

RAIL SECTOR LIAISON PANEL

Minutes

Meeting 26/04/2023

10:00 - 12:00 via Teams

Present:

Jon Walters
Chris Hodges
Judith Turner
Rosie Tackley
Matt Thomas
Julie Allen
Mike Ross and Richard Ayres
Susan James
Sarah Robinson
Dominique Marshall (first meeting)

Apologies:

Scott Hamilton
John Smith

Minutes prepared by Rail Ombudsman secretariat.

The Chair declared the meeting open at 10am.
DM was welcomed to the meeting.

Action Log

Action	Owner	Update/Date Complete
Comments/amendments to TOR to JT	ALL	Ongoing – to be discussed. No comments received since last meeting.
Progress RSLP Composition – to circulate process documents and put this in motion.	JW	JA joining today. GS last meeting. JW passed on thanks for assistance from GS as Deputy 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	Amendments and facilities published. Case studies to be discussed.

1. Previous Minutes & Matters Arising

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

2. Rail Ombudsman Update

- a.** Operational Update (MT)

Case volumes have steadily declined since the new year. We've received just over 200 cases so far in Period 1 which closes this week (less than half the volume seen in period 11 when the volumes rallied after the Christmas dip) with our SLA at 100% against all KPIs over recent periods.

Our average days to close has fallen – currently sitting at around 33 working days for complex cases.

Type of cases: The dominant categories over March and April have been:

- Delay compensation schemes (claim rejected)
- Train service performance (Complaints not fully addressed/fulfilled by Service Provider)
- Complaints handling

Outcomes: Over the last 3 periods the proportions of adjudication outcomes have remained very stable.

The Scheme Council is now chaired by the new Chair of DPTAC, Matthew Campbell-Hill, and members of the Rail Ombudsman are meeting with him and colleagues to discuss accessibility issues – particularly the insight from cases on reasonable adjustments, as that's been a theme of some of the most complex accessibility cases and is an area of interest to DPTAC.

We have a Disability Awareness Training session coming up in June, being delivered by Stephen Brookes MBE from Disability Rights UK; a refresher for the whole team on disability issues including visible and non-visible disabilities.

- b.** Independent Assessor update (RT)

RT noted how RO have recently had some cases referred to the Independent Assessor. Following which, we received feedback from Kathryn Stone OBE (the IA), some of which we wanted to share with service providers through this meeting and service review meetings.

RO were asked to more proactively consider the most suitable format for payment for vulnerable consumers and help to steer the RSP accordingly. This arose from an issue relating to late settlement which was sent by cheque and then had to be resent.

RO have re-briefed internally on how to escalate settlement delays to the Account Manager, and are undergoing a review of aftercare processes. This is particularly because settlement issues have been a key driver of recent service complaints. This will also be raised with individual TOCs as required.

One case that was referred to the IA, related to a vulnerable consumer's inability to access toilet facilities on an overcrowded train. In this case, the Rail Ombudsman was not able to uphold the claim or make an award as there was no evidenced failure on the part of the RSP. However, the IA acknowledged the distress these sort of situations can cause, irrespective of the case outcome, specifically commenting on the need to acknowledge the humiliation and loss of dignity arising from the original experience when communicating with people.

We have since revised our triage process so to better demonstrate recognition of the impact such situations may have on vulnerable consumers at the outset of a case specifically, in addition to and irrespective of when this recognition would naturally arise in the processes of mediation and adjudication. This helps to promote earlier settlement and gives more time to manage expectations on our process

c. Case Studies from the Ombudsman

RT advised that RO consider it an important aspect of the Rail Ombudsman process that we can split cases, where necessary and deal with multiple RSPs where there is dispute about who is liable and the Consumer is unable to get either party to accept their claim. This has mainly come into play on cases where there is a dispute about the transfer of claims – i.e. an argument about who is liable and the Consumer caught in the middle, or the Consumer does not hear from the second party and reverts back to the original complaint point.

We are considering publication of cases studies to demonstrate this issue and the successes we have had in resolving such cases. RT described some cases to the group which prompted discussion.

Ideally customers should claim from the right place in the first place, but these cases studies show it is not always clear and the RSPs will disagree on which operator is responsible, highlighting the necessity of the RO's independent involvement.

