



# Independent Assessor- Annual Report 2021



I am pleased to present my annual report for the Rail Ombudsman. This report is presented as an independent, standalone report following very useful and helpful feedback from the Rail ADR Scheme Council. Otherwise it is not informed or edited by any of the Rail Ombudsman executive team or Board.

The role of the Independent Assessor is to consider complaints about the service provided by the Rail Ombudsman. I do not consider any complaints about the decisions taken by the Ombudsman. Decisions are for the Ombudsman and them alone.

Along with the rest of the world, the Rail Ombudsman has had to figure out how to deliver its services during a global pandemic. Remote working was established very quickly along with appropriate support measures for staff to manage the challenges of this approach.

The service to the industry and to consumers did not miss a beat and the Rail Ombudsman is to be commended for this. However a reduction in cases resultant from a reduction in travel, will no doubt have implications on funding. I would expect the industry to be on notice regarding the adequacy of this funding, to ensure that the quality of service at the Rail Ombudsman is not negatively impacted as the rail industry considers its recovery from the pandemic.

Volumes of train travel have been severely impacted by the necessary restrictions on travel for passengers and by the impact of the pandemic on train operating companies and their staff. It has been an extremely challenging time for all. Train operating companies (TOCs) have worked hard to ensure services are safe and well maintained despite the challenges.

The Rail Ombudsman has maintained its contact with all providers throughout to ensure there has been sustained positive and collaborative working.

During this year, I have dealt with five complaints in total. Four of the complaints were from passengers; one was from a train operating company.

These complaints can all be characterised by lack of clarity in communication and an approach which in a least one complaint sought to follow a process rather than find a solution. A summary of each case is provided for ease of reference.

When complainants arrive at the Ombudsman, they feel that they have received a poor service on the train, then they feel they have received a poor service from the TOC complaints process. No one wants to have to complain. When they do, they have a reasonable right to expect that a solution will be found. If not, the consumer can then go to the Rail Ombudsman. From time to time consumers will not agree with the outcome proposed by the Rail Ombudsman. This is different from being unhappy with its service.

I have carefully considered each case and have spoken with the Deputy Chief Ombudsman about each case to promote feedback and learning for the Ombudsman staff team. Where appropriate and possible, I have spoken to the consumers about their complaint so I can be





sure I have a full understanding directly from them about their complaint. The Rail Ombudsman is an important means for consumers to raise and resolve complaints about the rail industry. Consumers are people too and welcome communication in a clear, non-defensive and non-legalistic way. Each case set out below has miscommunication at its heart. I am confident the Rail Ombudsman will work hard to limit such issues in future.

## Case One

The themes arising from this case were recommendations to:

- focus on clarity of communication to manage passenger expectations about what the Rail Ombudsman could provide;
- to be clear when no further action was possible and
- to respond in a proportionate way.

### Action taken

The Rail Ombudsman agreed to develop a statement of complaint for future cases, to be consistent in messaging about when it could not respond further to a passenger and to better identify issues that are out of remit.

## Case Two

The themes arising from this case were recommendations to:

- Consider carefully when an issue is “after care” that is the time after the ombudsman makes a decision and the consumer receives a refund etc. and when it is a new complaint;
- Promote consistent communication about what is a new complaint.

### Action taken

- Time limits introduced for aftercare;
- Developed guidance on what is a “new” complaint.

## Case Three

The themes arising from this case were recommendations to:

- Focus on a solution and not just a process;
- Even if a provider is not part of the Scheme, the Rail Ombudsman should signpost consumers to them as appropriate;
- Be clear about the differences between Refund and Compensation;
- Address the strategic approach to refunds by Rail Service Providers as part of the feedback to them.

### Action taken

- Apology to the consumer for specific limitations in service provision;
- Clarification of phrases used.

## Case four

The themes arising from this case were recommendations to:

- Consider the full impact of the reason to complain on the consumer;
- Ensure Rail Service Providers are aware of the need to ensure that policies actually work in practice rather than existing only in theory and not in practice;
- Ensure the time given to reply considers the personal circumstances of the consumer.

## Action taken

- Development of information about the role of the Independent Assessor;
- Training for team on timescales for reply;
- Apology to consumer;
- Consumer generously agreed to discuss further service improvements with Rail Service Provider based on their experiences.

## Case five

This was slightly different and a (virtual) round table was held with the Rail Service Provider to enable the Rail Ombudsman to restate its purpose and remit.

Following this meeting a workshop was held to share learning and insight into approaches to cases. This was on the basis of promoting understanding of the role of the Rail Ombudsman investigating complaints and promoting improved service delivery. This was welcomed by the Rail Service Provider.

The impact of Covid 19 has presented very difficult challenges for families, for organisations and for the wider world, including the rail industry. The Rail Ombudsman has not been immune from those challenges for its staff and for its service.

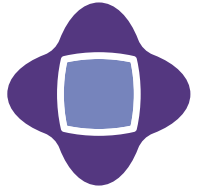
Satisfaction levels for the Rail Ombudsman are high being rated 4 on Trustpilot. This is unusual for a complaints handling body and is reflection of the high regard in which the service is held. As the world returns to a new normal, it will be important to maintain an independent, impartial, thorough and fair complaints handling service for the Rail Industry.

I would like to thank the consumers who took the time to bring their complaints to me and the Rail Ombudsman for their continued commitment to improvement of their own service

**Kathryn Stone OBE**

1 March 2021

# The Rail Ombudsman



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