

RAIL SECTOR LIAISON PANEL

Minutes

Meeting 16.12.21

10-11.30 am via Teams

Present:

Chair: Jon Walters
Judith Turner
Rosie Tackley
Matt Thomas
Richard Griffin
Christopher Hodges
John Smith
Scott Hamilton

Apologies:

Vice-Chair: Greg Suligowski
Susan James
Mike Ross

Guest:

Kathryn Stone – Independent Assessor: 10.45am-11.05am

Minutes prepared by Rail Ombudsman secretariat.

The Chair declared the meeting open at 10am

Action Log

Action	Owner	Update/Date Complete
Circulate Case Study as an extraordinary activity	JT/RT	16.12.21
Review instances of UFN challenges as to whether this is an industry-wide theme	RT/PH	Pending LNER Service Review therefore action carried over
Comments/amendments to TOR to JT: Action carried over and JT to send a reminder with the minutes	ALL	
Add Rail Ombudsman Sponsorship Update from	JT/SH	16.12.21

ORR as a standing agenda item		
Share Essay Writing Competition Details	JT	6.01.21
Invite RSLP to industry Data Webinar	MT	
Share/Investigate TOC Level Analysis	MT/SH	

1. Previous Minutes & Matters Arising

No actions noted as outstanding and minutes accepted.

SH introduction as new ORR representative.

2. Rail Ombudsman Update

a. Operational Update

MT talked through a slide deck that showed contacts and case numbers had initially increased and now plateaued. However, in terms of forecasted cases for 2021, this was likely to be closer to 1900 cases (against an estimate of 1856). Case types, concerned more business as usual activities with company policy cases reducing as we see a more typical profile of complaint relating to, for example, train service performance.

Resolutions show a marked increase in mediated outcomes than during the pandemic which can be attributed to several factors, including working arrangements within the RSPs, expectations of consumers and a more focussed drive from the Rail Ombudsman who had noted that explanations have had more success at resolving cases at mediation than previously.

In terms of onboarding, the Rail Ombudsman now has 33 members, recently having onboarded new operator Lumo. Pending onboarding activity includes: Arriva Rail London, and Heathrow Express – pending receipt of signed Scheme Member Agreement via RDG. Induction call with ARL/MTR has also recently taken place.

Other – ORR have been providing support regarding onboarding of remaining small operators, particularly where the activities of the operator raise questions of scope, or where activities may have changed/ceased. SH also commented that engagement between ORR and RO had been very helpful in this area.

RG provided an operational and business update regarding resource against a backdrop of forecasting which continues to be tricky. That said, our recruitment model enables frontline flex which had been used to good effect. RG also confirmed RT appointment as Lead Ombudsman.

JT provided some updates on impact and influence. These included the accessibility webinar which was well attended and feedback from RDG summarised how this was received in industry: *I have found this incredibly insightful and very useful. I would welcome and see value in webinars like these on an ongoing basis - RDG*

CH sought clarification as to how data was used with individual RSPs in order to benchmark performance against the industry as a whole. JT extended an invitation to the data webinar which will be scheduled in the New Year to those interested on RSLP. MT confirmed how this is reported to RSPs by way of a demonstration of anonymised data. JW asked if this could be filtered for different routes and TOC types. SH confirmed that subdivision of the industry for benchmarking is available i.e. long distance, commuter, regional and MT confirmed he would follow this up to add granularity to the reporting by investigating the different operator categories used by ORR and exploring if these could be built into the tool/analysis he oversees, to allow for additional comparisons between those with similar size/routes/footfall etc. SH confirmed he could supply this. CH highlighted the importance of the RO and regulator pulling the data together to provide a complete picture.

b. Case Studies from the Ombudsman

RT provided an overview of a case study relating to a CRA claim, highlighting that a broader approach sometimes needs to be taken by RSPs. This case study will be available on the website. SH confirmed that the ORR collect date on CRA claims which may offer some insight on trigger points.

3. Independent Assessor

KS joined the meeting at 10.45am to provide an overview of consumers who had made referrals to the IA during 2021 so far. In general, her experience of the Rail Ombudsman is collaborative and positive, open to feedback and ways to improve the service.

