

Rail Ombudsman

Signposting for passengers

July 2019

Introduction

The Rail Ombudsman came into effect on 26 November 2018 and now provides passengers with free, independent and binding dispute resolution. Transport Focus has fully supported the implementation of the Rail Ombudsman and has played a vital role in establishing the Scheme with an objective to ensure that it builds on the years of successful mediation we have carried out for passengers.

Since its implementation, Transport Focus has been monitoring the performance of the Rail Ombudsman and has identified a number of issues with regards to signposting which have been brought to the attention of Rail Delivery Group – Anthony Smith wrote to Jacqueline Starr, Managing Director, Customer Service at Rail Delivery Group on 12 April 2019.

Signposting is the process that must be followed by scheme members to make passengers aware of the right they have to escalate a complaint with the Rail Ombudsman.

In this letter, Transport Focus set out its concerns that passengers are not being provided with sufficient and timely information regarding this right to take a complaint to the Rail Ombudsman should they remain dissatisfied with the response provided by the train operator. Rail Delivery Group and the Rail Ombudsman have been invited to attend Transport Focus' Board meeting in public on 23 July 2019.

This document highlights good practice by certain scheme members in relation to information being provided on train operator websites and passenger documentation, but also provides examples of inconsistent and poor practice for the Board's information. This information was accurate and up to date as at 30 June 2019.

The industry must provide consistent, up front and clear information about the Rail Ombudsman across the board.

Some scheme members, such as Greater Anglia and Cross Country are displaying good practice by making information available on all documentation and throughout their websites. However, only half of all train operator websites currently post up to date information on the Ombudsman that can be found within two clicks of the home page.

The industry as a whole must improve, as demonstrated in this document.

Website information

Good practice:

- Scheme member home page contains Ombudsman link or reference
- All signposting information on website accurate and up to date
- Ombudsman information no more than two clicks from home page
- Link to Ombudsman quick start guide.

Poor practice:

- No Ombudsman information on website at all
- Outdated information regarding Alternative Dispute Resolution or escalation to Transport Focus or London TravelWatch
- Ombudsman information page online appears accessible only via Google search
- Ombudsman information available but difficult to find
- Ombudsman information more than two clicks from home page.

Overview

The review found that no scheme members are providing information regarding the Ombudsman on the home page of their own website.

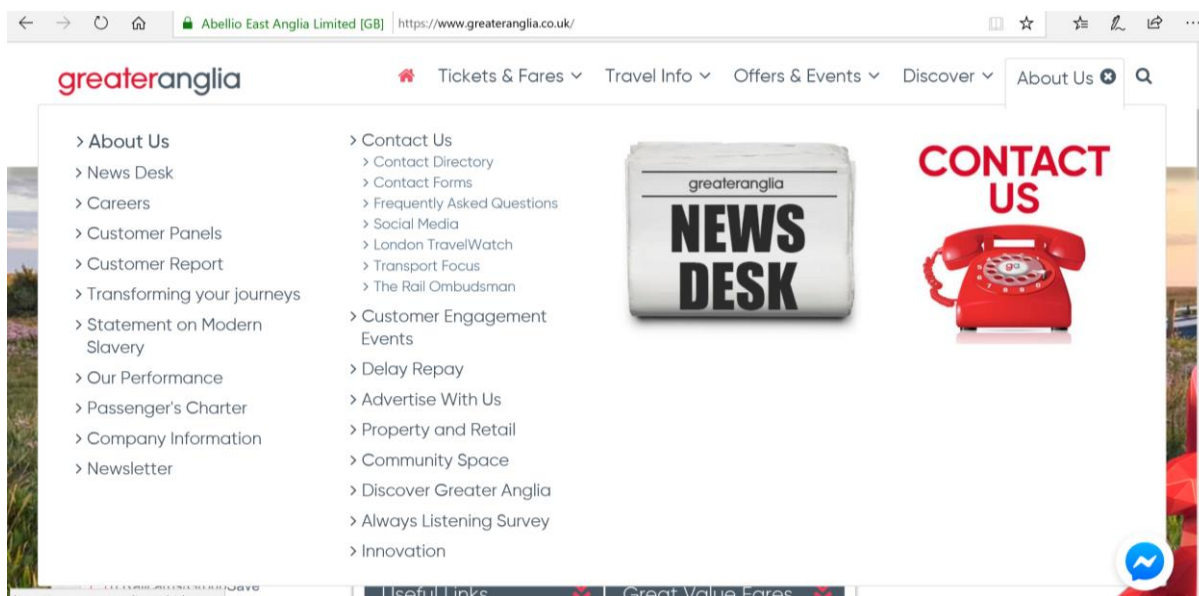
In general, information is available and examples of good practice were found (see below).

