

Consumer guide



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INTRODUCTION

Our guide tells you about the work we do and how we can help you. We'll explain how to make a complaint, the evidence that we may ask you for, how we investigate and how we make our decisions.

We also have a quick-read version of this guide (our Quick Start Guide) and some frequently asked questions (FAQs). You can also find out how we use your data in our Privacy Policy.

We hope our guide will answer any questions you have. If not, please feel free to get in touch with us:

Website: (including online chat): www.railombudsman.org

Telephone:	0330 094 0362
Textphone:	0330 094 0363
Email:	info@railombudsman.org
Twitter:	@RailOmbudsman
Post:	FREEPOST – RAIL OMBUDSMAN

Our Contact Centre team are available:
Monday to Friday 09:00 - 17:00

ABOUT US

Who are we?

We are the Rail Ombudsman.

We are an independent, not-for-profit organisation approved by the Chartered Institute of Trading Standards and full members of the Ombudsman Association.

We offer a free and expert service to investigate unresolved complaints about train companies and rail service providers who participate in the Ombudsman scheme. The Ombudsman calls these Service Providers.

We also support the rail industry to raise standards and improve services for customers.

We are not consumer champions or industry representatives; we just aim to help and to deliver our service to the highest standard in a fair and balanced way.

How can we help you?

Even when Service Providers try their best, sometimes things go wrong, and you're unhappy with the service you receive. If this is the case, you should always complain to the Service Provider first and give them a chance to reply and put things right.

However, we might be able to help you if:

- they don't reply to you;
- you're not happy with their reply;
- you're not happy with the way they have treated your complaint.

If we agree that your complaint is something we can look into, we will investigate it fairly and independently.

We don't take sides – we just look at the evidence we are given. We try to encourage you to reach an agreement, but if this doesn't happen, we will make a decision based on the evidence we receive.

If we are not able to take up your complaint, we will let you know why we can't. We will also let you know where you can take it next – we may be able to transfer you to someone directly who may be able to help you further.

What are our powers?

In the first instance, we hope to sort things out informally to the satisfaction of both sides.

Where that's not possible, we are empowered to make decisions which are binding on Service Providers, this means that they have to comply with our decisions. If you accept our decision, the Service Provider has 20 working days to comply, from the date of your acceptance unless another timescale has been agreed with you, in which case, that will apply. If the decision includes a refund, the Service Provider must complete the refund within 10 working days of your acceptance (if you have provided the necessary details so that a payment can be made). We can also make recommendations to Service Providers to improve their service and we publish case studies and data which can help them to understand what they could do to raise standards.

How do we remain independent?

Our work is watched over by an independent Board of Directors whose role is to make sure that we remain independent.

We also have an external Independent Assessor whose job is to check that our decisions are fair and reasonable.

Accessibility

We want to make sure that our service is simple and easy to use, whatever your needs. If you do have any specific needs or preferences, please let us know and we will make adjustments where we can. You can contact us by telephone, textphone, email, online chat or twitter (Our contact details are included at the beginning and end of this guide). The process can be conducted by telephone or in writing.

Information about our service is in available:

- large print;
- Braille;
- easy-read; and
- audio

We can also let you know how to complain to us if you need translation services or British Sign Language. Just ask. You can find full accessibility information on our website, RailOmbudsman.org.

What are the benefits of our service?

- confidence that we'll treat your complaint in a fair and balanced way;
- access to an independent and expert service which is free for you to use;
- a quick and simple process that saves you time, stress and money rather than going through the courts;
- decisions that the Service Providers have to comply with;
- helpful information and guides on our website; and
- the option to take your complaint somewhere else if you don't agree with our decision.

CAN WE INVESTIGATE YOUR COMPLAINT?

We can consider your complaint if the Service Provider is a member of the Rail Ombudsman and the incident that you are complaining about took place on or after 26 November 2018. You can find a list of Participating Service Providers on our website.

You should always try and resolve your complaint with the Service Provider first. You should get in touch with us if:

- they haven't resolved your complaint within 40 working days of them receiving your complaint; or
- you're unhappy with their final response which was contained in a letter /e-mail (sometimes called a "deadlock letter").

