

Combined Meeting of Passenger Advisory Panel and Scheme Member Panel

Minutes

Meeting date: 28/02/2025

12:00 – 15:00 London King's Cross and Teams

Present:

Professor Christopher Hodges – Independent Chair

Scheme Member Panel

Julie Allan – GTR & Scheme Member Panel Chair

Micky Ball - RDG

Lynsey Flack - Greater Anglia

Nicola Mayers - Network Rail

Jason Ness - GWR

Mike Ross - LNER

James Shuttleworth - West Coast Railways

Passenger Advisory Panel

Naomi Creutzfeldt – Professor of Law and Society, Kent Law School

Owain Davies – Level Playing Field

Susan James – Transport Focus / London TravelWatch

Cynthia van der Linden – Belgian Rail Ombudsman

Jon Walters – Citizens Advice & Passenger Advisory Panel Chair

Peter Stonely – independent (Trading Standards experience)

Judith Turner – Rail Ombudsman

Natalie Freeman – Rail Ombudsman

Matthew Thomas – Rail Ombudsman

Minutes prepared by the Rail Ombudsman secretariat.

The Chair declared the meeting open at 12pm.

A) Introductions

Panel members introduced themselves and explained their background to the Panel.

B) Guest Chair and Panel Chairs

The Guest Chair (CH) and Panel Chairs (JW and JA for the Passenger Advisory Panel and Scheme Member Panel respectively) addressed the joint Panel meeting, affirming the objectives of the day.

C) Actions from the last meeting & Summary Performance Report

MT presented an update against the combined action logs of both Panels. This included delivery of the Summary Performance Report. The Panels discussed performance, in particular the factors relevant to case closure times (volume, resource, quality of service) and recognised that it can be in the interests of both parties to sustain mediation efforts beyond a cut-off point established through key performance indicators.

In the interests of time on the day, an operational update had been provided by papers in advance.

In discussions arising, industry members noted consumers demonstrating an awareness of the Rail Ombudsman early in complaint correspondence, with the threat of escalation seen to be an increasing trend. The relative propensity of consumers to seek an adjudication was discussed, with the Rail Ombudsman taking an action to update the Panels on the latest case outcome profiles.

D) Advisory Statement from the Scheme Member Panel

NF reported that the Advisory Statement made by the Scheme Member Panel at its last meeting (to consider conducting the annual Scheme Member Experience Survey anonymously) had been presented to the Rail ADR Service Board. The Board discussed the advice and agreed to adopt this approach in the survey to be run during 2025.

E) Continuous Improvement in the Rail Ombudsman - ORR test & research work outputs

A paper had been circulated in advance providing the context behind this item and a summary of the items on which Panel input was specifically sought. MT presented an overview of the background followed by key actions taken to implement service enhancements subsequent to the reports being published last year.

MT then presented each item in turn, for the Panels to discuss, provide feedback based on Panel members' own insights and experiences, and provide guidance on next steps including advisory statements to the Rail ADR Service Board where appropriate.

The items for consideration were presented in accordance with the findings and suggestion action areas set out by the ORR's letter to the Rail Ombudsman. The specific items raised were those noted by the Rail Ombudsman as requiring the input of the Advisory Panels, in its published response to ORR's letter:

Awareness and knowledge

Finding: There were several findings across both the Savanta and Trajectory reports which found that general awareness and knowledge of the Rail Ombudsman was lower amongst certain demographics, such as younger people, lower socio-economic grade and ethnic minorities.

Action to consider: Targeted promotion of the service at groups with lower awareness and knowledge of the Rail Ombudsman.

Panel outputs: It is most important for people to gain awareness and knowledge at the point it is required, i.e. in the event of a complaint, and it was acknowledged that the contractual requirement that the Rail Ombudsman does not actively advertise to consumers presented a constraint. The lower awareness amongst young people especially could be seen as reflective of the Rail Ombudsman's social media presence – it was suggested that to engage young people more, it is necessary to increase efforts on their preferred platforms (for context, the Rail Ombudsman maintains an X account, which is managed in recognition of the requirement not to advertise directly to consumers).