However, improvements could be made across the board to increase transparency by making this information more prominent on websites.

The information should be obvious and easily accessible by consumers.

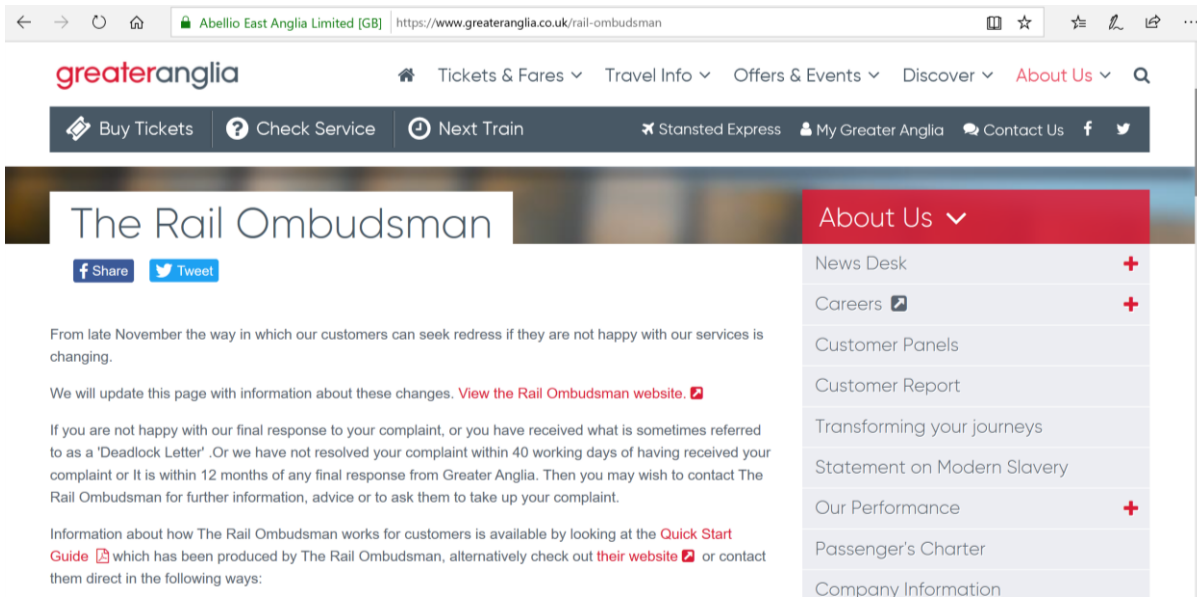
Examples of good practice:

Greater Anglia refer to the Rail Ombudsman when you hover over 'About us' on the home page (in a sub menu under the 'contact us' tab on that page):



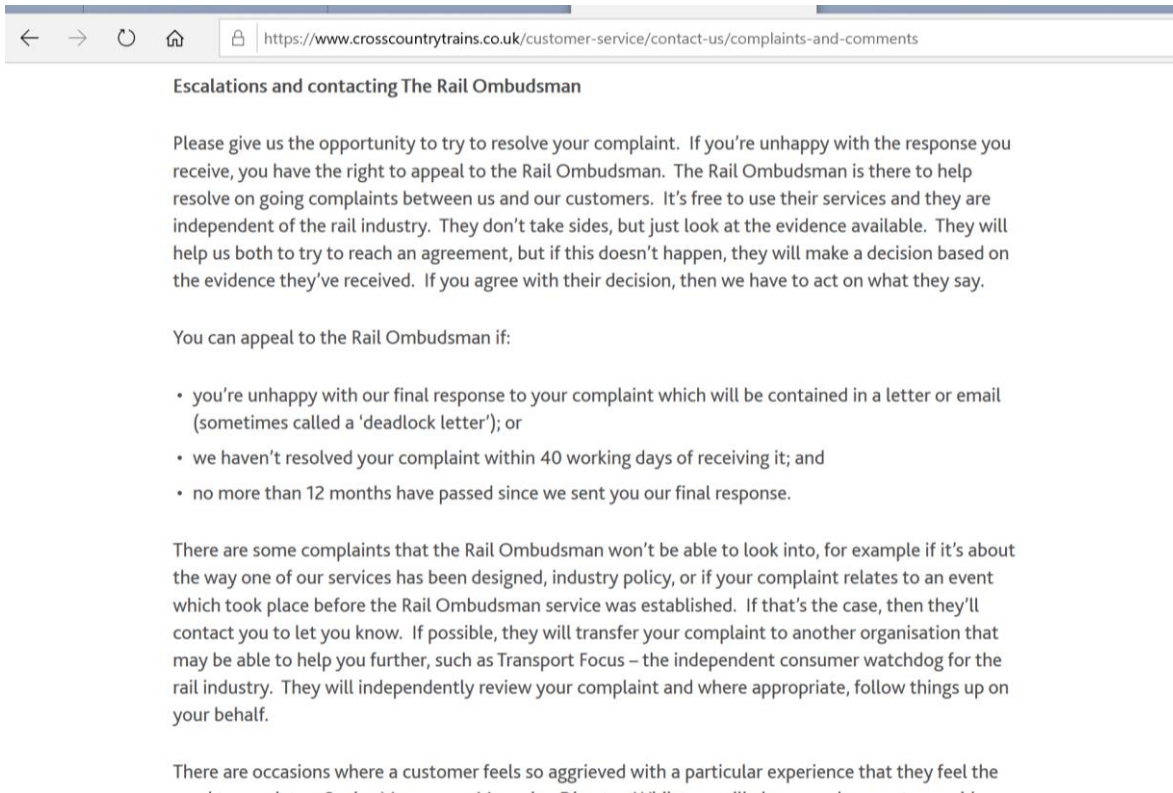
Rail Ombudsman Signposting for passengers

