

**Passenger Advisory Panel**

**MINUTES**

**Meeting date:** 09 July 2024

3-5pm via Teams

**Present:**

- Jon Walters - Citizens Advice (Chair);
- Susan James – Transport Focus and London Travel Watch;
- Claire Walters – Bus Users UK;
- Naomi Creutzfeldt – University of Kent;
- Peter Stonely – Trading Standards Consultant;
- Cynthia Van der Linden – Ombudsrail (Belgium);
- Owain Davies – Level Playing Field;
- Stephen Brookes – Disability Rights UK;
- Judith Turner – Rail Ombudsman;
- Rosie Tackley – Rail Ombudsman (Secretariat);
- Matthew Thomas – Rail Ombudsman;
- Dominique Marshall- Rail Ombudsman.

**Apologies:**

None.

Minutes prepared by Rail Ombudsman Secretariat.

**The Chair declared the meeting open at 3pm.**

**Actions from Passenger Advisory Panel 24 January 2024**

Action	Owner	Status	Notes
Glossary of terms	RO	Open	Next quarter
Office of Rail and Road undertaking testing of passenger awareness. RO to provide ongoing updates.	RO	Ongoing	Working with the ORR



RO member survey was undertaken in Spring 24. To update Panel with findings.	RO	Open	Awaiting completion of the report. Carry to next meeting
Recommendations update	RO	Ongoing	Update at each meeting
Webinar dates – DRO will circulate	RO	Dates to be circulated.	
Transfer of claims – how and with whom should this be addressed	RO	Extended	Carry to joint meeting
Consider whether providers may find it pragmatic to accept penalty over making changes.	All	Carried	Carry to joint meeting

## 1. Welcome and actions from last meeting

**Chair/All**

Panel welcomed SB, who explained his background in transport and disability rights.

JW noted that he met last week with the Chair of the Members Panel and RO in considering topics for discussion at this meeting. The next meeting is planned to be a joint panel.

## 2. Operational update from RO

**JT/MT**

MT referred to the Office of Rail and Road (the "ORR") publishing a letter to RO, which sets out the outputs of several pieces of work:

- Accessibility testing by RIDC
- Savanta report - Passenger awareness, understanding and perceptions of the RO
- Trajectory report – passengers with access needs and disabilities, their experiences of complaints.
- Ipsos – consumer experience survey
- Deep Dive Report by RO

RO has been in close contact with the ORR and relevant testers throughout; the findings are summarised in several action areas, with actions to consider raised by ORR. The outputs and actions range from, matters with clear contractual implications associated, to wholly new ideas. They also span some straightforward actions – some of which have already been completed or are in flight, to significant undertakings.

MT also noted that the Ipsos report arising from the Consumer survey was circulated last week. The actions RO is taking in response to the feedback will be set out more fully in a published response to the ORR's letter. For the Panel's awareness, MT highlighted examples such as work underway to help ensure consistency and clarity in our communications and refresher training in the team. MT commented that the survey results must be considered within the context of an Ombudsman scheme; it is recognised that satisfaction is closely related to outcomes. One example is that last

year, RO focused on better managing expectations within mediation. In doing so, the Ombudsman aimed to address the disappointing experience of receiving less than expected or had previously been offered at the adjudication stage. This appears to have shifted that less satisfying experience to a different part of the process.

RO will be responding in full to all the points raised and publishing the response. The Panel were invited to review the published letter and to share their perspectives, with further engagement anticipated in due course.

JW noted that ongoing updates for the Panel would be useful across the identified areas.

### Summary Performance Report

MT presented the Summary Performance Report in relation to P12- P03. RO discusses performance with ORR regularly. It's a shared objective to reduce case resolution times where possible. RO is currently doing work internally around the mediation process to understand whether there are opportunities to get quicker. RO is working proactively on this but with a very keen eye on ensuring that the team feel empowered to carry on delivering a robust mediation, which best serves the interests of both parties in dispute.

Satisfaction survey results are also seen as indicative of performance in terms of the service level regime.

MT advised that the Scheme Member Experience survey is waiting for some final responses. A report will be published, and the Panel updated at the next meeting.

A Joint Working Experience Survey has been completed by the Statutory Appeal Bodies. This has been a positive exercise that has demonstrated that demonstrates how users are placed at the heart of the service that RO, TF and LTW jointly deliver. It is recognised that transferring people between services has the potential to create friction in the complaint journey and this survey captured the commitment to getting things right for the service user, at both ends of that transfer.

