

## RAIL SECTOR LIAISON PANEL

### Minutes

**Meeting 05.07.22**

**10:30 - 12:00 via Teams**

### Present:

Chair: Jon Walters  
 Judith Turner  
 Rosie Tackley  
 Matt Thomas  
 Sarah Robinson (in place of Scott Hamilton ORR)  
 Christopher Hodges  
 Susan James

### Apologies:

John Smith  
 Vice-Chair: Greg Suligowski  
 Scott Hamilton  
 Mike Ross

Minutes prepared by Rail Ombudsman secretariat.

The Chair declared the meeting open at 10am

### Action Log

Action	Owner	Update/Date Complete
Comments/amendments to TOR to JT	ALL	Ongoing – to be discussed today
Share/Investigate TOC Level Analysis	MT/SH	<b>Ongoing</b>
Re-visit RSLP Composition – September	All	Ongoing
Discussion as to how RSLP can feed into OCBR/GBR Rail Reform discussions – awaiting information from next round-table	ALL	Ongoing – to be discussed today
JT to circulate new educational/collaborative learnings piece off-line when has discussed with our stakeholders	JT	Complete

Availability for next meeting in Sept to be sent to JT	ALL	
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**1. Previous Minutes & Matters Arising**

- a.** Actions discussed as per above and minutes accepted.

Remaining actions all due to be discussed today.

**2. Rail Ombudsman Update**

- a.** Operational Update

MT noted the recent ORR consultation on the future Operating Model for the Rail Ombudsman. Deferred to SR for update on that later.

Strikes have dominated the news. Little impact on Rail Ombudsman frontline in terms of contacts but no cases will be forthcoming yet due to timing.

Certain incidents provide impetus of potential spikes – Closure of Liverpool Lime Street (LLS) on 28 May identified as one. Rail Ombudsman has already received a number of cases. Industry has received significant contact. Volumes are fairly consistent apart from the incident mentioned – approx 250 a period = 2/3 of pre pandemic levels. Newer members unlikely to have impact on the forecast in terms of volumes. SJ confirmed that this is also reflective of what the Passenger Watchdogs are seeing.

Average days to close had risen alongside average case numbers but has now levelled off. Increased RO staffing to meet increased case numbers. Stronger trend towards simple resolutions also now levelled out. Overarching message appears to be that a new baseline has been drawn and no longer just in Pandemic recovery in terms of casework themes.

SJ speaking to Network Rail about LLS from TF perspective.

General discussion reflected good RSP engagement with RO and good working relationship.

- b.** Case Studies from the Ombudsman

RT talked through the proposed next case study publication which will be to share learning from previous industrial action cases - for those who may be navigating complaints relating to the more recent strikes in June 2022. These will use different examples of consumer experiences, and highlight the learning for consumers and industry, such as, check before travel, Published Timetable of the Day definition, and the importance of industry to provide relevant and timely information.

RT to circulate brief to group under embargo once finalised.

CH commented how information is useful for consumers and good opportunity for wider awareness raising and JW noted the challenge of seeking behavioural change through campaigns.

- c.** Training

JT mentioned broader International Standard on T&Cs for Consumers which may have some read across in terms of how information is presented by industry to ensure it is understood JT on steering committee for this.

JT noted that the RSG asked for insight into split scope cases. E.g. Personal Injury or Byelaw Enforcement with separate complaint handling and customer service issues. RO is to provide a worked example to industry – date was set but awaiting reschedule in light of strike action. The industry had also been invited to a Consumer webinar investigating broader issues in consumer protection.

JT also highlighted the development of Phase 2 City and Guilds training – Advanced Consumer Law course – dealing with the consumer protection landscape in more depth. Also, the introduction of a new Day 2 - optional modules for relevant behavioural issues. Rolling out to industry following trials from the Autumn.

### 3. ORR Sponsorship Update

SR noted the recent publication of Proposals for a draft Rail Ombudsman Operating Model. Important part of the work to fulfil ambition of Williams Shapps Plan for Rail. Runs until 5 August. Feedback welcomed from all stakeholders.

[Consultation on a draft Rail Ombudsman operating model | Office of Rail and Road \(orr.gov.uk\)](https://www.orr.gov.uk/consultations/draft-rail-ombudsman-operating-model)

Other update – published outcome of consultation last summer on new complaints Code of Practice – now in second consultation phase. Sets out how the ORR changed and made amendments to Code of Practice. That consultation also runs to 5 August. Consulted on options to reduce timescale for access to ADR – very useful feedback. Likely to be a good case for doing so but pausing that decision for now – partly due to difficulties in forecasting impact, uncertainties about future caseloads and the change in sponsorship. Will revisit in future and work with the industry to explore impacts of reduction in timeframes.

