

ANNUAL REVIEW

2020



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2020 saw a year of flux in terms of service delivery and a reduction in passenger numbers for the Rail Industry which had a knock-on effect at the Ombudsman in terms of case numbers.

Our results for 2020 show a decrease in case numbers as the passengers needing to use an Ombudsman service correspondingly decreased.

We saw a shift in the types of complaints that came in through our single front door, with a greater number than expected being triaged to the passenger watch-dogs due to the limited remit of the Rail Ombudsman to consider claims relating to company policy. However, the Rail Ombudsman was at all times operational and able to provide a service to those who needed to access it, both in terms of consumer complaints and the provision of training and feedback to the Rail Service Providers.

The Rail Ombudsman navigated 2020 with a strengthened resolve to increase its remit to enable us to assist greater numbers of consumers, whilst continuing to play our part in the bigger picture, helping the passenger watch-dogs to collate data and complaint trends to assist in their role of influencing policy across the sector to improve the general experience of its customers.

We look forward to the coming year, acknowledging the challenges that it will no doubt bring, but offering continuity in our service provision and remaining steadfast in our desire to bring about real and meaningful change.



Kevin Grix

CEO and Chief Ombudsman



Approved by Government
under the Alternative Dispute
Resolution for Customer
Disputes Competent
Authorities and Information)
Regulations 2015

**OMBUDSMAN
ASSOCIATION**

Full member of the Ombudsman
Association



City & Guilds approved training centre



ISO 9 ISO 9001 : 2015 approved



Like many, when reflecting on the events of 2020, I would find it hard to do so without referencing the global pandemic and the effect these events had upon both the Ombudsman and the sectors that we support.

We mobilised our workforce to be fully operational and supported from home and very much kept a light on, able to provide alternative dispute resolution services to Rail Service Providers and consumers alike. We also continued to provide engagement and feedback, seeking opportunities to make recommendations to improve the experience of consumers travelling on the rail network and this is all the more crucial as consumers consider their return to travel, whether for business or leisure.

It would be remiss of me not to mention the recommendations that I made to the rail industry in last year's annual review. I strongly suggested that the time-frame that passengers were forced to wait before becoming eligible for consideration by the Rail Ombudsman was too long. I am very pleased that the regulator, the Office of Rail and Road (ORR) intends to consult on options to reduce this.

Other recommendations included the take-up and wider consideration of Ethical Business Regulation as to which we have made some initial introductions, but are still seeking more wide-scale engagement with these concepts. Additionally, we recommended that the industry took up more training. Arguably, this is where the Ombudsman made the most innovative change during 2020, developing its accredited City & Guilds training for delivery via virtual platforms and transferring its webinar and know-how sessions alongside these. The Ombudsman has so much more to give to the industry in this respect and, hearing about the challenges that face consumers first hand, independently reviewing these and making recommendations for improvements, enriches our training provision such that we believe that all Rail Service Providers should take every opportunity to up-skill their colleagues to deal with consumers empathetically and with full awareness of their consumer rights.

In 2020, we continued to make recommendations. In fact the Rail Ombudsman has to date made over 200 recommendations and we have included some specific examples in this annual review. However, I believe this preface to the annual review should contain some more broad observations that the industry needs to take on board, in order to enable it to 'build back better' with the consumer at the heart of policy decisions, so as to provide consumer protection and enhanced customer experience by default.

1. Look through a broad lens; quite often cases are escalated to the Ombudsman because the initial consideration by the Rail Service Provider has focused on narrow issues, for example Delay Repay. If the broader consumer landscape, the Consumer Rights Act 2015, for instance, was considered sooner, we believe that not only would the consumer's entitlement be met, it would also improve customer service interactions.
2. Be proactive when evidence gathering. All too often we hear of evidence not being available as too much time has elapsed from the date of the initial complaint. One of the most high profile examples is CCTV. We believe that where relevant to the complaint, this should be gathered by the Rail Service Provider and mechanisms should be put in place by the industry as a whole to enable this to happen without delay. If evidence is not available for consideration of a case where it reasonably should have been, this can be considered as part of the overall complaint handling by the Ombudsman.
3. Listen to what the consumer is saying and think about the impact of goodwill. We have seen the effect of gestures which are not suitable to a consumer's particular circumstances for example, the provision of complimentary tickets when the consumer had a free-travel pass. Listening, empathising and providing appropriate and timely resolution, will be crucial as passengers return to the rail network, sometimes with a different purpose in mind to their pre-pandemic travel plans.