MT noted a recent 5 star Trustpilot review for a case transferred to LTW – further indictment of the positive working arrangements. MT noted thanks to TF and LTW for the continuing positive engagement with the Ombudsman team and RO.

MT summarised that the period since the last meeting has been busy but very solid in terms of the service – embarking on another chapter in terms of development and enhancement, with tangible benefits for service users.

It was commented by CW, that 67% awareness of the scheme was a positive statistic in comparison to other schemes.

JT reported that the [Independent Assessor's report](#) for 2023 has been published on RO's website. Nine cases (out of 4,423) were referred to the Independent Assessor in 2023. The learnings from these cases can be seen in the report.

Refresher training is being undertaken with the Ombudsman team as part of the response to feedback.



JT provided an update reflecting on the recent change of Government. In the context of Rail, there are plans for a new Passenger Standards Authority. RO are seeking early engagement with new Government, regarding RO's place within any new frameworks.

**Action – MT to share RO's published response to the ORR's letter.**

### 3. Case studies and recommendations

RT

RT presented case studies on two topics: third party retailers and leisure travel.

The case study background is provided in a separate document.

#### Third Party Retailers

The role of third party retailers within passenger experience has been highlighted by the industry and regulator, and was discussed in a pre-meeting with the Chairs of the Passenger and Member Panels. A current point of interest from RO members was the impact that third party ticket sales can have on tackling/identifying fraudulent claims. RT highlighted that it would be beyond RO's remit to consider any allegation of fraud.

As background to the cases studies, RT clarified that third party retailers are defined as any company licensed to sell train tickets, but do not provide train services. Although third party retailers are not members of RO they will often be mentioned within an Ombudsman case – sometimes just as a ticket seller and sometimes as part of the complaint handling issue. Although there were no cases found that directly address the issue of revenue protection and fraudulent claims, these cases demonstrate how a third party can add further complexity to the flow of information between all parties.

The case study highlighted difficulties consumers can experience in navigating the complaints process, if their ticket is purchased from a third party, and both providers blame the other. In this case, the Consumer had purchased split tickets. These tickets added to the confusion for the consumer and for the RSP in understanding the claim.

RT noted that on this case, the RSP obtained direct answers from the Retailer during RO's mediation process. This is not something they had to do, but it facilitated a settlement without the requirement for an Adjudication, because it helped the Consumer understand why they were on the wrong train. Arguably, had it been done earlier, it may have avoided escalation. It was the Ombudsman's investigation which deduced what had gone wrong on the Consumer's journey. Once this was explained to the RSP, the Ombudsman facilitated a resolution.

The second case study was a taxi claim, for which the Consumer complained that they had not received notification of a service cancellation in advance, and therefore had not been able to amend their travel plans. As the Consumer had purchased their tickets from a third party retailer, the provision of information about cancellations could not have been provided by the RSP.

RT commented that the second case study highlights how consumers expect disruption information to be provided to them before travelling, if services are going



to change. Also, a consumer does not expect any difference in service or information, based on where they purchased that ticket. Again, this highlights the difficulty a consumer can have in directing their complaint if their ticket was purchased from a third party.

### Leisure Travel

RT acknowledged growth in leisure travel. RO has reflected on how an increase in leisure may have influenced service expectations.

The case study presented was about a family travelling on a long journey, which was hit by major disruption relating to severe weather. Notably, the Consumer was travelling with tickets purchased from a third party retailer. The Consumer claimed for the costs involved in sourcing a car seat and safe travel for their young child. The Consumer had expected that a car seat would be provided for alternative services.

### *Discussion points arising:*

- The drive to digital tickets has been seen as a complaint driver in football disputes. There is a discrepancy amongst consumers in access and understanding of this ticket type.
- The Panel agreed that there appears to be increased expectations from all consumer types in the years since the Pandemic. This adds to the importance of clear terms outlining the options within disruption.
- It is positive that members of the public have more awareness of their rights, and are ready to make a challenge if they think those rights have been infringed. JT commented that many complaints are driven by emotion, and RO's aim during mediation is to get to the root of that emotion before a case reaches Adjudication stage.
- Recent anecdotal evidence that rail passengers were not clear about how to complain, or to whom.

## **4. Revenue protection and third party retailers**

**All**

JT noted that the Chair of the Scheme Member Panel highlighted this as a key theme within the rail industry.