It was suggested that young people especially are particularly likely to use Third Party Retailer services in buying tickets, with little or no interaction with the Train or Station Operation

CvdL noted that the demographics evidenced by the research work are consistent with not only the equivalent rail service in Belgium, but also Ombudsman schemes generally.

Sensitivities around collecting the required data to monitor user base demographics were highlighted.

It was suggested that there is a case for a broader information campaign under GBR, encompassing a range of themes on which passenger information might be enhanced. Similarly the Ombudsman should contribute to efforts in the Ombudsman landscape to promote awareness.

It is relevant to note that this discussion was conducted in the context of an awareness of forthcoming change. The Department for Transport's launch of its consultation on rail reform will have a significant bearing on the operation of the rail complaints landscape i.e. it is expected that passengers will need to be aware of the new 'watchdog' in the foreseeable future.

JT highlighted work being undertaken by the Ombudsman Association with support of its member schemes – in particular an initiative to brief MP's case workers so that relevant knowledge is to hand at the tactical level where support can be provided to consumers. In addition, initiatives led by the Consumer Friend organisation include promotion of consumer rights through citizenship classes in schools. Supporting such initiatives represents a tangible contribution to improved awareness amongst young people.

Information about users and prospective users

Finding: There is a general observation that the Ombudsman may benefit from capturing more detailed information on passengers who use the service. This could help the Ombudsman better understand which passengers' groups may be underrepresented in the user profile and reveal possible barriers to access.

Action to consider: Consider options for capturing more detailed information on Rail Ombudsman users and prospective users.

Panel outputs: Given the Rail Ombudsman's impartial stance, it was suggested that any attempts to collect this data on service users should be after case closure, rather than at the point of application, to mitigate any concerns with regard to discrimination. It was also felt that providing this information should be optional.

The idea of a brief survey upon case closure was floated, but it was stressed that this must be brief so as not to discourage or otherwise inconvenience respondents.

A panel member highlighted experience of conducting voluntary surveying of service users, where inclusion of demographic questions achieved a response rate of 12%; removal of the demographic aspects resulted in an increase in response rate to 35%.

It was suggested that capturing this data may sit best as part of a wider initiative encompassing the entire industry (as a TOC representative noted that their organisation did not hold this data on the user base) but conversely the point was made that the Rail Ombudsman could leverage its independent position better than the industry.

Casework Deep Dive Report

Finding: The Rail Ombudsman's Deep Dive report identified numerous areas where there may be opportunities to make improvements for passengers across the rail sector. These should be followed up by the relevant parties with support from the Rail Ombudsman.

Action to consider: The Rail Ombudsman should work with Industry, Statutory Appeals Bodies (SABs), Rail Advisory Panels and other stakeholders to look at the following areas:

- More effective signposting of passengers to the Rail Ombudsman, ensuring that all contact channels are clearly and consistently highlighted.
- Improving cooperation between TOCs and third-party retailers (TPRs) in complaint handling.
- Improving TOC to TOC complaint transfers.
- How to improve Rail Ombudsman demand (case volumes) forecasting.
- Complaints being escalated to the Rail Ombudsman that have not been fully addressed by the TOC.

- How to remedy passenger confusion with advance ticket terms and conditions when a service is cancelled.

Panel outputs: There was widespread appetite for collaboration towards any improvements that may be made across the themes highlighted. It was noted that with regard to signposting, a baseline requirement exists in the form of ORR's Complaints Code of Practice, and therefore a tool already exists to ensure consistency across operators. However, it was suggested that the industry and Ombudsman revisit previous work done to produce standardised text and that a working group led by RDG would likely be an effective forum.

