

RAIL SECTOR LIAISON PANEL

Minutes

Meeting 07.10.22

10:30 - 12:00 via Teams

Present:

Chair: Jon Walters
Judith Turner
Rosie Tackley
Matt Thomas
Scott Hamilton
Christopher Hodges
Vice-Chair: Greg Suligowski

Apologies:

John Smith
Scott Hamilton
Mike Ross
Susan James

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
Share/Investigate TOC Level Analysis	MT/SH	Ongoing
Progress RSLP Composition – to circulate process documents and put this in motion.	JW	By next meeting
Outline what a possible OBCR model might look like – provide feedback from sub-groups.	JT and JW, MT?	Ongoing
Circulate proposed case studies before publication – Train facilities. And consider further case studies on anti-social	RT	To publish next batch by next meeting.



behaviour and refunds.		
JT and JW to propose dates and then consider if f2f is feasible for next meeting.	JT and JW	

1. Previous Minutes & Matters Arising

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

Remaining actions all due to be discussed today or moved to next meeting given apologies from a number of sector representatives.

2. Rail Ombudsman Update

- a.** Operational Update

Volumes up from 250 to 380 in last period (21 Aug to 21 Sept 2022). Frontline contact has also increased. Complaints relating to industrial action have been a driver.

All KPIs have been met in the latest period to close. However, resource has been reviewed and additional ombudsman starting imminently. Also reviewing internal metrics about how to allocate sufficient time in process to each step. MT noted the positive engagement with several TOCs on recommendations – providing feedback on actions taken, seeking to discuss them further and looking to understand alternative courses of action and how Ombudsman might propose different actions in future. MT provided the example of a TOC which made specific changes to a Charter on the back of a recommendation. MT noted that work on how to better factor in CRA issues prior to escalation is an interesting industry theme. The RO is liaising with RDG on industry recommendations – coordinating responses via RSG.

- b.** Case Studies from the Ombudsman

RT talked through the proposed next case study publications on the theme of train facilities – more specifically seat reservations, first class and associated issues such as air conditioning and anti-social behaviour (“ASB”). Noting the importance of consumer expectation and whether that is reasonable based on consumer information about such facilities. JT clarified how these issues will commonly go beyond industry policy, because of pre-contract information. JW noted how this ties into wider point of Ombudsman role and the need for ongoing work to ensure public and industry understanding of this. SH echoed this, noting toilet provision as a hot topic. RT said she can include toilet provision case studies within these as there is lots of material on this.

GS commented that there could be really useful insights for industry, surrounding ASB. The guidance from DfT is clear - to refer to BTP text facility and advise Consumers to tell staff. CH reported on his own experience of ASB and that thinking more about what can be done to communicate consumer options in such situations may well be appropriate.

GH noted the initiatives in place around sexual violence e.g. Ask for Angela initiative. Also that MerseyRail are due to launch digital screens showing BTP text

message number. There is still consideration required about how to make sure Nationally that someone having that experience can benefit. RT agreed this is something for further consideration and will review more examples toward this.

SH noted own experience of seat reservations, which during in disruption had been de-classified and he had to stand during a relatively long journey. It was also highlighted by GS that this is a very current topic as Andy Burnham and Steve Rotherham had both raised issue in press.

The group questioned how TOCs respond to these claims generally. GS said they as an operator, expect RO to put them through common sense test and would generally prefer to resolve such matters before escalation. RT noted different approaches from industry – some stick to policy but others are more forthcoming with gestures.

Training Updates.

Webinar about handling issues on the periphery and partial scope disputes – eg PI claims and penalty fare notices. This will be recorded on 27 October to circulate to industry via RSG on 14 November 2022.

It was noted that recordings can create a missed opportunity to take questions in real time (as per Scheme Council feedback) – but given the current climate, we consider it best to just get this training out to RSPs in the most efficient way possible.

In November, there is a further Consumer Behaviour course focusing on missed flights and issues that people face when travelling for specific purposes - “Track to Terminal” with specific case studies. This may be rescheduled if there is limited take up due to conflicting priorities in the industry.

Advanced Consumer Law course – information to come out via social media and MT and will launch in early 2023. Covers some of the wider points discussed about case studies and the consumer protection landscape more broadly. GH requested more information on this directly. JT noted this is strategic, can be consultative and there will be opportunities for industry focus.

Update on internal team training – working with mediator to look at team training on enhanced mediation skills with potential for external roll-out.

JT also noted telephone coaching with individual staff members internally, building on existing skill sets. This will also be developed into external training.