SR commented that the new Complaints COP sets out clear requirements for complaints about multiple licence holders so that consumers do not have to submit more than one complaint. If a TOC receives a complaint better owned by a different TOC, it should be transferred.

MR noted that there is a prescribed process in place. LNER has found that explanation to the consumer can make a difference. Perhaps more detail would help. JA advised that since Covid, there has been confusion about the difference between compensation and a refund.

RT also presented the recent industry recommendations which have been discussed at the industry's Redress Support Group. The Rail Ombudsman recommends that the rail industry considers if there should be a mechanism to enable rail replacement service information to be available in one place. From the Ombudsman perspective, it will help passengers in real time if there was a single place for all service amendments. It should also help all RSPs in dealing with such complaints, if there was a single point of reference, which is the point of NRE for most other matters. JA advised there are very clear processes already in place. However, acknowledged that there can be a disagreement on the root cause of the incident. There can be technical challenges in passing cases over, specifically around Delay Repay. JA noted the difference between planned and unplanned disruption – and planned is much easier to evidence. The industry has improved, but accepts some learning still required. Different operating practices, such as different customer information systems for different TOCs, can pose challenges.

JW commented that there is a need to make complex industry processes as clear as possible for the end consumer.

d. Root cause analysis (MT)

MT commented that by using the existing work the TOCs are doing on contact drivers, that lets us pursue the Ombudsman angle at a more outcome-dependent level i.e. focusing on cases where particular learnings were already identified, and highlighting recurring themes there. That dovetails nicely with work RO has been doing with the Scheme Council to improve the value of the recommendation reporting.

RO found previously that examining the complaint categories for cases that had recommendations made on them generated very little insight, because the recommendation itself often related to something different or more precise than the case category suggests.

So RO categorised the recommendations themselves, irrespective of the case category and that generated a very clear picture that irrespective of whether the complaint category was delay compensation / train service performance etc, it is actually the availability of/communication of information to the passenger during times of disruption that is typically the source of the issue as far as perceived opportunities to improve things go.

Training Updates.

Accessibility has remained and continues to be a theme and an Industry short course on 21 April – 24 saw attendees from various RSPs.

Since last meeting there has been one C&G course in Feb 2023 – all attendees passed.

**3. Sector Update
SR/ ORR**

New Complaints CoP launched on 1 April 2023, setting out what each CHP must achieve. Engagement from industry has been positive and ORR now enters a phase of monitoring.

Ombudsman sponsorship – limited in what can be reported. Intention to announce outcome of Tender process at end of May 2023.

In discussions about timescales of when new Licence Condition will take effect.

MR/LNER

Awaiting outcome of strike ballots. Passenger numbers back to pre-covid and above. Shift to Leisure travel. Forecast a busy summer.

Disruption has not been too bad over the last few months. More passenger issues as opposed to infrastructure. More understanding consumers.

Working on change to CoP and noted removal of Stop the Clock. High complaint volumes over last few months. The world of complaints has changed – higher demands and expectations mean first contact resolution is more difficult to achieve. Focus being placed on telephone contact to more efficiently resolve customer contacts than is typically achieved by email. Will share outcome of shift to telephone-led approach and if it is impacting first contact resolutions.

MR noted the importance of fully supporting contact centre staff handling more difficult calls. Considering further.

JW agreed wellbeing is the heart of everything.

JA /GTR

Shift in customer expectations echoed – both financial and time demands, for example, vexatious SAR requests which take a lot of time.

Increase in anti-social behaviour complaints – eg 53 last week alone. For example, vaping. Link with customer behaviour and how it flows back into transport.

Confusion between compensation and refunds. Also claims for trains not scheduled to run on day after a strike. Explained on websites, but message appears not to have landed.

Train crowding starting to increase – noticeable on weekends.

Increasing digitalisation of tickets. Big task to simplify aftercare for this provision.

Key- Go being rolled out soon – equivalent of an Oyster card – works out the optimum fare. But people not tapping in and out – bringing in a charge for not tapping – but can amend on the account. Technical challenges in monitoring efficiencies.

Moved contact centre supplier last October, as previously reported. Now focusing on quality and content of responses to reduce appeals. Target 100 – move from Good to Better to Best. Through enhancing training and other inputs.