On the theme of TOC and Third Party Retailer collaboration, it was suggested that this requires improvement across the board i.e. more comprehensively than in the field of complaints. It was also noted that this action was raised before Trainline had joined the Rail Ombudsman, an action which significantly improves the scope for cooperation in escalated disputes and therefore the consumer experience.

Regarding forecasting, the established approach was described and the helpful steps taken by ORR to provide industry volume data was recognised, but it was noted that timescales meant that the applicability of this data to mid and longer term forecasting was limited. Greater awareness of the industry's own forecasts would provide a significant change in forecasting approach. SJ noted that trend analysis of watchdog referrals had also proved challenging. Panel members agreed that volume and complexity are not always aligned – for instance an increasing number cases associated with a specific event such as a storm can be relatively few in number but especially complex for the industry to resolve. JN offered to discuss GWR's forecasting approach further as an example.

It was agreed that like these items covered above, the remainder would be best addressed through further industry-wide engagement, making use of the established industry forum.

Likely response times

Finding: Ipsos and Savanta reports suggested that passengers may appreciate being advised of likely response times when they contact the Ombudsman.

Action to consider: Consider options for advising service users of likely response times to their contact e.g. 'expected response time is currently'.

Panel outputs: The Panel indicating that it was very important to let people know where they are in the process throughout the resolution of their case. It was acknowledged that there was little scope for managing expectations for call answering, because the Rail Ombudsman already answers calls very promptly and is measured on this by ORR. An idea put forward included making better use of the average case closure times recorded by the Rail Ombudsman. These are recorded in the published Quarterly reports. However, it should be noted that existing wording in use sets expectations aligned to the Scheme Rules, and averages are not necessarily an indication of how long an individual should expect their case to take – it is not immediately apparent how complex a case may become. The industry

does seek to manage customer expectations, but also highlighted that quality in response rather than solely promptness was a vital consideration in operators own approaches.

Other than ensuring that consumers are well informed throughout the process, there was no clear consensus on tactical measures the Rail Ombudsman could adopt.

Disabled persons helpline number

Finding: A mystery shopper in the RiDC research proposed that a disabled persons' helpline number could be beneficial to some passengers with additional support needs.

Action to consider: Assess the potential benefits of a disabled persons' helpline number.

Panel outputs: It was suggested that could in fact work against the Rail Ombudsman and service users – indeed it was felt that the approach could be patronising to some service users. It was noted that the role of the Rail Ombudsman is not to fix issues 'in the moment' but to resolve disputes and/or advise consumers on where they can receive support – therefore it was unclear what a special helpline might be seeking to achieve.

However, the concept of prioritising vulnerable service users was raised (albeit it was not clear how a dedicated contact channel would best achieve that). It was then noted that disability and vulnerability should not be conflated.

A suggestion representing the disabled transport user perspective was that there may be value in producing dedicated guidance for disabled people. The Rail Ombudsman has an accessibility page on the website describing the support and channels available to disabled people using the service.

Also, designated disability officers / champions within the organisation who know the process and can help people requiring extra support was floated, although the Rail Ombudsman did note its established position that all its staff should be fully capable of supporting disabled service users.

The consensus was not to implement any separate contact channel targeting disabled people but review the content available and look for opportunities to create additional guidance to ensure it adds optimal value for disabled people. Also consider prioritisation and internal knowledge championing approaches.

Consumer portal

Finding: A mystery shopper in the RiDC research suggested that they did not want to have to create an account to use the service and felt this could deter some passengers from proceeding with a complaint. Introducing a 'continue as guest' option may be preferable for some users.

Action to consider: Consider if the portal can accommodate users without the need to create an account.

Panel outputs: This discussion item was framed in the context of the comprehensive range of application methods available to service users i.e. taken in isolation, the finding and action to consider may imply those digitally less capable are disadvantaged; it was considered important to remind the Panels that digital exclusion has been proactively considered and managed through the services available. The facilities of the Online Portal were also set out. It was recognised that applying to the Rail Ombudsman is not intended to be a one-time interaction – it is the commencement of a process. As such, some form of registration involving the sharing of contact details is to be expected.