Please note that unless there are exceptional circumstances, you must complain to us within 12 months of any final response from the Service Provider.

What sort of complaints do we cover?

Our role is to look into the quality of service provided based on the commitments a Service Provider has made to you, and your consumer rights. We cannot look into complaints to do with industry policies or regulations.

We cover rail service complaints about:

- train delays and cancellations;
- customer service;
- the impact of a specific one off issue, such as overcrowding;
- information given about journeys or engineering works;
- availability and access to station facilities including toilets, lifts, escalators, waiting rooms, parking, cycle storage, announcements, ticket sales, and lost property;
- the quality of services available on a train including toilets, food and drink, heating, air-conditioning, information, announcements, wi-fi, priority bookings, and reserved seats;
- passenger assistance, facilities for customers with disabilities, and discrimination or issues arising under the Equality Act 2010.

What sort of complaints do we not cover?

- public policy on transport, privatisation or how the industry is run;
- strike action;
- how a railway line affects your home;
- appeal of penalty fares or parking fines;
- complaints relating to the outcome of staff disciplinary action;
- complaints that have already been dealt with or which are being investigated by another organisation such as the courts; or
- which fall under the jurisdiction of another body, such as HSE;
- issues which are outside the control of the Service Provider;
- where you have already accepted a decision or offer made by the Service Provider;
- where you are claiming business losses;
- where you are claiming more than £2500 in compensation; or
- where it is about an event which took place before the Rail Ombudsman service was established;
- personal injury.

If we believe your complaint is not something we can look into – we will explain clearly why. We will also, where possible, suggest alternative options available or transfer your complaint to another organisation that may be able to help you further, such as Transport Focus or London TravelWatch – the independent consumer watchdogs for the rail industry. They will independently review your complaint and where appropriate, follow things up on your behalf.

MAKING A COMPLAINT

Who can make a complaint to us?

You must be 16 years old or above. If you are under 16 years old, don't worry – you can still raise a complaint if you have a representative, such as a parent, guardian or friend, who is 16 years old or above.

We can also accept complaints from groups of people travelling together who know each other, such as a family on a trip (this does not include class actions or campaigns).

How to make a complaint

The quickest way to submit a complaint to us is to fill in our online form which can be accessed through our website.

If you prefer, you can download a paper form on our website or simply ask us to post one to you. Once you have filled it in, you can send your paper form back to us by email at info@railombudsman.org or post it to us at FREEPOST – RAIL OMBUDSMAN.

Can someone help you make your complaint?

Of course. If you would like some help to make your complaint, you can arrange for someone to assist you, for example, a family member, a friend or other representative. As long as your representative is over 16 years old and has agreed to help, we are happy for you to take whatever reasonable steps you need to help you make your best case to us.

You don't need to appoint a lawyer or advisor to make a complaint to us. However, if you wish to, then of course, you can do.

What happens after you have made a complaint?

Once we receive your complaint we will give you a reference number. This will look something like R12355.

Please keep this reference number safe and remember to use it each time you contact us. This will help us find your details more quickly. If you lose your reference number or don't have it to hand – don't worry, we should still be able to find your complaint on our system.

To start, we will work out if your complaint is something we can look into. If we can take it further, we will continue to investigate to try to resolve your complaint. An individual Ombudsman will be dealing with your case and will get in touch to introduce themselves and let you know what the next steps are.

If we cannot take up your complaint, we will let you know why we can't. We will also let you know where you can take it next. For example, this might be one of the industry's watchdogs – such as Transport Focus or London Travel Watch. If we do this, we will aim to transfer your complaint within a week. Once transferred, we will close your case.

How will you know what is happening with your complaint?

We will keep you posted on how things are going. However, you can log in through our website to track the progress of your complaint from beginning to end. If you like, we can send you automated updates via SMS text and email as your complaint progresses.

What if you don't want to take your complaint any further?

You don't have to see a complaint through if you don't want to. If you decide you don't want to take it any further, no problem, just let us know and we'll close the case.

RESOLVING YOUR COMPLAINT

How will we investigate your complaint?

If we can take your complaint further, one of our Ombudsmen will contact you to introduce themselves and explain what they will do.