Although there are many aspects of 2020 that were challenging, it has presented an opportunity to reflect and improve rail services for consumers. The Rail Ombudsman has provided a consistent platform for consumers to raise disputes and continues to present the industry with an opportunity to learn from these. Listening to the voice of the consumer through the independent lens of Ombudsman feedback will be a crucial metric in navigating the changes that the rail industry faces in 2021 and beyond. Ensuring the longevity of a knowledgeable and constant source of learning will benefit the industry and the passengers it serves alike.

Judith Turner

Deputy Chief Ombudsman

About us

We are an independent, not-for-profit organisation approved by the Chartered Trading Standards Institute and validated as a Full Member of the Ombudsman Association.

Our vision

Our vision is to work with the rail industry to inspire consumer confidence and resolve complaints without the need for costly litigation. We are neither a consumer champion nor a trade body. We operate independently to ensure fairness in every case.

What do we do?

We offer a free and expert service to investigate unresolved complaints about participating service providers (such as train companies).

We also support the rail industry to raise standards and improve services for passengers.

We listen to both sides to find out if we can find a solution that the parties can both agree to. If that's not possible, we are empowered to make decisions which are binding upon Rail Service Providers this means, that they have to comply with our decisions.

We can also make recommendations to Rail Service Providers to improve the way their service is delivered and we publish case studies and data which can provide insight into common complaints.

The Rail Sector Liaison Panel members during 2020:

Jon Walters (Chair)

Service Management & Improvement,
Citizens Advice

Emma Vincent (Vice-Chair)

Head of Customer Contact, LNER

Christopher Hodges MA PhD FSALS OBE
Professor of Justice Systems and Head of
the Swiss Research Programme on Civil
Justice Systems, Centre for Socio-Legal
Studies, University of Oxford.
Supernumerary Fellow, Wolfson College,
Oxford University. Fellow, European Law
Institute

Susan James

Head of Casework, London TravelWatch
and Transport Focus

John Smith

CEC Operations Manager, Northern

Greg Suligowski

Head of Customer and Stakeholder
Experience at Merseyrail

Mike Ross

Customer Relations Manager, LNER

Marcus Clements

Head of Consumer Policy, ORR

“

CTSI are proud to say that The Rail Ombudsman continues to hold ADR approval, they run an effective scheme, which has a transparent process. The Rail Ombudsman are committed to providing comprehensive training for their staff, use various methods of best practice and are a great example of how an approved ADR body can operate.

The Rail Ombudsman have extra steps in place, providing reasonable adjustments when dealing with vulnerable consumers, CTSI supports this.

”