Once the 'Rail Ombudsman' link is selected, an overview of the escalation ("deadlock") process, timeframes, along with links to the Rail Ombudsman website and 'quick start' guide are all provided.



The screenshot shows the Greater Anglia website with the 'Rail Ombudsman' page selected. The page title is 'The Rail Ombudsman'. The navigation menu includes 'Tickets & Fares', 'Travel Info', 'Offers & Events', 'Discover', and 'About Us'. The 'About Us' menu is open, showing options like 'News Desk', 'Careers', 'Customer Panels', 'Customer Report', 'Transforming your journeys', 'Statement on Modern Slavery', 'Our Performance', 'Passenger's Charter', and 'Company Information'. The main content area contains text about the Rail Ombudsman process, including a 'Quick Start Guide' link.

Cross Country provides up to date information on its website in the 'complaints and comments' section which is accessible by navigating two clicks from the home page. However, this is not as prominent as information provided by Greater Anglia:



The screenshot shows the Cross Country website with the 'complaints and comments' section selected. The page title is 'Escalations and contacting The Rail Ombudsman'. The main content area contains text about the Rail Ombudsman process, including a 'Quick Start Guide' link.

Escalations and contacting The Rail Ombudsman

Please give us the opportunity to try to resolve your complaint. If you're unhappy with the response you receive, you have the right to appeal to the Rail Ombudsman. The Rail Ombudsman is there to help resolve on going complaints between us and our customers. It's free to use their services and they are independent of the rail industry. They don't take sides, but just look at the evidence available. They will help us both to try to reach an agreement, but if this doesn't happen, they will make a decision based on the evidence they've received. If you agree with their decision, then we have to act on what they say.

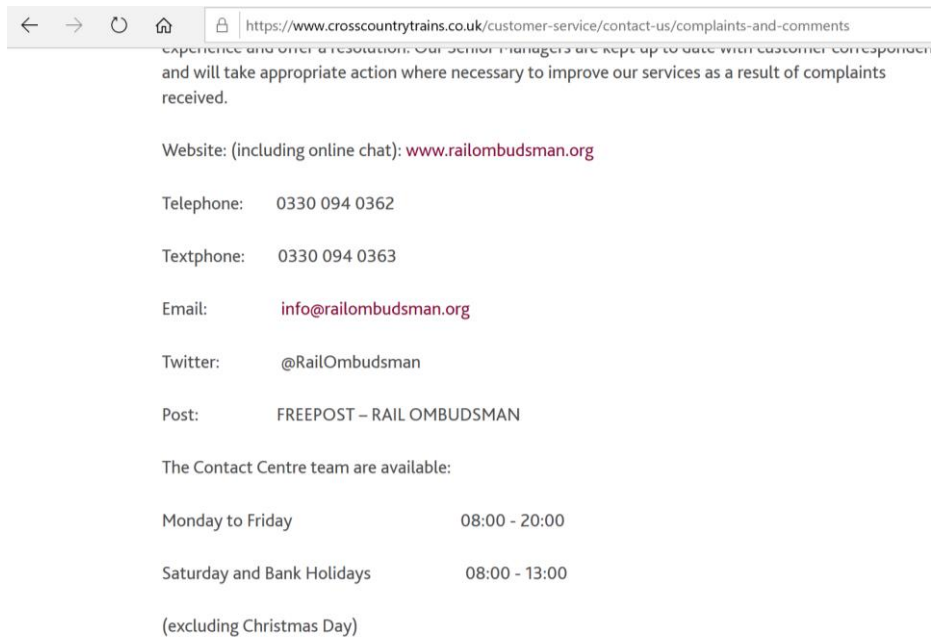
You can appeal to the Rail Ombudsman if:

- you're unhappy with our final response to your complaint which will be contained in a letter or email (sometimes called a 'deadlock letter'); or
- we haven't resolved your complaint within 40 working days of receiving it; and
- no more than 12 months have passed since we sent you our final response.