Our job then is to collect information and evidence. We will contact the Service Provider and ask them to respond to your complaint – giving their side of the story. We expect them to do this within 10 working days.

We will then weigh up the evidence provided, taking into consideration the rights and duties set out in law and what is fair, reasonable and practical. We may need more information either from you or the Service Provider or both of you; and we'll ask for that.

We aim to keep you regularly updated on how things are going. If there are delays – we will let you know (for example, some information is proving difficult to get, or a person we need to speak to is on leave or off sick).

The outcome of our investigation will depend on the evidence and information that has been provided. To allow us to fully investigate your complaint, we ask that you provide evidence to support your case. Please see our 'What Information & Evidence do we need?' section for guidance on the type of evidence that we may need.

How will we try to resolve your complaint?

Stage 1: Mediation - The first stage of our process is mediation which means that we will try and encourage you and the Service Provider to reach an agreement. We will review the evidence we've been given, and we will be in touch with you (this might be by phone, email or letter) and the Service Provider to see if we can agree a way to settle the complaint. If needed, we may request further information or evidence. Both parties will be given reasonable time to respond.

Stage 2: Adjudication - If you and the Service Provider cannot reach an agreement, we will move to the second stage which is called adjudication. This means that an Ombudsman will make an independent decision on the case based on the evidence and information provided. This decision is binding on the Service Provider however, it is not binding on you as the customer.

As we are independent, our decision may be different to what you were hoping for or to what may have been previously offered by the Service Provider. We treat each case fairly on the evidence provided and we'll let you know our decision in writing and the Ombudsman will explain the grounds in which the outcome is based.

How long will this take?

Naturally, we want to sort things out as quickly as possible. In many cases, the sooner you and the Service Provider send the information and evidence needed, the better. The amount of time it takes also depends on how complex your complaint is and whether mediation or adjudication are needed. However, we aim to complete all cases within 40 working days – although most shouldn't take this long. We will keep you posted on how things are going.

What are the possible outcomes?

The outcome will depend on the case and might be agreed by you and the Service Provider at mediation or decided by the Ombudsman at adjudication. The case outcome may include a refund or discount. We may ask that the Service Provider give an explanation or apology or a gesture of goodwill which could be complimentary travel or a gift. The Ombudsman will explain the grounds in which the outcome is based.

WHAT INFORMATION & EVIDENCE DO WE NEED?

What might we ask you for?

We will ask you to explain to us, in your words, what happened, and what you would like the Service Provider to do about it.

Depending on your complaint, we might also ask you to include things such as:

- copies of correspondence (letters, emails, texts) about the complaint (including if you have had a “deadlock” letter from the Service Provider saying they are not taking it any further);
- proof that you bought a ticket;
- proof that you booked a service in advance: seat reservation, assistance at a station and so on;
- any relevant receipts;
- dates and times of travel;
- offers or replies received from the Service Provider;
- alternative routes or actions that you took to avoid extra costs or delays to your journey;
- photographs; and
- screenshots.

What might we ask the Service Provider for?

We will ask the Service Provider to explain their understanding of your complaint, whether they agree that they are at fault and what they might have done or plan to do to put things right. To back this up, depending on the complaint, we might ask them for things such as:

- their Passenger's Charter;
- proof of action they have taken;
- any offers already made to resolve the complaint;
- statements from staff;
- data collected from automated ticket gates or smartcard systems; and
- proof that a service was booked: seat reservation, assistance at a station.

WHAT NEXT?

What if you agree with our decision?

If you agree with our decision, you have 20 working days to accept it, otherwise the offer will lapse. If you do accept our decision, this will be binding on the Service Provider.

What if you don't agree with our decision?

We always look to be fair and reasonable. However, you might disagree with us. You are fully entitled to do that. However, once a decision has been made the case is closed. We won't be able to help you further, but we can advise you what else you can do: for example, taking legal action through the courts where the outcome may differ to the Ombudsman's decision

What if you are not happy about how we have handled your complaint?

If you are unhappy with the way we have treated you or your complaint, please let us know. For information on how to make a complaint about our service, please see our website Railombudsman.org.

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