Louise Savage

ADR Executive & Auditor
Chartered Trading Standards Institute

Our year in numbers

4,834 
calls

 **4,010**
emails

75%



of rail passengers with in-scope cases received a full or partial remedy

 **9,865** rail passenger contacts

Contacts include; calls, emails, twitter correspondence and webforms

 **23.6** average days to close in-scope cases



38,348
visits to our website

3,106
applications raised for consideration



99.99%
website uptime

60%

of cases assessed by the Rail Ombudsman were in-scope



£157.28 average financial award made

70%



of in-scope cases were resolved before adjudication

50%



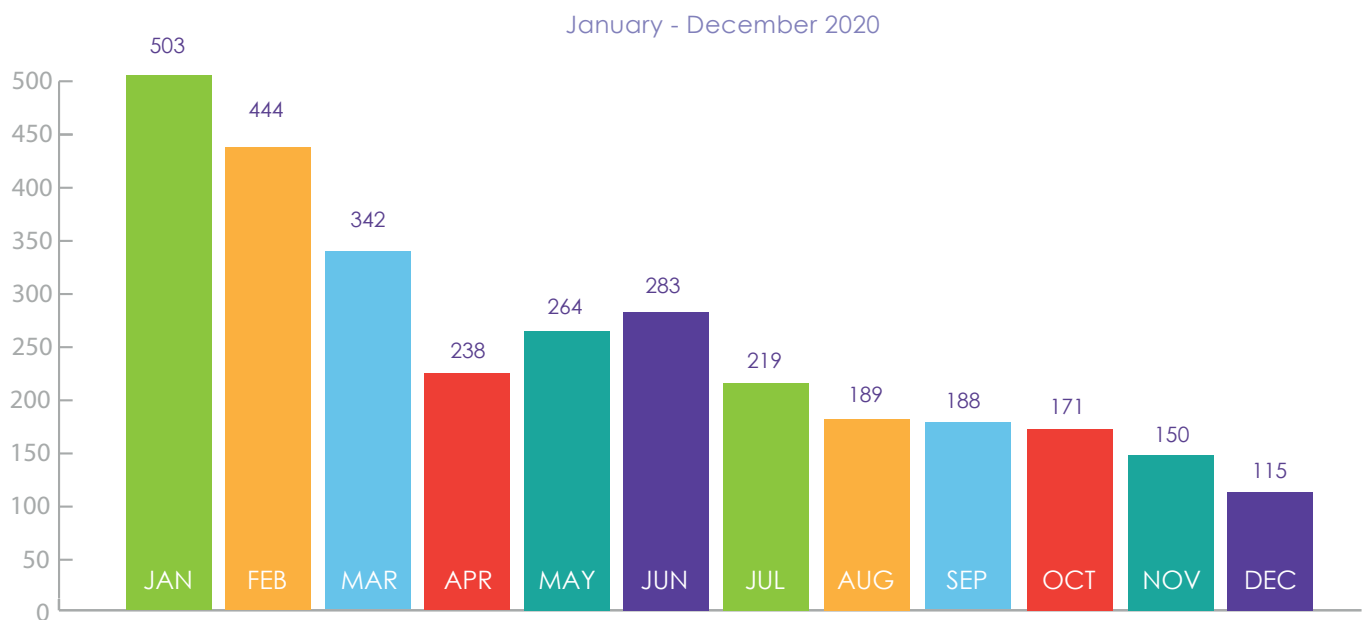
of in-scope cases were resolved before mediation

Our results for 2020

Cases raised: 3106 Cases closed: 3265

2020 compared to 2019 figures

Due to the introduction of measures designed to curb the spread of Covid-19, the Government issued a 'stay at home' directive which significantly impacted the number of rail passengers from March 2020. Therefore, despite receiving a 22% increase in cases referred to the Rail Ombudsman in Q1 2020 compared with Q4 2019, case volumes fell significantly throughout the rest of 2020.

