

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

Schedule 5  
Annual Activity Report

1st January - 31st December 2022

## CTSI Activity Reports Year Ending 2022

### 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;

4,608

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

Unresolved customer complaints about 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 drivers for disputes between consumers and rail service providers are published quarterly and commonly involve both complaints handling issues and source issues on the network (such as whether train services run on time and the operation of the delay repay process).

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 makes recommendations where it deems it appropriate on a case-by-case basis and liaises with the industry, regulator and stakeholders to share learnings. The case studies published on our website include examples of recommendations made: <https://www.railombudsman.org/resource-area/faq-3/case-studies/>

Additionally, 2022 saw the publication of our Annual Review 2021, containing key recommendations to the industry. We discussed recommendations at an individual operator level and at industry-wide forums.

We deliver Industry Training and webinars to address specific themes identified through casework. This includes the provision of a 2-day City & Guilds Accredited Course on Consumer Law and Complaint Handling, as well as webinars on specific themes including accessibility.

### **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;

Participation in the industry's Redress and Support Group, which seeks to promote collaboration and embed best practices across the industry;

Free Webinar series: accessibility issues from the Rail Ombudsman casebook;

Outcomes Based Cooperative Regulation: In its Annual Review, and via its Rail Sector Liaison Panel, the Rail Ombudsman has been instrumental in developing conversations between Rail Operators, the regulator and academics to introduce this concept to the industry more widely.

'Getting to the match': an initiative supported by the Rail Ombudsman in concert with other stakeholders and led by Level Playing Field. This initiative is identifying challenges travel poses to disabled football fans and implementing solutions to overcome barriers.

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): 1436. Of the defined categories below, there were 1066 categorised as follows (as percentage of total refused):

- a) 0
- b) 0
- c) 15.6%
- d) 0
- e) 84.4%
- f) 0.1%

\*rounded to 1 decimal place i.e. totals 100.1%.

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

During 2022, no cases were discontinued due to operational reasons.

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

The average time to close In Scope disputes in 2022 was 24.7 days.

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

During 2022, 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 2022, where 66 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 2021 we received 1913 complaints and in 2022 this figure was 4608.

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 2021 43% of cases were discontinued before an outcome was reached and in 2022 this was 31%. 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 2021 the average days to close In Scope disputes was 26.2 days; in 2022 this was 24.7 days.

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

In both 2021 and 2022 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;

The Rail Ombudsman makes recommendations where it deems it appropriate on a case by case basis. Where appropriate, we liaise with the regulator and the industry to share any learnings through various forums.

Recommendations have been made in our Annual Review and we have made industry wide recommendations on a range of themes, often relating to the provision of information to consumers. In 2020 we published the 'Young Persons' Train Guide' - an educational resource informed by the themes identified through our casework and we have continued to refer to this where applicable.

Industry Training has been carried out by way of a 2-day City & Guilds Accredited Course on Consumer Law and Complaint Handling, addressing themes identified through the disputes we handled. Case studies are published regularly, dealing with real issues seen in the sector, and informing future responses to situations by the industry <https://www.railombudsman.org/resource-area/faq-3/case-studies/>

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

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;

Feedback and discussion via industry forums such as the Redress and Support Group run by Rail Delivery Group, and to the sector and stakeholders through the Rail ADR Scheme Council and Rail Sector Liaison Panel;

Webinars including accessibility and Equality Act themes;

Key stakeholder in adoption of Outcomes Based Cooperative Regulation: In its Annual Review, and via its Rail Sector Liaison Panel, the Rail Ombudsman has been instrumental in developing conversations between Rail Operators, the regulator and academics to introduce this concept to the industry more widely;

Participation in the 'Getting to the match' initiative led by Level Playing Field - working to identify barriers faced by disabled football fans when travelling, and working collaboratively with other stakeholders including fans to create solutions.

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 2021, 15 cross-border disputes were received and administered in accordance with our usual process. In 2022; 66 cross-border disputes were received and 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. All staff under-go a two-day City & Guilds accredited training on the legalities or consumer disputes and managing complaints in the Rail Sector and one-day City & Guilds accreditation on GDPR and Data Protection Compliance and all staff have passed the validation to date. Training on all internal policies including information security/data protection and related fields is mandatory.

DROL operates an ongoing know-how provision. Subjects covered in 2021 and 2022 were:

## **Webinars**

Equality Act & Inclusive Policies

ADR & the Courts

Frontline Call Handling Techniques

Consumer Law in the Rail Industry Short Course

## **Briefing Notes**

Consumer Rights Act claims and Strike Action

Equality Act and Heritage Stock

Industry Staff briefings (various)

## **Industry Updates**

Internal - monthly briefings on case studies, themes and recommendations

External: from Rail Service providers, Consumer Bodies and the Regulator on an ad hoc basis

## Coaching and Personal Development

Objection & Call Handling Techniques

Personal Development Plans

One-to-one reviews

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 Lucerna Partners sought to develop a future Ombudsman Operating Model and we have worked with the regulator and other stakeholders to inform the scheme's continued evolution, ensuring it delivers optimal services to the sector and its customers.

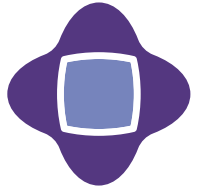
We continue to use a Case Management System to effectively monitor and report on cases and our Quality Monitoring Process continues to provide the means to robustly assess cases and provide feedback and learnings to the Ombudsman Team and Contact Team.

The Rail Sector Liaison Panel continues to meet on a quarterly basis and gives the scheme regular access to relevant sector insights, from industry, consumer and independent perspectives. The Panel is also instrumental in taking forwards work on the concept of Outcomes Based Cooperative Regulation.

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)