

The Alternative Dispute Resolution for Consumer  
Disputes (Competent Authorities and Information)  
Regulations 2015

Schedule 5  
Annual Activity Report

26th November 2019 - 25th November 2020

## CTSI Activity Reports Year Ending 2020

### Scope Definitions:

**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.

### SCHEDULE 5 Regulation 11(2)

Information to be included in an ADR entity's annual activity report:

a) the number of domestic disputes and cross-border disputes the ADR entity has received;

3143

b) the types of complaints to which the domestic disputes and cross-border disputes relate;

Unresolved customer complaints about train companies and rail service providers.

c) a description of any systematic or significant problems that occur frequently and lead to disputes between consumers and traders of which the ADR entity has become aware due to its operations as an ADR entity;

The Rail Ombudsman carried out no systemic reviews during 2020, however we work with our members on an ongoing basis through the provision of training and advice in order to raise standards, facilitate the exchange of information and promote best practice. Please see further clarification in (d) below.

d) any recommendations the ADR entity may have as to how the problems referred to in paragraph (c) could be avoided or resolved in future, in order to raise traders' standards and to facilitate the exchange of information and best practices; The Rail Ombudsman will make recommendations where it deems it appropriate on a case by case basis. If required, we will liaise with the regulator and/or the industry to share any learnings.



Recommendations have been made in our Annual Review and we have made an industry wide-recommendation to assist young and potentially vulnerable passengers travelling on the rail network.

Other recommendations include those relating to the provision of information in accessible formats and internal processes relating to effective complaint management. Industry Training has been carried out by way of a 2-day City & Guilds Accredited Course on Consumer Law and Complaint Handling.

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

### **In addition, the Rail Ombudsman has added insight in the following ways:**

Published quarterly reporting aligned with the regulator's reporting cycle, encouraging analysis by operators and stakeholders;

Bespoke reporting to investigate key themes, which vary between operators, for discussion at service reviews;

Recommendations to individual Service Providers and the industry more widely, for example:

Young Persons Train Guide - arising out of a series of adjudications a perceived information gap regarding the provision of information to a specific category of passenger, potentially vulnerable in light of their inexperience, has driven consideration of the way in which information is presented and understood i.e. young people travelling on the rail network. The Rail Ombudsman has engaged with industry and other stakeholders such as the ORR and passenger advocacy bodies to address this issue, with the aim of reducing potential consumer detriment and complaints received about this issue;

Content for use by Citizens Advice and EHRC introducing the Rail Ombudsman and explaining its scope and how it helps consumers/rail users;

Liaison with Rail User groups leading to accessibility enhancements for the scheme; Rail Ombudsman Industry Forum;

Feedback via industry forums run via Rail Delivery Group;

Free Webinar series: the application of the Consumer Rights Act 2015 to rail complaints using Rail Ombudsman case studies;

Ethical Business Regulation: In its Annual Review, and via its Rail Sector Liaison Panel, the Rail Ombudsman has been instrumental in initial conversations between Rail Operators, the regulator and academics to introduce this concept to the industry more widely:



<https://static.railombudsman.org/roweb/wp-content/uploads/2020/09/14132128/RSLP-Minutes-19.3.20.pdf>

e) the number of disputes which the ADR entity has refused to deal with, and percentage share of the grounds set out in paragraph 13 of Schedule 3 on which the ADR entity has declined to consider such disputes;

Total disputes transferred or deemed ineligible (out of scope): 1347. Of the defined categories below, there were 829 categorised as follows (as percentage of total refused):

a) No contact has been made with the business to try to resolve the dispute	0.0%
b) The dispute is frivolous or vexatious	0.0%
c) The dispute is being, or has previously been considered by another ADR entity or by a court	3.8%
d) The value of the claim falls below or above the monetary thresholds set	0.0%
e) The consumer has not submitted the complaint to the Ombudsman in the specified time period	21.2%
f) Dealing with the claim will impair the effective operation of the Ombudsman	0.0%

f) the percentage of alternative dispute resolution procedures which were discontinued for operational reasons and, if known, the reasons for the discontinuation;

During 2020, no cases were discontinued due to operational reasons, although some cases were placed on hold for a time due to the availability of the RSP customer service teams as a result of the Covid-19 Pandemic.

g) the average time taken to resolve domestic disputes and cross-border disputes;

The average time to close In Scope disputes in 2020 was 23.5 days.

h) the rate of compliance, if known, with the outcomes of the alternative dispute resolution procedures;

During 2020, there were no reported instances of non-compliance.

i) the co-operation, if any, of the ADR entity within any network of ADR entities which facilitates the resolution of cross-border disputes.

No such cooperation was required in 2020 where 43 cross-border disputes were received but administered in accordance with our usual process.

## SCHEDULE 6 Regulation 11(3)

Information which an ADR entity must communicate to the relevant competent authority every two years.

a) the number of disputes received by the ADR entity and the types of complaints to which the disputes related;

In 2019 we accepted 3073 complaints and in 2020 this figure was 3143.

