confirmed that this was also a contractual requirement, and that the Companies House filing requirements, albeit with a permitted extension, would be met. He confirmed that he is working with the accountants at present so that an abbreviated version can be placed online. This was also a recommendation arising out of the ORR's commissioned RedQuadrant report.

BQ confirmed that mitigating action should minimise the impact for year 3. MC asked whether this took account of projected industry recovery which is not expecting a return to normal passenger levels for 2-3 years. BQ confirmed that a membership cost base, not reliant on case fees, would be utilised to mitigate the impact of casework fluctuations.

JW thanked BQ for his update and, as Chair, offered his support as may be required externally, subject, to usual commercial constraints.

#### **c. Contract Manager Update**

BQ updated the panel in respect of a change to the Contract Manager, in recognition that bringing someone else into the discussions would alleviate some lack of progression being experienced between RDG and the Rail Ombudsman, which were mainly legacy issues, in respect of the data provided and initial establishment of the scheme.

RG introduced himself and outlined previous experience pre-contract. JW welcomed RG and recognised the fact that this was likely to be BQ's last Panel meeting, thanking him for his input and the work that he had undertaken to get the Panel off the ground.

#### **d. Outstanding Change Requests**

BQ confirmed that there are 2 current change requests:

CR0010 – Change of Contract Manager – not strictly required under contract, but supplied as a notification which had been acknowledged by RDG.

CR0009 – Change required to website platform due to known limitations of WordPress. This had been outstanding since Mid-September 2020, referred to Scheme Council and still not responded to by RDG which left the current website at risk.

#### **e. Feedback to Industry Season Ticket Refunds**

See a. above

#### **f. RedQuadrant Workshop & Governance**

JT confirmed that a very positive meeting had taken place with the ORR and RedQuadrant on 13 January 2020 and outputs were being formalised regarding the data narrative, amongst other recommendations.

MC welcomed JT's expression of positivity and echoed this, confirming that steps that required investment had been put on hold for now.

MC provided an update on the ORR's Secretariat role, led by Sarah Robinson, to provide a more focussed preparation for Scheme Council meetings, than had been previously the case, strengthening the independent role of members and the Chair. There are also changes to the Governance Handbook which are progressing.

MC commented that although the change request process was outside of the secretariat's remit, SC had an interest in it working smoothly and ORR would be discussing it with RDG. He added that CR0009 should not have been put before the Scheme Council. BQ welcomed more agility to make necessary changes quickly.

JW stated that the RSLP was specifically referenced in the RedQuadrant report and he would discuss these with JT in order to progress these and increase the value the Panel can provide. MC confirmed that the ORR welcomed this, acknowledging that the panel was only just coming out of its first year of operation.

**ACTION: Meeting with JT and JW to progress these recommendations and provide a report back to the panel.**

#### 4. Industry Update

##### a. Covid-19

##### b. Sector Insights

GS provided an update that although the weather (flooding and freezing conditions) was currently adding strain, the impact of this was mitigated to some degree by the fact that only 15-20% of the normal passenger base was travelling. He highlighted the speed of change and messaging required had, and continued to be a challenge, for example changes to timetables, consumer behaviour and ticketing requirements. He highlighted the things that the industry had done well to provide core services to care workers and the fatigue that workforces were currently facing. There are now the challenges of build-back to face into, in terms of passenger behaviours (e.g. commuters now working from home).

JS agreed generally with this, however also noted that the waves of volume that the contact centre experienced enabled time for consideration of technological enhancements and staff training. He commented that footfall is currently 16% of the pre-Covid volumes and noted other issues involve crew sickness.

MR also confirmed passenger numbers were low and recovery plans were considering catering, seat reservations and customer service enhancements.

SJ and MC agreed the passenger should be at the heart of the recovery and spoke of industry fatigue and the need for a pragmatic response to enforcement. For

example, recognising that timescales may be slightly longer, but messaging could assist overcome some of these issues. SJ gave examples of customer service staff feeling guilty working from home when colleagues were working on the network and more vulnerable to contracting Covid.

**c. Questions/Feedback of Rail Ombudsman**

No questions were asked of the RO.

**5. Brief Initiative Updates**

**d. Byelaws**

MR confirmed that it was a good time to look at this now, considering build-back with confidence in the industry. This also fit in with an appreciation that the industry should not be penalising the passenger for trying to do the right thing e.g. missing a service for which they held an advance ticket because they did not want to board an earlier, overcrowded service. GS agreed and they will take this off-line and provide an update. JT confirmed that she would provide whatever support was needed.

**e. EBR**

JT confirmed that she had spoken to CH and provided an introduction to MR for this to be progressed. JT also highlighted that CH was keen to discuss with ORR which MC acknowledged.

**6. AOB**

JT provided an update on the passenger survey: [Rail-Ombudsman-Experience-Survey-Report-PDF.pdf](#)

This highlighted continued issues with signposting and perceptions of service which are linked to case outcome, but overall was positive. BQ highlighted current RO Trust Pilot rating is 4 which JW confirmed to be unusual for a complaints handling organisation.

BQ also highlighted social media contacts about third party ticket retailers which are on the increase, indicating consumer dissatisfaction where the Rail Ombudsman is unable to support claims by passengers purchasing tickets through 3rd party providers.

GS asked if consideration could be given to complaint satisfaction across other sectors to provide a barometer, which JT agreed to take off-line.

**7. Date of Next Meeting: TBC**

Meeting closed 3pm