The IA provided a summary of the three cases, one of which related to the clarity of information provided; one about the impact of a consumer on staff changes at the Ombudsman and the third which had resulted in feedback as to when to engage unreasonable actions policies as the IA found that staff continued to engage with an individual who was rude and aggressive for longer than was necessary.

The IA confirmed that as a result of feedback from Scheme Council, the IA Report was a standalone document. Further, as a result of feedback to the Rail Ombudsman, all complaints that reach stage 2 of the complaints against service process are provided details in order that consumers can make a referral if they chose to.

In summary, the IA provides independent oversight and makes recommendations where required. The IA is satisfied that the Rail Ombudsman is a positive organisation that promotes accessibility and is committed to its own continual improvement, as well as that of the industry, as exemplified by the Young Persons Train Guide initiative.

CH commented that this was extremely encouraging, and the three examples show opportunity for learning and improvements. The system seems to be working well and he shares the IA views on the approach of the Rail Ombudsman and its positive commitment to collaboration.

JW echoed that certain consumer behaviour could not be tolerated and from his experience at Citizens Advice this was not isolated to the Rail Ombudsman. CH pointed to the difference between the legal safety net of consumer rights and, what in his opinion was missing, being an aspirational code of good behaviour.

RT thanked the IA for feedback and oversight which was empowering to the team.

JW asked the IA is she was provided with everything from the Rail Ombudsman that she needed to follow process and make decisions. The IA confirmed that she did and was able to speak to the consumer usually within 1 or 2 days of the referral to ensure they know their issues are taken seriously and she is always provided with the information to do so.

4. Industry Update

a. ORR Update – Sponsorship of the Ombudsman

SH confirmed his new role and that he would be the ORR representative on the RSLP going forwards. He had been asked in that capacity to provide an update on the ORR Sponsorship of the Rail Ombudsman. It was the ORR's intention to do so, however at the moment, conversations were ongoing as to how to do that under existing powers which meant that there are legal issues to work through before a pathway, process and timetable can be discussed. This includes a new function, contract management and resourcing issues along with interactions with other stakeholders such as the Ombudsman Association and DfT. He wanted to offer assurances that there was now a dedicated role for this and was happy to provide an update at each RSLP as a standing item.

JW confirmed this was a helpful starting point and it would also be helpful to feed into discussions about the RSLP's relationship with the Scheme Council.

b. Covid-19

c. Sector Insights

JS confirmed that Northern had seen a 10% fall in footfall due to the new variant and since the change in guidance. Overall, this was 70% of pre-pandemic levels, being circa 95% leisure travel at weekends, but with a drop off during the week from commuters with working from home messaging. In addition, two weekends of inclement weather saw cancellations and delayed services, meaning that overall, 60% of the cases currently related to crowding, cancellation and face mask adherence.

This may feed into the case-types that are referred to the Rail Ombudsman.

SH confirmed this was broadly representative of the industry as a whole and 70% of pre-Covid levels may well drop off again with new restrictions. Usage and footfall, which has ebbed and flowed with restrictions, are important to inform both business planning and ADR escalations.

d. Questions/Feedback of Rail Ombudsman from panel

There were no questions or feedback for the Rail Ombudsman to address.

5. Brief Initiative Updates

a. Byelaws **now Young Persons Train Guide (YPTG)**

JT referenced an article in the Guardian where the Young Persons Train Guide had been highlighted and this important resource, in the process of being finalised, would be available soon.

b. EBR **now Outcome Based Co-operative Regulation (OBCR)**

CH provided an update, confirming that the concept had now moved on and OBCR has led to discussions at a senior level within DfT and are part of an ongoing dialogue with the MOJ's commitment to integrated, digitised dispute resolution in respect of which the interrelation between Ombudsman and Regulator are key. This is already exemplified in civil aviation and will fit with the current rail reform agenda.

There is a round-table scheduled in January to take this forward with industry.

JW confirmed that it was great to see some momentum in this important area.

6. AOB

JW confirmed KG would be leading the Football Ombudsman into a governance review in the New Year and it was important to note that learnings and reads-across would be shared. It was tabled that KG be invited to a future RSLP for this purpose.

JT introduced the Essay Writing Competition, launched by the Judicial ADR Liaison Panel which DROL was collaborating with CMC and others. This is an exciting initiative which the RSLP are invited to share with their Networks.

7. Date of Next Meeting

TBC