The cases relate to unresolved customer complaints about train companies and rail service providers

b) the percentage share of alternative dispute resolution procedures which were discontinued before an outcome was reached;

In 2019 49.6% of cases were discontinued before an outcome was reached and in 2020 this was 40.7%

This includes those cases that were Out of Scope (Transferred) and Out of Scope (Ineligible) as defined below.

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c) the average time taken to resolve the disputes which the ADR entity has received;

In 2019 the average days to close In Scope disputes was 20.1 days; in 2020 this was 23.5 days.

d) the rate of compliance, if known, with the outcomes of its alternative dispute resolution procedures;

In both 2019 and 2020 there were no reported issues of non-compliance.

e) any recommendations the ADR entity may have as to how any systematic or significant problems that occur frequently and lead to disputes between consumers and traders could be avoided or resolved in future;

DRO carried out no systemic reviews during 2019 and 2020, however we work with our members on an ongoing basis through the provision of training and advice in order to raise standards, facilitate the exchange of information and promote best practice.

The Rail Ombudsman will make recommendations where it deems it appropriate on a case by case basis. If required, we will liaise with the regulator and/or the industry to share any learnings.

Recommendations have been made in our Annual Review and we have made industry wide recommendations to assist young and potentially vulnerable passengers travelling on the rail network.

Other recommendations include those relating to the provision of information in accessible formats and internal processes relating to effective complaint management. Industry Training has been carried out by way of a 2-day City & Guilds Accredited Course on Consumer Law and Complaint Handling.

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### **Other ways in which the Rail Ombudsman has shared insight:**

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f) where the ADR entity is a member of any network of ADR entities which facilitates the resolution of cross-border disputes, an assessment of the effectiveness of its co-operation in that network;

No such cooperation was required in this period. In 2019, 47 cross-border disputes were received but administered in accordance with our usual process.

No such cooperation was required in 2020 where 43 cross-border disputes were received but administered in accordance with our usual process.

g) where the ADR entity provides training to its ADR officials, details of the training it provides;

All new Ombudsmen are subject to a rigorous induction programme with a minimum of two weeks validated training, including shadowing and supervised casework. A four week training course involving all Rail Ombudsman staff was undertaken prior to scheme go-live. All staff under-go a two-day City & Guilds accredited training on the legalities of consumer disputes and managing complaints and one-day City & Guilds accreditation on GDPR and Data Protection Compliance and all staff have passed the validation to date.

DROL operates an ongoing know-how provision which is weighted and scored depending upon internal/external delivery and attendance. Subjects covered in 2019 and 2020 were:

Professional Training in Complaints Handling & Investigations – BTEC Level 5

Equality Act & Inclusive Policies;

Ombudsman Team Case Review Clinics;

Health & Safety (various include Covid-19 Office Risk Assessments and Remote Working)

GDPR – City & Guilds and Internal Refresher training;

Plain English – Introducing the Internal Standards and General Guidance

Communications Techniques and Objection Handling whilst Working From Home

Disability Awareness Training -external provision;

Advanced Consumer Law -external provision;

Information Security – external provision;

Introduction to the work of Citizens' Advice – external provisional;

Technical Rail Knowledge Sessions (internal and external provision– various)

Consumer Law and Dealing with Vulnerable Consumers (1 day course)

Young Persons Training Guide – Briefing Paper

Money Laundering (Senior Level)

Travel Refunds Webinar (ICA – Senior Level)

ADR & the Courts

h) an assessment of the effectiveness of an alternative dispute resolution procedure offered by the ADR entity and of possible ways of improving its performance.

A report commissioned by the ORR carried out by RedQuadrant has made recommendations in respect of which we continue to work with them and other stakeholders.

More details in respect of the recommendations can be found here: [Review of The Rail Ombudsman - Findings report for The Office of Rail and Road - Report from RedQuadrant - Published 7 July 2020 \(orr.gov.uk\)](#)

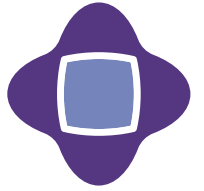
We continue to use of Case Management System to effectively monitor and report on cases. Our Quality Monitoring Process has developed providing an automated means to robustly assess cases and provide feedback and learnings to the Ombudsman Team. Our Quality monitoring has also been extended to our frontline staff.



The Rail Sector Liaison Panel “The Panel” exists to perform a consultative role for the Rail ADR Service Board; as a forum for rail industry and consumer input and advice. Its objects are to help ensure the Rail ADR Service Board is informed, with access to rail industry and consumer or other relevant expertise and experience, which will provide input and advice on matters on the landscape affecting the Rail ADR Service. The responsibilities of The Panel are to provide rail industry input and advice, where required and requested, by the Rail ADR Service Board. The previous three RSLP minutes are now live on our website and subsequent minutes will continue to be so: <https://www.railombudsman.org/about-us/documents/>

We continue to work to embed the principles of the Ombudsman Association Service Standards Framework.

# The Rail Ombudsman



[www.railombudsman.org](http://www.railombudsman.org)