3. ORR Sponsorship Update/ Transition update

Competitive tender process underway so can only report generally. Recap is that last year Williams-Shapps Plan said ORR should take on sponsorship. Then period after that was how to do it and ORR remit considerations. After getting legal clarity, the ORR employed consultants between February and April 2022 who engaged with stakeholders. An Ombudsman operating model developed building on the foundations of the current scheme, alongside a proposed licence modification (current licence says RDG sponsored scheme, needs to change to ORR sponsored scheme). In terms of the CHP, the team at ORR have spent six months working through consultation feedback and the plan now is to publish decision document.

Alongside that, need to issue a statutory consultation on the licence modification for licence holders to consent. The ORR is hoping to release decision document soon and then conduct competitive Tender in order to have new scheme in place by early 2023.

SH noted that the process previously outlined by ORR is on track, and that this has been very complex project, being a novel function for the ORR with bespoke policy thinking required given in terms of the application of the Ombudsman model. SH advised that there has been a significant effort to engage with all stakeholders and that is ongoing.

SH noted the breadth and quality of feedback on Consultation was very positive.

In response to a question on timescales, SH noted that it is business as usual for the current scheme until further notice. Key priority for RDG and ORR is to ensure continuity of access to RO services. Transition will be well planned with change a way off and nothing happening quickly in this regard.

SH noted that as part of Rail Reform ORR strongly invested in representing the importance of the Ombudsman to the DfT – and for mandatory membership. JW further commented that he considers RO as a good example of a sector which had a gap that has been filled, noting external recognition of what has been achieved.

4. Update on Outcomes Based Co-operative Regulation Conference 27.9.22 & Workstreams discussion

JT attended and presented at conference for launch of CH work on OBCR. Spoke about work done in rail sector to start a conversation in this important area. CH highlighted that purpose of event was to demonstrate the width of applicability of this model. There are many conversations ongoing with different sectors – some sectors more challenging than others. JT reflected that the rail industry does a lot of this already and considering how this can be tied together and successes presented to help provide baseline to build on. JW commented on need to make sure this is adding value via sub-groups that feed into RSLP – action for next meeting to get feedback on these subgroups at next RSLP as starting point.

5. Industry Update

a. Sector Insights

SH reported the recent news that Matthew Smith has resigned from DPTAC. MS is a rail consultant, specialising in disability – his public resignation letter challenges staffing changes that he suggests make the network less accessible.

GS said that Anne-Marie Trevelyan conference speech talks about getting staff out from behind glass and not about job losses. This reflects conversations had within industry and conflicts with MS resignation. GS said stations are not planned to become inaccessible. Industry perspective is to be customer focused, so surprised at this feedback from MS.

GS reported how MerseyRail are impacted by strikes even as a devolved provider. Customer confidence has taken another wobble over last few months. Cost of living is having an impact on consumer behaviour and expectations. Realities of post-pandemic world include an increase in leisure passengers with different

expectations. Best thing to happen would be to progress GBR and strikes are settled. ASB is on the rise. Staff assaults are up.

Positives – good levels of patronage. Industry slowly creeping back up. Noted LNER above 2019 levels. West Coast Mainline difficulties, but East Coast Mainline is having an impact.

JW commented the CAB are seeing different groups approaching them and also noting an increase in abusive behaviours. They have had to redraft unreasonable conduct policy and other processes, seeing these problems for society as a whole. RT noted anecdotally that casework has seen an increase in UFN complaints, which probably ties in with this.

JT said there has been recent feedback to RO to consider what is a high value case and are all escalations proportionate? But it is difficult to draw arbitrary line on this. GS said this is a different issue the different providers within the rail industry – low ticket prices versus long distance operators. All agreed that there is a need to get smarter regarding different type of operators.

CH noted link between anxiety, economic depression and behaviour. Wondering if it is possible to do something with messaging whilst travelling to strengthen sense of community to impact these issues – it is found that strengthened community helps. Noted supermarkets taking this approach. GS responded that industry will always see increase in penalty fares within challenging economic times. Fare dodging will increase, so it is very difficult to balance this appropriately.

b. Questions/Feedback of Rail Ombudsman from panel

No questions raised due to no representatives. Late questions invited from industry.

6. Brief Initiative Updates

- a) Getting to the Match is another initiative – this is a good example of communities working together. There is possible opportunity for a form of case study once complete. Noted meetings happening between football clubs and Operators and outputs include a resource hub for fans travelling.

7. AOB

a. Terms of group

GS proposes to step down. Need to consider renewal of terms more broadly. Will be following process to renew terms. GS highlighted the need for a range of operator voices on this group – agreed in principle. Agreed 12 month terms.

- b. Next meeting face to face? JT proposed transitional meeting to facilitate change of terms too. RO can host at their offices in Stevenage. JT and JW to propose dates and then consider if f2f is feasible.

8. Date of Next Meeting

December to be confirmed.