

Scheme Member Panel

MINUTES

Meeting date: 30/07/2024

13:00 – 15:00 via Teams

Present:

Julie Allan – Govia Thameslink Railway (Chair)
Mike Ross – London North Eastern Railway
Paul Jackson - Hull Trains
Micky Ball – National Rail Enquiries (Rail Delivery Group)
Joanne Ferguson - Scotrail
James Shuttleworth - West Coast Railways
Judith Turner – Rail Ombudsman
Rosie Tackley – Rail Ombudsman
Matthew Thomas – Rail Ombudsman
Natalie Freeman – Rail Ombudsman

Apologies:

Jason Ness – Great Western Railway
Nicola Mayers - Network Rail
Julie Balmain – Nexus Tyne and Wear Metro
Lynsey Flack - Greater Anglia

Minutes prepared by the Rail Ombudsman secretariat.

The Chair declared the meeting open at 1pm.

1. Welcome and actions from last meeting – Chair/all

Recommendations were circulated prior to the meeting.

2. Operational update from Rail Ombudsman

Service testing & consultation on next year's membership fee

In July, the Office of Rail And Road (the "ORR") published a letter sent 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 the ORR.

The outputs and actions to consider span 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 quite major undertakings with potentially far-reaching impacts.

As a result of prior engagement during the process, the RO was aware of some key findings and could start scoping possible solutions. These potential enhancements are identified in the Efficiency Review consultation document recently circulated to all Rail ADR Scheme Members. The Efficiency Review is a new annual process where the RO reviews accounts and ways of working and looks for any opportunities for efficiencies. MT summarised performance against budget based on six month accounts. MT also explained proposed additions to the Rail ADR Scheme Membership Fee for Year Two relating to some of the works identified through the ORR's testing work, on which views are sought via consultation closing on 8th August.

The Ipsos consumer experience report has been published. The actions RO is taking in response to the feedback will be set out more fully in a published response to the ORR.

For the Panel's awareness, MT highlighted examples such as refresher training for the Ombudsman team.

It is important to place results in context and recognise that satisfaction is not a straightforward metric for RO. One example is that last year, RO focused on mediation and how it could be used to manage complainant expectations – by better managing expectations the Ombudsman aimed to address the disappointing experience of going all the way to adjudication only to be awarded less than assumed. This appears to have shifted that less satisfying experience to a different part of the process – i.e. a consumer closing based on explanations provided by the RSP, instead of pursuing an adjudication, but still not happy with the outcome.

RO will be responding in full to all the points raised and publishing the response.

The Panel was invited to review ORR's published letter with further engagement of both the Scheme Member Panel and Passenger Advisory Panel envisaged. RO is due to respond to the ORR by 16 August 2024.

Action – RO to share response with the panel, following publication.

Case Volumes

MT presented slides showing opened/closed case volumes. Up to the end of March, the RO consistently received over 300 cases per period. A notable drop was experienced in P3, which steadied out in P4. Projected volumes are 4200-4800 in a year, based on the last forecast in April. MT is rebuilding the forecast imminently with the latest figures.

Summary Performance Report

MT presented the Summary Performance Report, setting out the Rail Ombudsman's performance for P12 - P03.

RO discusses performance with the 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 increase the speed. RO is working proactively on this but also 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.

The Joint Working Experience Survey with the Statutory Appeal Bodies was a positive exercise that has served to demonstrate the place of service users at the heart of the service that RO, Transport Focus and London Travel Watch jointly deliver. The RO recognises that transferring people between services has the potential to create friction in the complaint journey. The results captured the commitment to getting things right for the service user, at both ends of that transfer. Publishing report in due course.

Discussion of items above

- disability does not necessarily mean vulnerability. There is risk in a broad-brush approach. It was noted that some of the points raised through testing are based on single tester perspectives and it can sometimes be difficult to discern wider themes and opportunities to improve from this. Also, standardisation across the whole sector would be beneficial.
- Example from sector of changing service bulletins to adhere to accessibility requirements. There is a risk in trying to cater for particular individual requirements as this may not suit other users.