There are some complaints that the Rail Ombudsman won't be able to look into, for example if it's about the way one of our services has been designed, industry policy, or if your complaint relates to an event which took place before the Rail Ombudsman service was established. If that's the case, then they'll contact you to let you know. If possible, they will transfer your complaint to another organisation that may be able to help you further, such as Transport Focus – the independent consumer watchdog for the rail industry. They will independently review your complaint and where appropriate, follow things up on your behalf.

There are occasions where a customer feels so aggrieved with a particular experience that they feel the

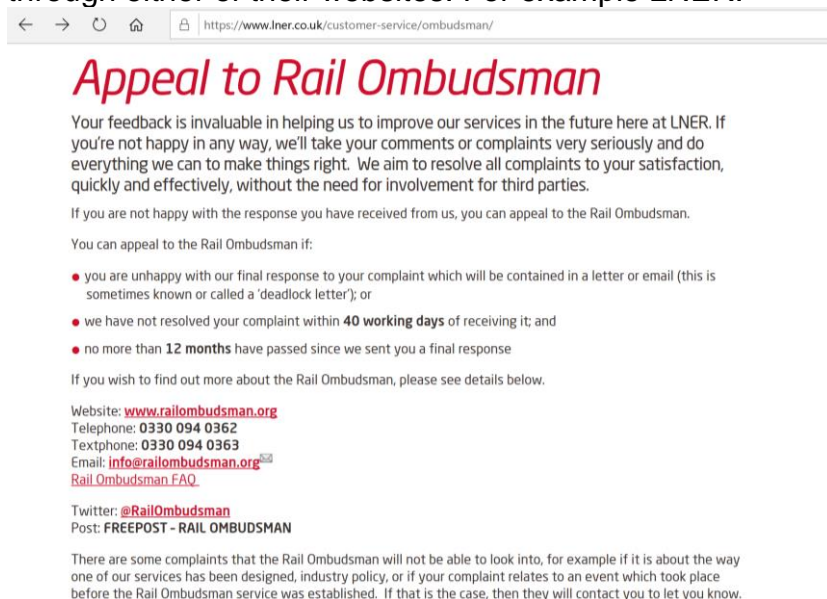
The information provided by Cross Country is clear, explaining timeframes, eligibility and possible onward signposting to Transport Focus or London TravelWatch. It also provides contact details for the Ombudsman via multiple channels:



Whilst this is better than the majority of other train operator websites, the Cross Country website could be improved by making reference to and adding a link for the Rail Ombudsman ‘quick start’ guide.

Examples of poor practice:

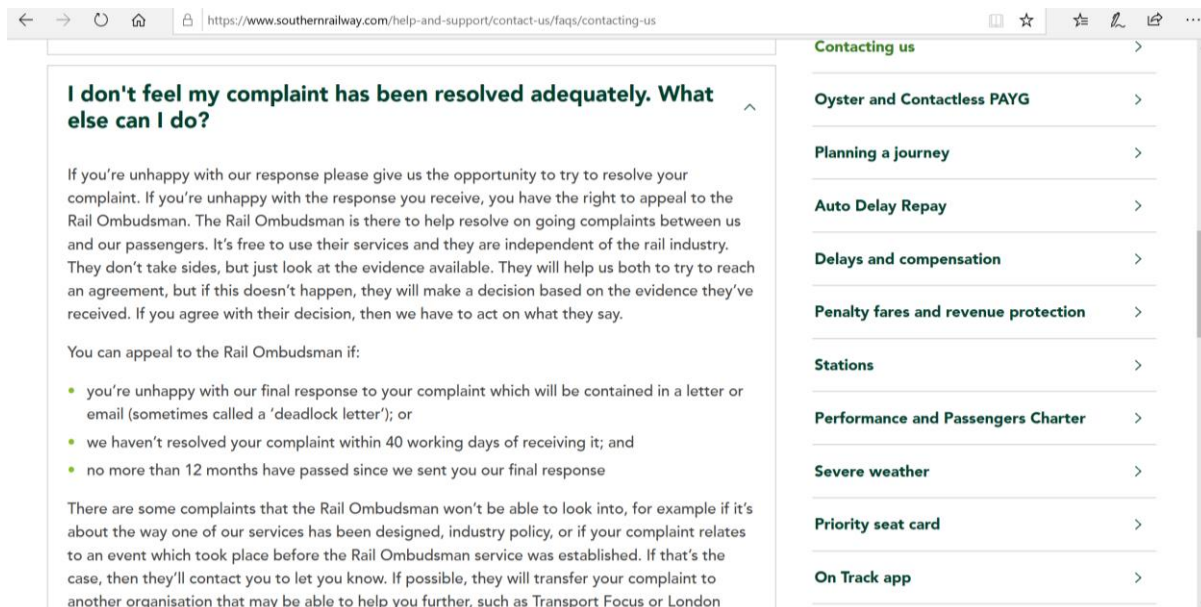
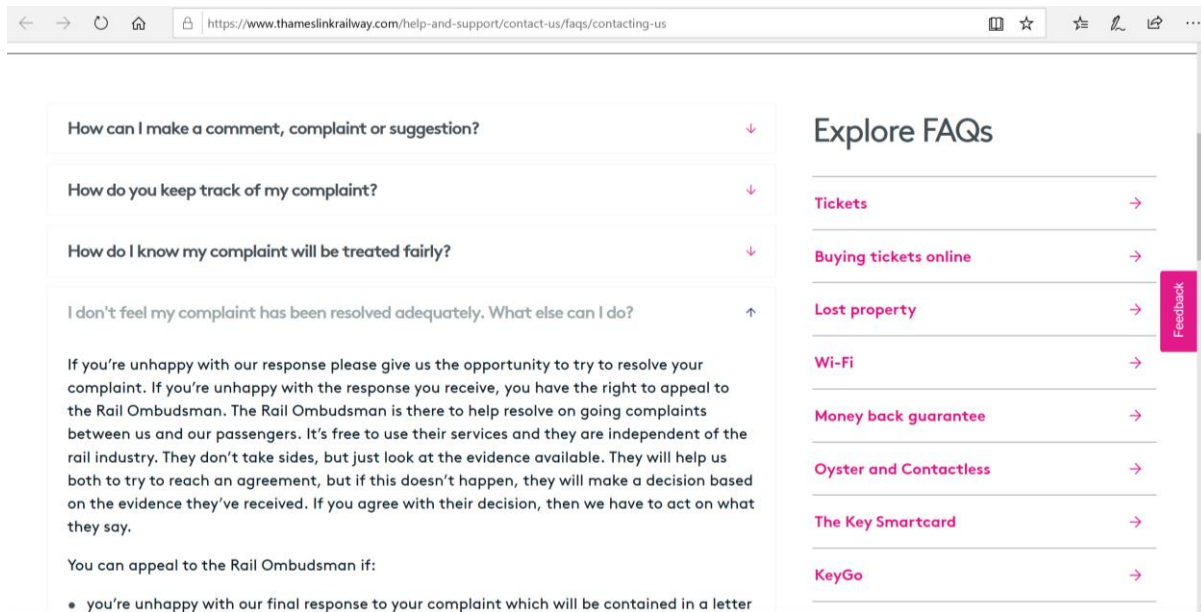
Chiltern and LNER have information regarding the Ombudsman on their websites. However, this only appears to be available via Google search and could not be accessed by simply navigating through either of their websites. For example LNER:



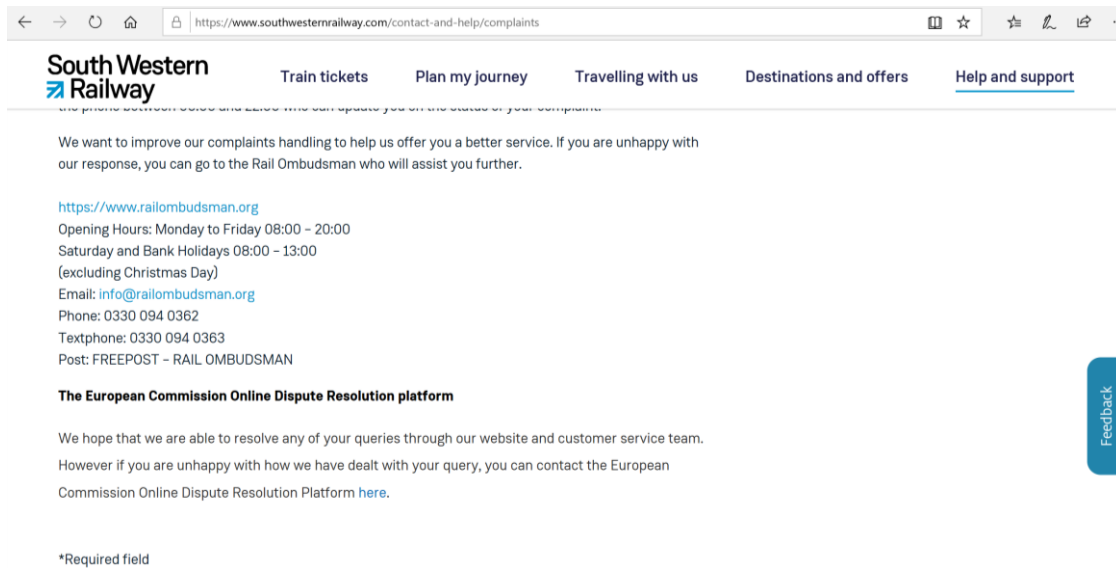
The url <https://www.lner.co.uk/customer-service/ombudsman/> is displayed (as above) when navigating from Google. However, the Ombudsman section cannot be navigated to as a next step from <https://www.lner.co.uk/customer-service/> which should be possible if this page exists.

Virgin Trains make no reference at all to the Rail Ombudsman on its website.

Some scheme members do provide Ombudsman information on their websites but this is either more than two clicks away from the relevant home page or difficult to find. For example: Thameslink and Southern - four clicks are needed to get from the home page and then the consumer must required to select a further drop-down section on the relevant page:



Southwestern provides contact details for the Ombudsman two clicks from the home page. However, no explanation is provided regarding the escalation/deadlock process or the timeframes for appeals to the Rail Ombudsman. This page also contains outdated information regarding Alternative Dispute Resolution which is confusing for consumers.



Documentation

Good practice:

- Complaints Procedure updated after November 2018
- Passenger Charter updated after November 2018
- Quick start guide on website.

Poor practice:

- Complaint procedure outlining former signposting process
- Passenger Charter outlining former signposting process.

Overview

The review found that the majority of scheme members have updated the relevant documentation to reflect the current signposting process. However, some inconsistencies were found. For example, some have updated their Complaint Procedure but not the Passenger Charter or vice versa.

Where documentation has not been updated, consumers are still being directed to Transport Focus and London TravelWatch. Where documentation has been updated, suggested wording is being used across the board.

Chiltern Railways' Passenger Charter has been updated to provide accurate information on the Ombudsman:

You can appeal to the Rail Ombudsman if: you're unhappy with our final response to your complaint (which will be contained in a letter or email (sometimes called a 'deadlock letter'); or we haven't resolved your complaint within 40 working days of receiving it; and no more than 12 months have passed since we sent you our final response.

There are some complaints that the Rail Ombudsman won't be able to look into, for example if it's about the way one of our services has been designed, industry policy, or if your complaint relates to an event which took place before the Rail Ombudsman service was established. If that's the case, then they'll contact you to let you know. If possible, they will 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.

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

Telephone: 0330 094 0362
Textphone: 0330 094 0363
(Monday to Friday 08:00 to 20:00
Saturday and Bank Holiday (08:00 to 13:00))

Email: info@railombudsman.org
Twitter: @RailOmbudsman
Post: FREEPOST – RAIL OMBUDSMAN

How to find information

Online and by phone

Who	Web	Phone
Chiltern Railways	chilternrailways.co.uk Twitter: @chilternrailway (0730 to 1930 weekdays)	03456 005 165 (0830 to 1730)
National Rail Enquiries	nationalrail.co.uk	03457 48 49 50 (24 hours) Textphone: 03456 050 600 (0800 to 2000)
Transport for London Journey Planner	tfl.gov.uk	0343 222 1234

In person

Free copies of our current timetable are available at the staffed stations we serve. Timetable posters are also displayed at stations. We will inform you at least six weeks in advance of any disruption or timetable changes caused by non-emergency engineering works, or for any other reasons. When we introduce a new timetable, we will have details of it available at staffed stations and on our website at least four weeks before it starts.

However, the Chiltern Railways Complaints Procedure provides outdated information regarding Alternative Dispute Resolution and escalating to Transport Focus or London TravelWatch:

they not be happy with our final response. For stations between London Marylebone and Bicester North/Aylesbury Vale Parkway this will be London TravelWatch. For stations between Kings Sutton and Kidderminster, stations north of Oxford, and Oxford Parkway, Bicester Village and Islip this will be Transport Focus.