Possible alternative approaches included reviewing the terminology – whether the expectation of difficulty associated with creating an “account” surpassed the reality. Also, whether better information could be provided at the point of registration to remind service users of the alternative options available.

Action – OD will be engaged on any changes made following review of this and the preceding item.

F) "Participating Service Providers" - Panel Member perspectives sought on clarity and suitability of term used in consumer-facing material

A matter arising from previous Panel discussions and related to the ORR test and research work included the accessibility and inclusivity of language used by the Rail Ombudsman: specifically was the above term, as used on the Rail Ombudsman website, the most suitable term from the consumer perspective.

Panel members had no strong or clearly prescriptive views on this, but agreed that consistency was helpful. “Industry Partners” is a term recognised by the watchdogs. “Rail Service Provider” is used interchangeably with this term in all other consumer-facing contexts by the Rail Ombudsman; this was the only suitable alternative proposed, save for simply dropping “participating” from the existing term.

In summary, the Rail Ombudsman was advised to adopt a consistent approach, but the precise terminology was left to the Rail Ombudsman to determine.

G) Casework recommendations

Casework recommendations were covered by Feedback Reports provided by papers in advance; NF presented an overview. One further industry recommendation had been made since the latest Feedback Report, which was circulated to Board members within the pre-read documentation along with the corresponding adjudication. This involved an award issued in the context of failed passenger assistance (leading into next agenda item on accessibility awards specifically, for discussion by the Panels).

H) Accessibility awards

JT described a matter that has arisen through casework related to the Equality Act 2010, the Rail Ombudsman's remit in this regard and its ability to make awards of compensation.

JT noted the high standard of evidence provided and that the parties were not in dispute as to the facts of the case. A previous case within similar facts had been pursued via the Rail Ombudsman and ultimately the courts and that decision had been shared. The Rail Ombudsman therefore went to Counsel on the scenario giving rise to the panel discussion for advice, in particular given the applicability of the Equality Act 2010 and the Rail Ombudsman's remit to award compensation. JT suggested that it may be helpful to present the Counsel's opinion to the wider industry via a webinar, to promote consistent understanding of how these issues may be viewed.

The Rail Ombudsman's application process was discussed, namely the question asking applicants whether the case is being pursued through other channels.

Panel members expressed the importance of consistency in decision-making and also noted an uplift in accessibility complaints, with compensation sought making reference to the Vento guidelines. Industry representatives felt the Rail Ombudsman may see an increase in referrals on the theme. The industry also noted that passengers want the source issues fixed, and TOC representatives discussed their perspectives on how effectively the industry delivers passenger assistance.

Root cause issues were discussed, including the lack of autonomy for disabled people, making assistance necessary, and in response the challenges associated with historic infrastructure in that regard, and logistical challenges impacting Turn Up and Go assistance in particular. It was noted that the passenger assistance app used by rail staff may in fact undermine the industry's position on occasion, with no oversight of staff members recording failed assistance, irrespective of circumstances. Also, the availability of resources to deliver passenger assistance was a clear factor. OD noted that Level Playing Field have demonstrated a lack of trust in transport amongst disabled sports fans and shared a relevant report with the group.

The discussion concluded with an acknowledgement that there are real issues that must be addressed, and the question that must be resolved is whether the current format for addressing these issues in the complaints and disputes context was adequate.

I) Member updates and AOB

None (noting that a full agenda left time only for any critical issues).

Actions

Action	Owner	Date completed
Feed back all advice to the Rail ADR Service Board	JT	06/03/25
Follow up with JN on forecasting discussion	MT	07/03/25
Advise on proportion of cases closed at adjudication at next Panel meetings	NF	Carried to next Panel meetings
Add items covered under Deep Dive Report to Redress Support Group agenda	MR (Rail Ombudsman to present)	Pending next meeting of RSG