- Panel members described work they have done on accessibility and in cooperation with the Equality and Human Rights Commission – suggested more could be done in sharing good practice examples across the industry.
- In the context of accessibility improvements, MT asserted that the RO is will continue to set a high bar on accessibility of service provision and noted that the RO had proposed adoption of the latest WCAG standards, which had only recently been released at the time of testing.
- JA questioned the process behind driving down mediation timescales. MT explained that ensuring prompt resolutions was a shared objective of RO and the ORR. The ORR set the aspiration to resolve cases more quickly as part of their procurement exercise. The RO is clear that cases should be resolved as quickly as a robust and thorough mediation allows.
- RO quality guidelines could be applicable to industry too. MT noted that RO report to the ORR every period on their quality framework and agreed to take the request away.
- Panel members felt that in the context of resolution times, every case is individual and has to be given due care or risk poorer satisfaction. Resolving too quickly suggests a lack of detailed consideration given to the case (cited the example of speed of response for an expenses claim). Standard text would decrease rail provider costs, but then would increase dissatisfaction. The importance of driving into what consumers really want was acknowledged.
- JT noted that the ADR Regulations provide that cases have to be resolved within 90 days unless there are complications. Sometimes there are complaints about handling too quickly. RO does not want to be part of the problem and is working hard to strike a balance.

Scheme Member Experience survey

NF reported on the Scheme Member Survey report (to be circulated in due course). Top line statistics were summarised:

- 21 responses received.
- Overall service score received from all respondents was 4.4/5. 50% of all responded considered the service to be Very Good, 35% Good and 15% Fair.
- 90% of respondents considered that Adjudications were transparent and explained.
- Regarding training, 65% of respondents had taken part in training provided by the Ombudsman, and 100% rated these interactions as being useful.

- 85% of respondents considered that ongoing training/webinars would benefit their teams. 75% of respondents suggested more specific training relating to the Equality Act and accessibility claims would be useful.

Additional survey findings

- 62% strongly agreed that their teams understood role of the Ombudsman and were able to articulate this to consumers.
- All respondents positively rated the polite and courteous attitude of the Ombudsman team, with all agreeing that the team provided effective responses with 95% considering this was in a timely manner.
- Mediation was found to be positive by 90% of respondents.
- All respondents agreed that adjudications are fair and impartial.

Additional comments received from respondents

- The mediation process was not always felt to be impartial – could be seen to favour the consumer.
- Generally it was considered that the Ombudsman had a positive impact on complaints handling.
- Only 45% of respondents have used the advice line. NF considering whether this could be used more by Members.
- Positive feedback on data captured by the Ombudsman. One comment received was to request updated case studies on the website.
- Comments received about extending RO's impact on the industry as a whole, through training.
- Suggestion to consider work of Samaritans and Rail Chaplains – and considering a similar model for the Rail Ombudsman.
- Overall service comments positive.

Discussion points arising:

- Case management system developments are underway. Feedback from members and the Ombudsman team has been taken note of.
- Comments about incorporating Third Party Retailers ("TPRs") within the Ombudsman Scheme.
- Functional element of the survey. Suggested seeking member views on how to run the survey. For example, would anonymity assist some respondents in being open and transparent? Is there a control, such as a token mechanism, to ensure one response per TOC?

JT commented that RO will consider these points for the next survey. This point was captured as an Advisory Statement to the Rail ADR Service Board.

Action NF to share report with Members. This will be published with individual responses anonymised but a list of respondents included.

2. Industry updates – brief ops/initiative update from members – Industry members

Disruption and fatalities – it is difficult to balance speed of response with being empathetic to someone who has been delayed as a result. Consumers are often sympathetic given the circumstances, but increased aggression from complainants has been noted. Ongoing work on supporting the relevant teams in handling this personally, and in an effort to prevent escalations. These events are complex and take considerable time to resolve.

Equality Act claims – increase noted, sometimes as a secondary complaint when a claim is rejected. And an increase in the time spent investigating Assistance complaints. Active initiatives include supporting frontline staff with customer services attending to provide “in the moment” resolutions where possible at the station. Noted recent Ombudsman meeting with the customer relations team – have already seen an impact in complaint handling by giving customer service agents an insight into the Ombudsman's perspective.

Recognition of ORR's work on disabled consumers awareness of complaint processes – increase in Equality Act claims may point to increasing awareness. This appears to contradict the findings.

A need for education of customers also, in an empathetic way– about impact on the driver, the train and general operations.