3.5 Please note that in addition to this, the Alternative Dispute Resolution (ADR) for consumer disputes (Competent Authorities and information) regulations 2015 requires us to advise you of an 'Alternative Dispute Resolution' organisation for your complaint. In our case this is The Consumer Ombudsman (www.consumer-ombudsman.org). However, as Transport Focus/London Travelwatch already provides a mediation service for customers in the rail industry, we do not make use of the ADR process, and correspondence to the Consumer Ombudsman will be redirected to Transport Focus/London Travelwatch.

3.6 Customers will be able to obtain comment forms from on-train staff and at each staffed station. Customers will also be able to submit written comments via our website.

3.7 At unstaffed stations a notice will be displayed stating where comment forms may be obtained i.e. the nearest staffed station as well as displaying our web address where comments can be made directly.

3.8 At multi-operator stations, posters will advise customers of how to contact each train company if they have a complaint specific to that particular company. Comment forms for individual train companies will also be available upon request.

chilternrailways.co.uk

Chilternrailways
by arriva

Conversely, Transport for Wales' Complaint Procedure correctly signposts to the Rail Ombudsman:

ort for Wales [GB] | https://tfwrail.wales/sites/tfwrail.wales/files/2019-01/TFW%20Complaints%20Complaints%20Handling%20English_

— + ↻ ↗ 🖨️ Fit to page 📄 Page view 🔊 Read aloud

If your complaint relates to another train company, we will send your complaint to them and ask them to get in touch with you via your contact address.

Several train companies

If your complaint involves several other rail companies or Network Rail, we will send your complaint to them and ask them to get in touch. We will let you know when we have sent the complaint. If your complaint involves a journey that features more than one rail company, we will liaise with the other companies involved to ensure you receive a co-ordinated response.

Other Third Parties

If complaints relate to other transport providers (e.g. a bus operator) we will explain this in our reply to you and provide the contact address you need. If you ask us to do so, we will forward your complaint to them directly. If the complaint refers to another non-transport organisation,

identify issues and systemic weaknesses.

What happens if you are not satisfied with us?

Please give us the opportunity to try to resolve your complaint. If you're unhappy with the response you receive, you have the right to appeal to the Rail Ombudsman. The Rail Ombudsman is there to help resolve complaints and disputes between us and our customers. It's free to use their services and they are independent of the rail industry. They don't take sides, but just look at the evidence available. They will help us both to try to reach an agreement, but if this doesn't happen, they will make a decision based on the evidence they've received. If you agree with their decision, then we have to act on what they say.

You can appeal to the Rail Ombudsman if:

- you're unhappy with our final response to your complaint which will be contained in a letter or email (sometimes called a 'deadlock letter'

10 COMPLAINTS HANDLING PROCEDURE TRANSPORT FOR WALES RAIL SERVICES

COMPLAINTS HANDLING PROCEDURE TRANSPORT FOR WALES RAIL SERVICES 11

• We haven't resolved your complaint within 40 working days of receiving it

• No more than 12 months have passed since we sent you our final response.

There are some complaints that the Rail Ombudsman won't be able to look into, for example if it's about the way one of our services has been designed, industry policy, or if your complaint relates to an event which took place before the Rail Ombudsman service was established. If that's

Customer Relations department complaints and enquiries
Online: tfwrail.wales/contact-us
Phone: 0333 3211 202

0800 – 2000 Monday to Saturday including bank holidays
1100 – 2000 Sunday
03 calls charged at local rates from a BT line

Post:
Freeport, TFW RAIL, CUSTOMER RELATIONS,

However, the Transport for Wales' Passenger Charter still refers passengers to Transport Focus:

The screenshot shows a PDF document from Transport for Wales. The page is titled "12 GET IN TOUCH". It contains several sections: "From our staff at stations to our Customer Relations department, we offer many ways for you to get in touch. Please see our Contact Details page below for more detail..", "In person" (describing conductors and customer service staff), "Our Customer Relations department" (listing availability times: Monday to Saturday 0800-2000, Sunday 1100-2000, and Christmas Day closure), and "Outside these times, you can contact us via Twitter through our website. If you wish to speak with someone please call the National Rail Enquiries service." On the right side, there is a section for "Transport Focus" which states: "If you contact us by telephone and we are unable to address your query immediately, we aim to call you back within three working days." It provides contact details: Web: transportfocus.org.uk, Phone: 0300 123 2350, Email: advice@transportfocus.org.uk, Post: Transport Focus, Freepost (RTEH-XAGE-BYKZ) PO Box 5594, Southend on Sea, SS1 9PZ. Below this is "13 CONTACT DETAILS" with a "Web" link to trctrenau.cymru/tfwrail.wales and "App downloads" information.