<https://www.orr.gov.uk/search-consultations/complaints-code-practice-consultation-response-and-second-consultation>

JW noted wider appetite to explore ADR journey and what it looks like – noting BEIS consultation.

### 4. Update on Outcomes Based Co-operative Regulation, industry roundtable and next steps, including possible sub-group workstream

CH has been having conversations with multiple sectors on this. Picked up internationally, and Central Government continues to show interest. More specifically discussions in energy sector and with Energy Ombudsman. Other sectors including property and medical technology also interested. CH keen to encourage discussions about OBCR in Rail sector and current rail reform agenda presents an ideal opportunity. Needs engagement from senior managers in all RSPs and associated organisations.

JT reported on conversations with Emma Vincent who is facilitating these discussions. Identified three workstreams that could have these conversations and add more value. Conversations planned with Statutory Appeals Bodies. RSLP aim would be to

form a Sub-Group to manage these outputs, but noted low industry representation today.

MT noted aims and objectives that arose from discussions:

- Root cause analysis – Promoting user confidence in an industry that recognises and learns from its users' experiences. This would be achieved by engaging with service users through a range of channels and sharing success stories, to tell them what the industry has learned about their experiences and what it has changed as a result.
- Metrics and KPIs – Setting best practices for identifying opportunities to improve performance, and embedding an approach to continuous improvement to drive change. To be achieved by agreeing methodologies for investigation, data analysis and capture of insight to set an expectation that opportunities for improvement will be actively sought out and implemented.
- Customer experience principles – Increasing opportunities for Customer Experience excellence across the industry, guided by an agreed set of internally and externally facing principles. Industry colleagues and users should create and use a common language of trust to enable sharing of their experiences, good or bad, without undermining any competitive advantage for the operator.

EV is working on pulling this together – next step is to bringing people together across industry and stakeholder landscape.

JW noted how this cuts across the work of the Rail sector and the Rail Ombudsman – but we need input from the high-level industry experts. Clear objectives are really helpful. Need to work through how they are delivered and measurable output.

SR noted overlaps with Code of Practice outcomes. Eg. Requirement on licence holders to publish information each year on how they have used learning from complaints to drive continuous improvement.

JT noted a subgroup for the RSLP would help pull this together.

##### **5. Update on Government Consultations**

JW commented on frustrations with BEIS consultation. Some elements hoped for did not materialise – e.g. mandatory ombudsman schemes in high detriment sectors and timescales for complaints to be handled by the body being complained about. Nominal fees still being considered against a backdrop of not wanting to place too much additional cost burden on businesses.

In relation to MoJ call for evidence, JT noted the importance of fully understanding the pre-court consumer ADR landscape. Within the consultation there is recognition of an Ombudsman's ability to provide flexible remedies, and wider role in encouraging compliance and learning, but focus appears to be on issuing proceedings.

CH noted technical issue about how to make cost of dispute resolution mandatory but low for small businesses. There may be solutions to this issue with a regulatory approach/broader OBCR vision.

General agreement that DfT, ORR and Ombudsman understand the system within rail which is positive.

**6. Industry Update**

**a. Sector Insights**

SR feedback – ORR publish statistics on complaint handling. Soon publishing latest results from passenger satisfaction survey with complaints handling.

GS noted impact of strikes (via update sent prior to meeting).

Proposal to circulate strike briefing note under embargo before publication.

**b. Questions/Feedback of Rail Ombudsman from panel**

No questions raised due to no representatives. Questions to be invited from industry as a follow-up to the meeting.

**7. Brief Initiative Updates**

- a) Opportunity with Independent Football Ombudsman partnership – to collaborate with various stakeholders. Based on premise of disabled passengers getting to football matches. Specifically noting difficulties in getting to away games and additional challenges for disabled people. Wider opportunity is provision of information to all supporters about the difficulties faced by certain groups.

JT to circulate briefing note to group for information. Stories taken from people affected in the past. Some industry members have shown interest such as MerseyRail. Steering committee is main vehicle for RO input – proposed that GS join as RSLP rep – agreed subject to discussion with GS.

SR noted that further updates would be of interest to ORR's Accessible Travel Policy team and JT highlighted the opportunities for collaboration and sharing best practices across bus and rail firms.

JW noted benefit of promoting Ombudsman value in driving improvement.

**8. AOB**

- a. None.**

**9. Date of Next Meeting**

Late September tbc. JT noted some dates to avoid and invited others to provide dates individually. Scheme Council noted to be on 14 September.