

Rail Sector Liaison Panel

Minutes of the fifth meeting of the Rail Sector Liaison Panel, held by Teams Link on 12.5.21 at 10.30pm

Present:

Chair: Jon Walters

Vice-Chair: Greg Suligowski

Judith Turner

Richard Griffin

Matthew Thomas

Susan James

John Smith

Mike Ross

Marcus Clements

Christopher Hodges

Minutes prepared by Rail Ombudsman secretariat.

The Chair declared the meeting open at 10.30pm.

1. Previous Minutes & Matters Arising

No actions noted as outstanding and minutes accepted. GS Vice-Chair appointment confirmed.

2. Rail Ombudsman Update

a. Operational Update from JT/RG/MT

RG confirmed that staffing and furlough arrangements remained the same as reported previously – all positions are in place and operational although some positions are part time in light of still significantly reduced case volumes. DROL was operating a phased return to the office from week beginning 17.5.21.

MT reported that the common themes from the engagement with members and the reporting tool remain industry policy and season ticket refunds. Industry questions as to the value placed on different types of evidence are the subject of an industry forum convened by RDG on 17.5.21. There are some synergies between the Scheme Council Reporting pack produced by the Rail Ombudsman and MT asked whether this would be useful for the RSLP. CH expressed that this would be helpful context, however MC questioned whether this was within the TOR for the RSLP. JW stated that this was a later agenda item and to be considered.

JT provided an update as to industry training that had taken place in April with 16 delegates from 6 TOCs, all of whom would recommend the training to colleagues.

b. Case Study

JT provided an update on an Accessibility Case study which had resulted in an outcome for a consumer and a finding of a breach of the Equality Act 2010. The

case was an important one, highlighting the potential limit of the scheme's maximum award limit (£2,500) in respect of which the Rail Ombudsman had sought counsel's opinion as to quantum. An industry feedback session had been planned to ensure the learnings were shared.

CH raised the issue of the limits on the scheme and whether financial thresholds should be raised, also observing that this highlighted the benefits of referral to the Ombudsman sooner rather than later.

JT also highlighted limitation implications with regards to EqA claims and CH considered this may require a rule change affecting court time limits that could be suspended to enable reference to ADR in the first instance.

GS confirmed that their TOC actively referred but acknowledged that this is not consistent within the industry. He also commented that the more case studies that could be produced, the better to enhance learnings. MC confirmed that the ORR were continuing to work to reduce the time limits (perhaps from 40-30-20 days or directly from 40-20 days) and the quality of communication was key in handling disputes internally to address JW's point that consumer's could feel that the TOC did not want to deal with their complaint if signposting took place too early.

c. Sub-committee for Industry Feedback

JT outlined a proposal to set up a sub-committee involving the TOCs represented, Watchdog representative and ORR to ensure that the flow of information to the Rail Ombudsman was timely. This received broad agreement but the mechanics would need to be confirmed and may involve a change of TOR.

ACTION: JW and JT to review TOR

d. Independent Assessor

JT suggested that the IA attended a meeting to give a feedback regarding her reports and an overview as to her approach and findings. This was agreed.

ACTION: JW and JT to formulate an invitation to IA.

3. RedQuadrant Report and Governance

JW introduced this agenda item in terms maximising the effectiveness of the various governance mechanisms, particularly regarding the links between the SC and RSLP, sharing information and providing feedback. MC confirmed that the SC was currently looking at its own governance arrangements and suggested a standing agenda item to bridge the gap, facilitating JW's attendance at a SC meeting to make introductions and discuss how this could work going forwards.

ACTION: JW to attend SC

There followed a discussion about how to make the RSLP more proactive, for example opportunities to make improvements via recommendations. It was agreed that this formed part of the wider discussion with the SC/RSLP and once this was crystallised, it was something the group could then explore.

4. Industry Update

a. Covid-19

b. Sector Insights

Insights were provided regarding passenger numbers: MerseyRail stated that where they'd been at 5% capacity during the worst days of lockdown, they're now at 50%; Northern echoed a similar picture. P01 – passengers 40% capacity. P02 so far – 45-46% up to 60% at weekends more recently.

GS confirmed that complaint volumes have increased and one theme centered around personal responsibility regarding decisions to travel. JS referenced a particular incident where a spike in passenger numbers saw a corresponding increase in demand. He also cited that out of service units have reduced capacity (thus impacting on the ability to social distance), complaints regarding face mask compliance and the Transpennine Route Upgrade. Technological upgrades include an App providing information on crowding in services.

Also, referenced the Industry reform that was now envisaged with the impending publication of the White Paper.

MC provided an update regarding the Hitachi trains – that the TOCs reacted quickly providing passenger information in a rapidly evolving situation. Other impacts might arise from the passenger refund rights and application of the administration fee

Further updates on the ORR's CHP guidance review and the results of the QMU research pinpointed key drivers in satisfaction and a reduction in the time for referral to the Ombudsman (expected end of June 2021) along with the Annual Rail Consumer Report in late June/early July 2021. The publication of the Delay Repay Consultation was also imminent, and ORR continued to fulfil its role in respect of Eurostar's and Eurotunnel's compliance with the Health Protection Regulations.

SJ highlighted the relaxation of social distancing and the impact on bus travel in London which would push out to the underground and rail network. In London, bus travel is up to 60% and the night-tube due to re-open in Autumn. Other issues centered around different rules in different devolved jurisdictions which continues to be a theme. In addition, wider questions as to whether a passenger does not want to travel, for example due to overcrowding, what is their entitlement to delay repay for any ensuing delay?

c. Questions/Feedback of Rail Ombudsman

No questions were asked of the RO.

5. Brief Initiative Updates

a. Byelaws/Young Persons Train Guide

GS confirmed that they had agreement in principle with two schools to pilot this, referencing that it could form part of Liverpool's Child Friendly City Status initiative and MR confirmed they were also keen to pursue.

b. EBR

CH confirmed no specific update per se, in the Rail Sector, but other sectors are driving this forward and it could be powerful in the post-Covid/post-franchise era.

6. AOB

JT confirmed that the Rail Ombudsman had received commentary in the recent Which? ADR report and a copy of this was available for anyone who had not yet seen it.

7. Date of Next Meeting: TBC (September 2021)

Meeting closed 12.30pm