50/50 split of telephone vs correspondence. Some topic types nearly always used via telephony.

Need to find cumulative way of dealing with this – how and when to say No.

JW commented that high expectations are seen in his other areas of work related to complaints. Not limited to rail sector.

CH commented that he believes that for various reasons with large systemic shocks, there's a lack of social cohesion. Therefore social capital goes down. Examples of complaints being reopened. Lots of issues where people are unhappy and exhibiting a lack of trust.

Important to support good relationships with complainants – therefore strongly supports personal contact and telephones. Also understanding need to support claim handlers. Needs leadership and more cooperation

JA agreed. On a practical level, there has to be a consequence for some behaviours. Example of an individual who was emailing abuse to the team. Replied to email advising behaviour was unacceptable and advised to reflect. Flagged it to the BTP and the individual was charged under the Malicious Communications Act. Important in knowing this can be flagged and there will be a consequence. BTP confiscated all devices from this individual.

SJ – Transport Focus

Case numbers for TF have gone down. LTW case numbers are climbing – for all modes. Rail cases reflect numbers seen by the RO.

Interested to hear about the accessible toilet issue and noted ongoing work about lifts and escalators. Signal to send to a central point that a lift was out of order. Can this technology be used for accessible toilets?

RT comment: Another TOC gave feedback on technology developments in that area at Scheme Council in response to a recommendation.

In 22-23, SABs did a lot of work regarding Digital Exclusion, which was presented to European Passenger Federation: How many people are excluded because of not being digitally aware or confident. 53% of people they spoke to were happy booking tickets digitally, but would prefer to speak to a member of staff on their journey. This can create a barrier to people who need support – telephone numbers have to be made available to ensure people can make contact to get help and support they need.

Rising antisocial behaviour complaints, reflecting much of what has been discussed.

Likely to be a change to Passenger Regulations affecting Eurostar, to bring in line with airlines.

JT reviewing data protection guidelines and considering a briefing note on this about how to handle potentially vexatious SAR requests.

4. ORR Sponsorship Update/ Transition update

No update on this except that an announcement will be made soon.

5. Sub-Group workstreams

MT, SJ and JA looking at root cause of complaints..

TfL also looking at complaint drivers. Industry does a lot of positive work borne out of complaints and that creates continuous reviews which consider root cause. Considering what can be fixed and how to provide feedback internally. Big challenges as an industry to solve the big ticket items – retail and handling unplanned

MT noted that a recent call hosted by Collaboration Network included a range of organisations sharing interesting insight and similar challenges seen – hinges on categorisation of complaints. Blend of approaches. Whether to do it at the outset or at the end. Felt reassured by our approach - capture at outset and validate when closing. Mitigates challenges others have experienced in quality assurance.

CH – Really important and a potential way out of the negativity. All best systems operate as constant circle involving everyone, including the operators and the Ombudsman acting as data controller. Also to encourage proposals from consumers and the regulator. These circles in the best performing systems automatically involve everyone. Root-cause analysis is critical – e.g. Aviation approach is to ask - Why would anyone have behaved in that way? – more useful than placing blame.

SR comments that it was interesting to hear the industry insight on complaints trends and that anti-social behaviour complaints are rising. ORR do have a complaints category on anti-social behaviour (under the personal security category). Will flag to the stats team that we may start to see an uplift here.

SR advised that the ORR would be interested to be kept informed about the root cause analysis work, noting that they have time series data on complaints categories which the I&A team can help signpost to. The complaints COP has a new requirement to publish every year – good opportunity to showcase continuous improvement.

6. Brief Initiative Update (JT)

Getting to the Match ongoing. Liaising with Level Playing Field – hosting information on their website to help supporters navigate different transport modes. Combining DRO, RO and IFO – working with various clubs. Really interesting supporter engagement.

Listening to case studies about how they travel via various transport means, including rail. Perceived gap here for the clubs who have telephone calls from people trying to get to away fixtures. Doesn't just apply to football grounds – other events would also benefit from this information.

7. AOB



- a. Guest slots – Disability rep to next meeting being considered.
- b. TravelNet – Belgian Rail Ombudsman used a case study from our website to get an operator to move position on incurred expenses – because Consumer had exhausted all avenues.

Date of next meeting tbc.