It was noted that RO engages with the industry's Fraud Forum. JT invited comments from the Panel on this topic, in addition to earlier conversations relating to the case study presentation.

### *Discussion points arising:*

- Most Revenue Protection claims are beyond scope of RO. For example, the courts are currently considering if Train Operating Companies have wrongly used the Single Justice Procedure to prosecute passengers for fare evasion. Consequently, up to 75000 cases could be quashed.
- Transport Focus has undertaken research on passengers who routinely do not pay for travel.
- Parallels in the package travel sector. Need to know advantages but also information about the challenges of using a third party retailer. Passengers need to understand how serious it can be to not have a valid ticket.



- RO see many cases in which a ticket is purchased from a third party retailer. However, it is difficult to find case studies with direct links to revenue protection activities, because Byelaw enforcement is not within the remit of the Rail Ombudsman.
- Any claim against a third party retailer can be transferred to Transport Focus/London Travel Watch. SJ advised that these cases do not form a large percentage of their casework. SJ noted that there is an administration fee when purchasing from a third party, but not if purchasing via National Rail Enquiries or a Train Operating Company. A recent theme in retailing complaints was noted to be about the cost of different services to the same destination. Some trains are more expensive because they are premium services – e.g. direct, more frequent services.

**Action – SJ to share Transport Focus report on fare evasion, when published.**

**Action – RO to publish third party retailer cases on RO website.**

## 5. Root Cause Analysis update

SJ/MT

SJ and MT advised that this root analysis work is currently focused on Passenger Assist.

There appears to be different approaches within the sector, including to technology. Multiple TOCs and multiple journeys can cause breakdowns.

There is also a resource challenge, particularly where staff may be occupied in assisting passengers (who do not have assistance booked) with luggage. There is a need to ensure resources that are required to deliver assistance are not diverted to other tasks at the expense of Passenger Assistance. Addressing the root cause issues could ultimately increase confidence in travel.

MT commented that the operations/resourcing question is beyond RO's remit, except insofar as complaints arise relating to a failed Passenger Assistance booking. MT noted recommendations on these topics, such as recommendations about the complaint transfer process. RT flagged the obligation within Accessible Travel Policies for all parties to an accessibility complaint to work together. RO will and does assess this, where relevant, as part of analysing any escalation.

*Discussion points arising:*

- Personal experience of a long journey where there was no assistance when changing trains. This occurred because all available staff were catering for a large group that also required assistance.
- Bookings with luggage was a complex issue with no easy answer. Due to the industry framework, passenger bookings are likely to cover services involving multiple operators.
- Effective use of data is required to drive improvements from a passenger perspective.

SJ advised that they are due to present recommendations to the industry and the additional insight derived from this root cause analysis, supports the recommendations and helps to drill down into key themes.

**6. Advisory Statements to Rail ADR Service Board**

**Chair/all**

NC referred to conversations about the difficulty for passengers to find the right information. NC noted that RO website makes it easy to start a complaint, but asked if there is value in a more visible section on what is out of remit. MT responded that website information is an action arising from ORR feedback. This information is on the website, but the RO should review prominence.

NC noted that the RO website refers to “participating service providers” but that some people won’t know what that means.

JW noted that most people do not know what an Ombudsman is and what their role is. This means it is very important that this is understood through information provided at the point of service. JW recognised that it can be hard to set this out in the right way. MT said users would encounter relevant information in the course of submitting a dispute online, but that this should be reviewed in light of recent feedback.

PS noted that JT and PS are involved in a project encouraging the reading of Terms and Conditions. This has raised the potential value of providing information pictorially, e.g. pictures and flow diagrams. JT agreed and noted that this is being considered in the RO’s website redesign. MT noted that RO have recently had an Easy Read Guide formulated – and will utilise this as part of the redesign.

**Action – MT to circulate Easy Read Guide.**

**Action – RO to reconsider its use of terminology**

**7. AoB**

None

**8. Date of next meeting – to be confirmed.**

**Actions arising from this meeting**

Action	Owner
To circulate, and publish January and July minutes	RO
Circulate published response to the Ipsos survey	RO
Recommendations/Passenger assist update	SJ/MT
To share TF publication on Fare Evasion when published	SJ
Revenue Protection case studies for next Panel	RO
Publish third party retailer case studies	RO
RO reconsider terminology as part of website works – namely	RO

"Participating Providers"	Service
---------------------------	---------