

RAIL SECTOR LIAISON PANEL

Minutes

Meeting 08/12/2022

10:00 - 12:00 via Teams

Present:

Vice-Chair: Greg Suligowski
Judith Turner
Rosie Tackley
Scott Hamilton
Matt Thomas
Julie Allan
Mike Ross
John Smith

Apologies:

Jon Walters
Susan James
Christopher Hodges

Minutes prepared by Rail Ombudsman secretariat.

The Vice Chair declared the meeting open at 10am.
Noted no consumer representation.

Action Log

Action	Owner	Update/Date Complete
Comments/amendments to TOR to JT	ALL	Ongoing – to be discussed. No comments received since last meeting.
Share/Investigate TOC Level Analysis	MT/SH	Completed.
Progress RSLP Composition – to circulate process documents and put this in motion.	JW	JA joining today. GS's last meeting. JW passed on thanks for assistance from GS as Vice Chair. Ongoing – to consider further composition. Chair update to be handled in this meeting.



Outline what a possible OBCR model might look like – provide feedback from sub-groups.	JT and JW, MT?	Ongoing
Publish cases studies before next meeting: <ul style="list-style-type: none"> - Timetable amendments. - Train facilities And consider further case studies on anti-social behaviour and refunds.	RT	To publish by SC

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

Case numbers were rising at the time of the last meeting and that has continued. Period 7 (Sept-Oct) saw us record our highest ever volume of complaints referred – c530 in the period. Period 8 saw over 570.

It was apparent that the strikes were driving a significant proportion of cases. Work to identify cases that had referenced strikes, striking or industrial action over the life of the scheme found this spiked from July, from a baseline of zero or single figure references every month bar a spike in February 2020, to over 70 references in October. The complaint category “delay compensation schemes” become our most prominent.

In its Scheme Council report, the Rail Ombudsman noted a small uplift in accessibility related cases – particularly around assistance at the station – embarking on a piece of work to delve further in to that and produce a new case study, looking particularly at accessibility issues during times of disruption.

This rapid upturn in volume has been challenging in terms of case work and if there is a trade-off between a full mediation/ seeking additional evidence, a pragmatic view will be taken on case timescales to ensure the right outcome for the parties, to a standard of quality that they should expect.

In mitigation, a further member has been introduced to the Rail Ombudsman team and we continue to review resource. The current position is positive, closing substantially more cases than we have received in the present period.

Query on cases exceeding the target date: do we communicate to the Consumer if going over this. RT advised that we do communicate to both parties. GS noted that it is in the new Code of Practice. MR commented that this has worked well on the cases he has seen.

Annual scheme member experience survey launched – will report in New Year.

Independent consumer experience survey will be sent out under embargo very soon. The results were positive, with staff professionalism and accessibility of the service highlighted as key strengths. To be shared with industry and key stakeholders.

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b. Case Studies from the Rail Ombudsman

RT talked through the proposed next case study publications on the theme of timetable amendments. Integrating feedback on previous batch. Discussed Consumer and RSP learnings.

JA noted that where booking confirmations are from third party retailers, there is limited opportunity for operators to influence the content.

GS asked – do RO share learnings with third party retailers? MT noted that the industry was seeking to engage third party retailers via its Redress and Support Group, at which the RO took an action to analyse cases for references to third party retailers.

It was noted that lead times for digital changes by third party retailers can be considerable, which could be a factor in changes in response to strikes. MR noted that a majority of ticket issues he has experienced at Kings Cross have involved a third party retailer, and noted that front line staff do empathise with passengers' ticket issues. It was suggested that it would be helpful if third party retailers increased their exposure to their customers' issues at stations.

SH noted that third party retailers are not licence holders but that government are aware of this gap in consumer protection and also that complaints data is good intelligence for their businesses. RDG has been a leading advocate for third party retailers to be subject to the same regulatory provisions for ticket retailing as TOCs. ORR was explicit in its decision on the Ombudsman operating model that the scheme needs to be open to voluntary members such as NRE (current member), and acknowledged there were potential passenger benefits in third party retailers joining the ombudsman scheme.

Training Updates.

Next City and Guilds course is in February 2023. RO also have developed a short course on Consumer Law in the rail industry – 12 January launch. The idea being that this on-line training will be less time intensive, but works as an update for those who are time poor.

SH asked about training – have we had conversations with Anna Saunders at ORR? The RO have had an ongoing relationship since RO launch in 2018. GS noted that CoP require a certain level of competency, which may drive demand. JT noted we can offer a tailored training if needed by members.

3. Sector Update

a. MR/LNER

Strike planning dominates, particularly information for passengers. Noticeable increase in telephone communication and webchat comms – seeking immediate answers. Customers are working positively with staff, who are empowered to help them. New staff recruited on all trains. Call centres at full capacity.

Expected to be similar up until Christmas. Call volumes still increasing.

Considering complaint handling teams in stations to provide real-time actions and live resolutions where possible. Being trialed and will become more public.

b. JA /GTR

Moved contact centre provider recently. Seamless transition. All SLAs met – still 5 working days on responses. Conflict between commercial side of the business – and needs of consumers. Top contact method on Southern is telephone, email elsewhere. Splitting channels for enquiries and complaints – across brands. Certain brands have differing contact approaches. Challenge in contact centres is how to staff for uplift in contacts to avoid backlogs, and associated escalations to RO. Insight driven work to look into cycle of customer contact. Rapid Action Team – rather than assigning into a queue, aim is to provide answers in real time. Human nature is to need to speak to someone – balancing efficiency versus staff numbers.