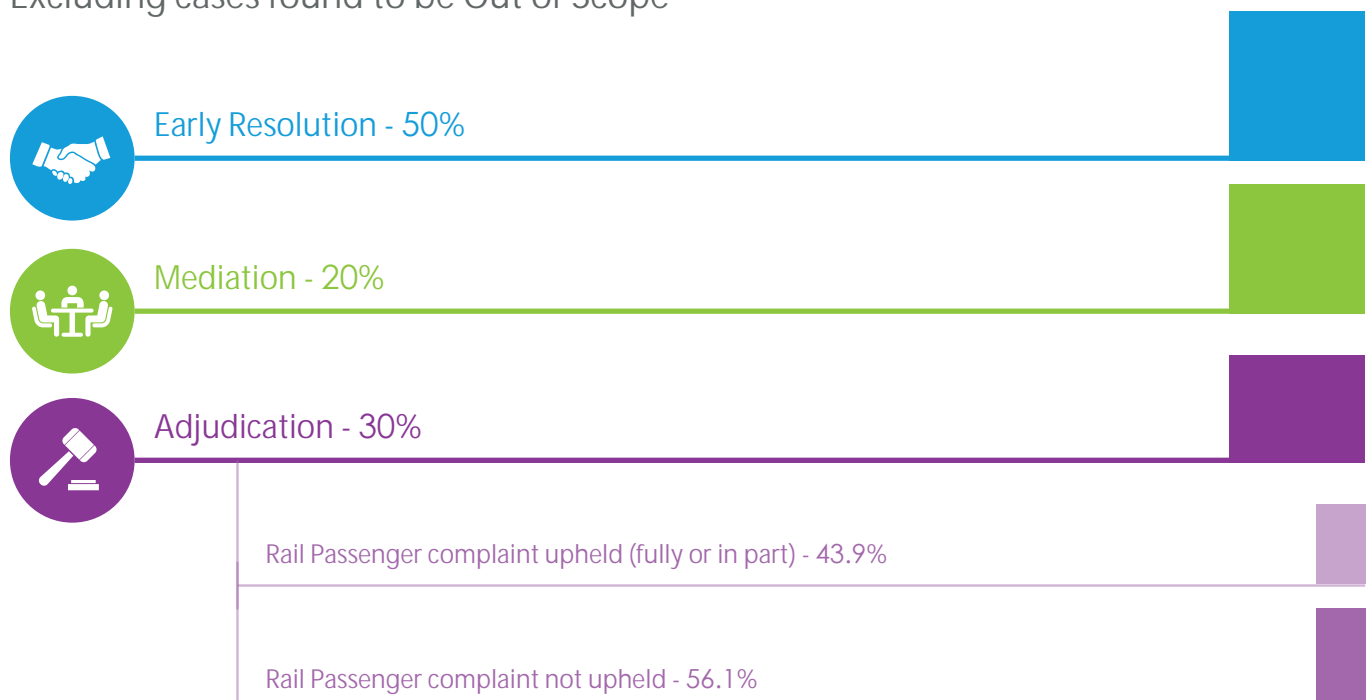


Definitions

Rail Passenger	An individual who has undertaken, or has attempted to undertake, a journey on a scheduled rail service, and has purchased (or has had purchased on their behalf), or has attempted to purchase, a ticket for that journey.
Participating Rail Operating Company	A rail operating company which is part of the Rail Ombudsman scheme. We sometimes refer to these as Rail Service Providers (RSPs). The full list of Participating Rail Operating Companies is available here: www.railombudsman.org/about-us/Participating-service-providers
In Scope	A complaint accepted as being eligible for the Rail Ombudsman scheme.
Out of Scope (Transferred)	A complaint that is outside the scope of the Rail Ombudsman scheme which is transferred to either Transport Focus or London TravelWatch.
Out of Scope (Ineligible)	A complaint which is deemed ineligible for the Rail Ombudsman scheme and also for Transport Focus and London TravelWatch. The majority of complaints found to be ineligible are caused by Rail Passengers approaching the Rail Ombudsman without a deadlock letter and before the end of the 40 working day period allowed to Rail Operating Companies to resolve their complaints.
Early Resolution	A stage in the Rail Ombudsman process that provides an opportunity, in some circumstances, to quickly resolve an issue.
Complex Resolution	A stage in the Rail Ombudsman process where an Early Resolution is not possible. The Rail Ombudsman will first Mediate and then where applicable, Adjudicate to resolve an In Scope complaint.
Mediation	The process by which, assisted by an independent view from the Rail Ombudsman, a settlement in relation to an In Scope complaint can be negotiated to which both the Rail Passenger and the Participating Rail Operating Company agree.
Adjudication	The process by which, in the event that an Early Resolution and Mediation have been unsuccessful in reaching agreement between the Participating Rail Operating Company and the Rail Passenger, the Rail Ombudsman will investigate and make an impartial decision on the case.

Early Resolution, Mediation & Adjudication

Excluding cases found to be Out of Scope



Review of the Rail Ombudsman

RedQuadrant was commissioned by the Office of Rail and Road (ORR) to review the progress the Rail Ombudsman has made after its first year of operation. They found, despite its infancy, the Rail Ombudsman was operating well in several areas.

Below are some highlights of the actions the Rail Ombudsman has taken in response to the RedQuadrant recommendations.

You can read the RedQuadrant report in full here; <https://www.orr.gov.uk/sites/default/files/om/review-of-the-rail-ombudsman.pdf>

Young Persons Train Guide

Recommendation

Raise understanding and expectations within the industry that this 'influence and impact' aspect is part of Rail Ombudsman's role.