Virgin Trains' Complaints Procedure has been updated to reflect the signposting process since Rail Ombudsman implementation:

The screenshot shows a PDF document from Virgin Trains. The page is titled "3. How we will deal with your complaint". It contains several sections: "Making a complaint directly to a member of staff" (describing how to resolve issues on the spot), "Making a complaint to the Customer Resolutions Centre" (describing the investigation process), and "You can appeal to the Rail Ombudsman if:" (listing conditions for an appeal: unhappy with final response, unresolved within 40 working days, or more than 12 months passed). It also includes "Rail Ombudsman contact details": Website: www.railombudsman.org, Telephone: 0330 094 0362, Textphone: 0330 094 0363, Email: info@railombudsman.org, Twitter: @RailOmbudsman, Post: FREEPOST - RAIL OMBUDSMAN.

However, Virgin Trains' Passenger Charter still refers to Transport Focus or London TravelWatch:

The screenshot shows a web browser window with the URL <https://www.virgintrains.co.uk/-/media/vt/files/pdf/passenger%20charter%201%2020october%202016.ashx?la=en&hash=2BC53219EEBE3EE1EAF7915>. The page content is divided into two main sections:

6. How to contact us

To make it easier for you to claim, or to make a comment or complaint about any aspect of our service, forms will be readily available at staffed stations where our trains call and from our onboard Customer Service team. Posters will also be displayed at stations and on trains telling you what to do and where to write. We will reply within ten working days and respond in full within 28 days.

We welcome comments or complaints on any aspect of our service. We will consider awarding compensation if we have been unable to provide you with the service we have promised, and review each case on its own merits.

Please contact our Customer Relations team via any of the ways listed below. For the fastest response to written correspondence we recommend the web option:

Web virgintrains.com/contact

Phone 03331 031 031

Telephones are staffed between 08:30 and 18:00 Mondays to Fridays and between 09:00 and 16:00 on Saturdays. These hours may vary slightly over the Christmas and New Year period.

Email customer.relations@virgintrains.co.uk

Address Customer Relations
Virgin Trains
Freepost RRAE-UJZZ-ESUR
PO BOX 713
Birmingham B5 4HH

7. How to contact Transport Focus or London TravelWatch

If you are not satisfied with our response, please write to Transport Focus or London Travelwatch, as applicable, which are independent bodies set up by Parliament to protect the interests of passengers. The addresses are as follows:

Address Transport Focus
Freepost RTEH-XAGE-BYKZ
PO BOX 5594
Southend on Sea SS1 9PZ

Phone 0300 123 2350
Fax 08458 501 392
Web transportfocus.org.uk
Email advice@transportfocus.org.uk

For passengers whose journeys originate from either London Euston or Watford Junction, please contact:

Address London Travelwatch
169 Union Street
London, SE1 0LL

Phone 020 3176 2999
Fax 020 3176 5991
Web londontravelwatch.org.uk
Email enquiries@londontravelwatch.org.uk

Audit summary

Examples contained within this document have been collated from an audit of all train operator website, Complaint Procedures and Passenger Charters. The following criteria were used:

- Passenger Charter contains up to date information on Ombudsman – yes/no
- Complaint Procedure contains up to date information on Ombudsman – yes/no
- The train operator website contains up to date information on Ombudsman and can be found within two clicks of the home page – yes/no

The results for each train operator are below:

Train Operator	Complaint Procedure	Passenger Charter	Info within 2 clicks of home page
c2c	✗	✓	✓
Caledonian Sleeper	✗	✗	✗
Chiltern	✗	✓	✗
Cross Country	✓	✓	✓
East Midlands Trains	✓	✓	✗
Grand Central Railway	✓	✓	✓
Great Northern	✓	✓	✗
Great Western Railway	✗	✓	✓
Greater Anglia	✓	✓	✓
Hull Trains	✓	✓	✗
London North Eastern Railway	✓	✓	✗
London Northwestern Railway	✗	✗	✓
Merseyrail	✓	✓	✓
Northern	✓	✓	✓
ScotRail	✓	✓	✗
Southeastern	✓	✓	✓
Southwestern Railway	✗	✓	✓
Southern	✓	✓	✗
Thameslink	✓	✓	✗
TransPennine Express	✓	✓	✓
Transport for Wales	✓	✗	✗
Virgin Trains	✓	✗	✗
West Midlands Trains	✗	✗	✓

© 2019 Transport Focus

Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX

0300 123 2350
www.transportfocus.org.uk
info@transportfocus.org.uk



Transport Focus is the operating name of
the Passengers' Council