RSP has an internal portal called 'zero harm' - every allegation of failed assistance goes into this which drives root cause analysis of the failure.

c. JS/ Northern

Timetable uplift – back to roughly 90% pre covid services. Work on Castlefield corridor to improve punctuality – includes retiming of services which can drive consumer contact. Generally strike related volume and refund contacts.

d. GS/Merseyrail

Devolved TOC update: affected by strike action but not part of it. Running services on strike days but these are limited. Consumer confusion is apparent. Seeing consumers increasingly thinking there are no trains anywhere on strike days – working on that at the moment. Complaint volumes have slightly increased but nowhere near pre-pandemic. Believe this is related to change in nature of journeys. Significant decline in business and commuting travel. Increase in leisure journeys – found far more likely to be satisfied – partly due to frequency of use but also because travel is for positive reasons.

Telephone complaints have not increased – steady decline in telephone since website update – now 5%. Increase in enquiries, particularly where purchase is from third parties and lack of information from third parties. Devolved operators currently waiting for more detail about what industry reform will mean for them.

e. TF update (JT in absence of SJ) Increase in Penalty Fare fee. TfL looking to do similar. Penalty Fare event on 15 December. AWC services coming back online. Can book until end of the year – Advance tickets selling

out quite quickly. Potential impact for those operating out of St Pancras – Eurostar and ferries changing security procedures. Potential queues at St Pancras could impact services.

All discussed a S23 / Equality and Human Rights Commission work on action plan relating to a failed Passenger Assist. Will be looking at industry handling of failed assistance, and speed of handling.

JT noted that EHRC focus in 2019/20 was going to be transport and this was sidelined by the Pandemic, which is probably why there is renewed focus. SH noted that there is a clear interaction with ORR's regulatory responsibility but highlighted tensions where parties may seek to draw ORR into Equality Act issues, as enforcement of it is not within its remit.

SH noted that Failed Assistance is not always a failure of the TOC themselves, for example, Consumer does not approach RSP and is logged as no show, but gets on without assistance. Or a situation where the boarding station fails to call ahead to the alighting station, resulting in an assistance failure being marked against the alighting station operator even though they arguably did nothing wrong.

SH noted an earlier consultation document available on ORR website with examples like this – digging into why assistance fails– e.g. station facilities expected based on NRE information and then Consumer arrives but cannot board train: marked as failure against the operator.

4. ORR Sponsorship Update/ Transition update

New complaints CoP from April 2023. Statutory consultation closed a few weeks ago. Now require consent from operators. ADR Licence condition clause needs to be amended to enable sponsorship transition; simultaneous change to same licence condition owing to new CoP means this is arguably one of the most complex licence modifications ORR has ever undertaken The outcome of the Statutory Consultation on the Licence Modifications will be published in due course.

Envisaged operating model with a large carry over but with significant changes around governance. Change to Licence condition – amended to say Licence Holders must join ORR procured ADR scheme. Subsequently need to issue notice to say when that takes effect. This is related to Tender process. Next major step in process the Tender process which is proceeding as planned – to update further once Tender formally announced.

Working closely with RDG to make sure that transition does not cause disruption to passengers and members.

GS noted administrative burden of change. SH said they are trying to minimise this where possible. GS noted assistance received from ORR to date.

JA is advising ORR on transition of service providers based on recent contact centre experience.

5. Update on Outcomes Based Co-operative Regulation Conference (JT)

JT has permission to circulate minutes from this and will do following meeting.

OBCR discussed at various levels. CH report (delivered by JT) – he is still pursuing. Delayed by changes in Government – now back on high level agenda.

JT noted that SJ has volunteered to take forward workstream on root-cause analysis. Main aim is to draw together what already exists with this model initially.

6. Brief Initiative Updates (JT)

Independent Football Ombudsman and Level Playing Field initiative: drawing together information on accessibility when travelling to football matches and bringing together the industries. Various case studies being pulled together. Level Playing Field are aiming to provide a page on their website with information about local travel, including information from fans with lived-experiences. Main hubs – Newcastle, Sunderland, Middlesbrough, Manchester Lincoln, Stevenage and Brighton. Ties in well with OBCR work of CH.

Getting to the Match – 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 to include a resource hub for fans travelling.

7. AOB

a. Travel Net

DRO hosting next session in Stevenage. Will reach out nearer time.

b. More guest slots for RSLP?

Current suggestions are CTSI or EHRC. Would require additional 30 minutes.

Accessibility theme proposed - possibly DPTAC?

c. RSLP consultation and Chair

Position of Chair and composition of panel was discussed. Given potential changes to operating model, it was proposed to extend JW's appointment. In light of the fact that it is now widely accepted that the Panel is working well and in order to ensure continuity, it was agreed by the Panel that JW was the best placed to act as Chair and it was agreed to extend the appointment.

Thanks were expressed to GS for time as Vice Chair- Expressions of Interest in this role were requested via JW cc MT.

8. Date of Next Meeting

March/April date to be confirmed to avoid Easter.