Action

The Rail Ombudsman, industry and stakeholders have worked together to initiate a Young Person's Train Guide a resource for young people developed as a result of insights generated through Ombudsman casework.

The campaign will convey important information about the safe use of the railways, in a manner that is accessible, non-threatening and engaging for its target audience; young people.

Achieving this relies on effective communication of the necessity and intent of the byelaws, and what this means for a young passenger's responsibilities concerning their own behaviour.



Casestudies

Recommendation

Publish case studies more regularly on the website.

Action

Case studies have been updated on the website and we commit to publishing these on a more frequent and ongoing basis: <https://www.railombudsman.org/resource-area/faq-3/case-studies/>

We continue to identify opportunities to create case studies, and to discuss these with the industry through working groups including the Redress and Support Group. We are actively seeking engagement with consumer bodies to ensure these reach rail passengers.

The following passage is an extract of an industry recommendation taken from a case study on the website on 'Season Ticket Refunds in Covid-19: Provision of Information'

The Ombudsman considers that the Covid-19 pandemic has brought to light an issue regarding the information that the industry relies upon in terms of applicable policies and the way in which this is disseminated to the travelling public. Greater reliance on technology has a number of effects that need to be considered and we highlight the following:

- Data regarding season tickets/apps used to plan journeys and purchase tickets need to be geared to improve the flow of information;
- The Rail Industry should also consider that information which is provided by the train operators to passengers is highly reliant on the internet during the Covid-19 pandemic. This may detriment those consumers who are digitally excluded (by capability or lack of equipment) and these exclusions must be considered in order to meet the challenges of providing information in accessible formats, when industry guidance is being updated/ provided.

Case Insights

Recommendations

Review individual case recommendations to pull out common or thematic recommendations for the industry as a whole.

Action

In addition to providing insights from casework to individual RSPs, we report on a quarterly basis, to highlight recommendations to the whole industry.

Consumer Rights Act Webinar

The Ombudsman convened this, the first in a series of webinars, in September 2020. In this we look at the Consumer Rights Act 2015 and its application to a specific scenario. The Ombudsman often finds that complaints are viewed by the Rail Service Provider through a narrow lens, for example, delay repay, without an appreciation of broader consumer rights. This was, therefore, the subject of this webinar, and was attended by 36 delegates from 22 organisations.

We provided a follow-up workshop on the second anniversary of the scheme and 32 attended this webinar.

Recommendations to industry

In 2020, the Rail Ombudsman recorded over 100 recommendations to the industry, as a result of investigations through its case work.

In terms of broad themes of the recommendations, these often relate to the accessibility of information and particularly in 2020, due to national and regional lockdowns, we found that the information was not always available in fully accessible formats. This necessitated an industry-wide recommendation:

Other themes include:

Station logs

The Rail Ombudsman recommends that the station keeps a log of any incidents, where possible, to allow improved recollection of these for the purpose of any investigation.

CCTV requests

The Rail Ombudsman recommends that where CCTV requests are made; practical, proactive steps are taken to ensure that the footage is obtained, with consideration that the footage may be required in third-party investigations.

Accessibility

The Rail Ombudsman recommends that staff at manned stations take a proactive approach to assist the needs of any consumer who experiences difficulties in the station and are vigilant to any issues that they may face to ensure that the railways are accessible to all.

Communication

The Rail Ombudsman recommends that the RSP take proactive steps to provide up-to-date information to consumers via all platforms, in particular where there is disruption to services.

Ticketing information

The Rail Ombudsman recommends that ticketing staff are made aware of the validity of all ticket types or concessionary cards, to avoid any confusion which could lead to consumer detriment.

Internal or industry processes

The Rail Ombudsman recommends that the RSP reviews its consumer processes, in particular when referring consumers to different internal departments. This will ensure that information is clear and expectations can be provided consistently.

The Rail Ombudsman recommends that Customer Service staff are appraised of the complaint handling process, in order to ensure consistency of message and improve customer service interactions.

Disruption and Alternative Services

The Rail Ombudsman recommends that the RSP reviews the process for toilet breaks for long journeys aboard rail replacement services, with the out-sourced service provider.