Increase in fatalities is beyond the traditionally experienced spike around Christmas. Network Rail has sought wording changes to the reason communicated to passengers for delays caused by a fatality (due to input from the Samaritans). Staff receive abuse when trains are delayed. However, members of the public are more understanding when they know the real reasons. There have been several challenges to the wording used, but the industry strongly feels that a transparent approach is optimal for all concerned.

JA noted that in GTR's experience the highest value claims with the Rail Ombudsman are often a result of major disruption following a fatality.

There is a balance to be found in providing as much information as possible, without overloading people with technical information. The Panel agreed there needs to be a standard industry approach to messaging. The Panel broadly agreed that more customer information would be useful on how a fatality impacts service provision.

Railcards had been the source of many complaints (namely renewals) but the issues were now resolved. Complaints about Railcards are not within remit for RO.

Discussion of text service at stations, legacy solutions and modern Text Relay services.

Industrial Action – this creates a high number of refund requests and complaints related to timetable changes. There are more complaints received relating to this action, than recent disruption caused by severe weather.

Panel member experiences of more customers escalating to political representatives before considering RO and this has resulted in attempts to escalate without using RO. It is unfair and inappropriate to handle claims differently due to this sort of involvement.

Conversely, within the Panel more reference to RO had been noted in contact from consumers, which suggests increasing awareness.

Action – Discussion point for the next session about why customers are not using the Ombudsman and may consider alternative routes first. Members want customers to use the Ombudsman in the first instance. By reviewing common experience, can consider what to do differently across members to promote Ombudsman use.

New Government's support for the Open Access model. PJ agreed with the importance of clear communications during delays.

Importance of first tier complaints handling – examples cited include Lumo cases are currently down 60% and Hull Trains down 80% - these are reportedly the lowest levels within the industry, and are attributed to the handling of complaints within the call centre.

Further analysis around volume of complaints received, versus volume of appeals and passenger journeys would help to place performance in context. JA believes that the industry performs well statistically and commented that the improvement in case management since the RO's inception is apparent and needs to be drawn out. JA views the RO process as a key contributor to improvements in the industry – particularly the focus on quality of response.

GTR has introduced a voice of the customer survey which asks questions about satisfaction with resolutions. This went live last Monday and already over 100 responses with a 12% response rate.

Consideration of future solutions to Delay Repay, and suggestions about third party retailers handling DR claims, noting they are not currently a member of RO.

3. Case studies and recommendations – RO/all

RT presented case studies. This included a scenario where a passenger whose ticket had been purchased with a third party retailer; difficulties had arisen around communication/information – the train operator had no means of directly informing this passenger of issues.

Discussion points arising:

- many companies do journey planning. If their data is not right, this contributes to passenger issues, which train operators have to resolve.
- potential for fraudulent refund claims, raised via retailers, on tickets wrongly said to be unused.
- JT noted that this was raised at Passenger Panel. Explore this at next joint meeting.
- RSPs need understanding from RDG about where the marketplace is going. Operators don't know all the TPRs. Potential to become extremely confusing for consumers. Passing claims between TOCS could become an increased problem with a new marketplace.

Action – RT to circulate case studies with the minutes.

4. Revenue protection and third party retailers – All

Discussed within case studies above.

5. Confirmation of advisory statements arising within agenda – Chair/all

JA introduced this standing agenda item. The Panel made the following advisory statement:

The Rail ADR Service Board should consider the mechanism used for the Scheme Member Survey, in particular whether an anonymous approach would garner more feedback and promote a higher response rate.

6. AoB

Query relating to date of RO's quarterly data release.

7. Date of next meeting / close

Both panels to be brought together for the next meeting. This will be arranged in collaboration with both Chairs. It will be in the Autumn. The RO will seek views on holding this in-person/remotely.

Action log

Action	Owner	Status
Circulate case studies with minutes.	RO	Ongoing

Circulate recommendations as part of the papers for next meeting.	RO	Recurring action for each meeting.
Share results of Member Satisfaction Survey when published	RO	Open, pending publication
Discussion point at next meeting – why customers may consider alternative routes to escalate rather than RO. Consider what to do differently across members to promote consistent RO use.	All	Open
Consider application of relevant RO quality guidelines within industry	RO	Open