Rail Ombudsman Members



New Rail Ombudsman members for 2020



Profiles



Kevin Grix

**Chief Ombudsman
& CEO**

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Kevin was appointed in 2008 and is responsible for directing the activities of the Ombudsman. He read law at university for 3 years and graduated with honours, prior to studying to be a Barrister in London at the Inns of Court School of Law. He was called to the Bar by the Honourable Society of the Inner Temple, after successfully passing his Bar exams and is also professionally qualified by the Chartered Institute of Arbitrators (CI Arb). In 2015 Kevin was appointed to the Executive of the Ombudsman Association, a body that advises government and helps to oversee the ombudsman and complaint handling landscape in the United Kingdom. In November 2018, Kevin was invited to join the Board of Trustees at Citizens Advice Stevenage.

Kevin also holds a position on the Advisory Board to the Independent Football Ombudsman, a scheme that was established by the football authorities (The Football Association, The Premier League, and The Football League) to receive and adjudicate on complaints which have not been resolved at an earlier stage. Kevin has a keen interest in consumer affairs and has appeared several times on television, radio and in the press to provide expert opinion on a range of issues that affect consumers. He has a specialist understanding of consumer law and has written and presented a series of accredited courses and seminars in this field.

Kevin was previously employed for 2 years as in-house legal counsel at a global certification and testing business and in 2005 he was part of the team of advisers that set up the University of Hertfordshire Law Clinic, a pro-bono legal advice centre that served the local community. Kevin's previous non-legal and ADR career includes positions in the retail, financial and online gaming industries.

Kevin and his colleague, Deputy Chief Ombudsman Judith Turner, are the co-authors of Volume 28 of Atkin's Court Forms and Precedents on Ombudsman schemes in England and Wales. Published by LexisNexis in 2020, it forms part of the UK's only encyclopaedia of civil litigation forms, precedents and procedure and is a leading authority on the process that should be followed by complainants.

”



Judith Turner

**Deputy Chief
Ombudsman**

“

Judith read Law at King's College London for three years before graduating with honours in 1998. She then went on to complete the Legal Practice Course (LPC) and a training contract before qualifying as a solicitor in 2001. She was previously employed by a City Law firm, practising in Commercial Law. Judith joined the Ombudsman in 2011 and now specialises in Alternative Dispute Resolution (ADR). Since her appointment, she has written and presented a wide variety of accredited training courses on Consumer Law and Compliance tailored to the sectors within which the Ombudsman operates. Judith is a regular speaker at industry and ombudsman conferences and events. Judith is the current Chair of the Ombudsman Association Policy Network and serves as a member of the Civil Justice Council's ADR Liaison Panel. She has written extensively on ADR and consumer issues and the co-author of the Ombudsman content for Atkins Court Forms.

”



Kathryn Stone

OBE

Independent Assessor

“

Kathryn has enjoyed a 40-year career in public service. She recently became Parliamentary Commissioner for Standards, an independent officer of the House of Commons overseeing the code of conduct and rules for MPs. During her career, she spent 11 years as Chief Executive of the charity, Voice UK, representing the rights of people with learning disabilities who were victims of abuse and crime. She was awarded an OBE in 2007 for her services to people with learning disabilities. She has also held the challenging role of Commissioner for the Victims and Survivors in Northern Ireland, worked for the Independent Police Complaints Commission and held the role of Chief Legal Ombudsman of England and Wales.

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Financial Statements for the Rail Ombudsman

Income

Rail membership	1,135,990
Rail Ombudsman cases	75,699
Government Grants (furlough)	75,669

Total Income	<u>1,287,357</u>
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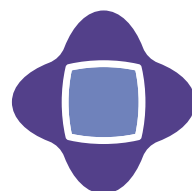
Expenditure

Staff costs	1,063,994
Operating costs	258,419

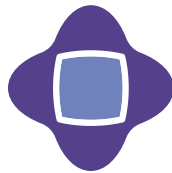
Total expenditure	<u>1,322,413</u>
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Net Profit/Loss	<u><u>-35,056</u></u>
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The Rail
Ombudsman



The Rail Ombudsman



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Registered Office

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Inspiring consumer confidence