

transportfocus



SPECIAL BOARD MEETING

Thursday 6 July 2017
Meeting starts 1500
Approximate finish time 1600

Fleetbank House
Salisbury Square
London

Refreshments provided

**Agenda and
Supporting Papers**
for members of the public

Meeting Organiser
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Special Board Meeting

Date: Thursday 6 July 2017
Location: Meeting Room G1, Fleetbank House, Salisbury Square, London
Start time: 1500-1600

Time	Item	Subject	Leading	Paper
15.00	1.0	Chair's introduction	Chair	✓
	2.0	Presentation	Phil Whittingham Managing Director Virgin Trains West Coast	
	3.0	Questions and discussion	Chair	
16.00		Close		

Special Board Meetings

This meeting is convened under Part 2, sections 6.7 to 6.9 of the Transport Focus *Constitution General*, which provide as follows:

- 6.7. The Chairman, or three or more members, may call a special Board meeting, whenever they see fit, and a special meeting of a committee may be called when a quorum of members, the Chairman or Chief Executive request it;
- 6.8. At special meetings, no business shall be discussed other than the matter or matters for which the meeting was called;
- 6.9. If the Chairman is not present, the Chairman will nominate a member to exercise his duties at that meeting;

The Chairman has nominated Stephen Locke, Board Member for London, to chair this meeting in his absence.

Papers included

Reference	Description
1	Letter from Anthony Smith to Phil Whittingham of 04 May 2017 raising growing concerns about complaint handling
2	Response from Phil Whittingham received 24 May 2017
3	Further letter from Anthony Smith to Phil Whittingham of 19 June 2017
4	Virgin Trains WC appeal complaint statistics 2016-17 (Transport Focus)

Mr Phil Whittingham
Managing Director
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4 May 2017

Our ref: AS/2017/0136

Dear Phil

Virgin Trains West Coast Complaints Handling

I write to raise our growing concern regarding a new approach being adopted by Virgin Trains on passenger complaint and appeal handling.

The crux of our concern is Virgin's strict adherence to ticket terms and conditions, National Rail Conditions of Travel and Charter, a change that has resulted in an increasing number of appeals for Transport Focus over the past six months.

Where Virgin Trains would historically have taken a reasonable and fair approach to passenger complaints, applying discretion where appropriate, my team are now seeing a much firmer line being taken in dealing with both the initial complaint and at Transport Focus appeal stage.

Some examples of the firmer line being taken include:

- A lack of discretion being applied where passengers hold an Advance Purchase ticket and miss their designated service through no fault of their own. Whilst we do appreciate that some reasonableness needs to be applied in allowing passengers to travel on an alternative service, we are seeing situations whereby a passenger has missed a train, often by a mere couple of minutes, and they are being charged the full cost of a new ticket, without any leniency being applied to the refund terms and conditions of the original Advance ticket.



- Overall, we are finding that Virgin will very rarely consider any discretionary refund in situations where a passenger has paid twice for their journey, having made a genuine error, and where there is no risk of fraud e.g. Print at Home tickets which require ID to be shown on inspection, yet no consideration will be given to applying goodwill.
- "Nothing above T&C's" responses from your Customer Relations team, regardless of the scenario - you will be aware that Transport Focus treats each case on its own merit, based on the individual complaint and passenger experience. We do understand that sometimes responses to Transport Focus referrals will be unfavourable. However, blank refusal to offer goodwill on the majority of appeals, where my team feel that the passenger has a genuine grievance, only serves to protract complaints. Assurance that appeals are being reviewed and considered on an individual basis is crucial to maintaining the strong working relationship between our teams.

In addition to the above points, the quality of responses from your Customer Relations team is driving up our appeal numbers. Insufficient detail and a lack of clarity in explanations in responses suggests an over-reliance on scripting. My team have highlighted these issues and had hoped to see improvement with the presence of a Quality and Training Manager. However, your team continue to report that management staffing has been below their desired level, impacting on both improving the quality of responses to passengers, and timeliness of response to our appeals.

It is disappointing that Virgin Trains, who have historically lead the industry in terms of good practice and customer service standards, have now started to fall behind. Transport Focus has long been campaigning for fairness and reasonableness to prevail when dealing with passenger complaints and, particularly in recent months, the industry has begun to evolve on consumer issues. We are increasingly seeing train operators move towards adopting internal initiatives that focus on improving the customer experience and going above and beyond "the rules". The adoption of Virgin Trains' "Forgotten Railcard Policy" in December of last year, prior to the industry following suit, was a prime example of this kind of good practice and was an initiative that Transport Focus welcomed.

In terms of appeals with Transport Focus, we have seen an unprecedented influx since September 2016, which has largely been driven by passenger dissatisfaction with complaints handling. Of our overall outstanding appeals, Virgin currently rank highest, at 157 active cases. In 2016/17, Transport Focus opened 485 passenger appeals for Virgin, compared with 178 in 2015/16. Whilst complaints have increased across the industry in general over the past six months, likely as a result of the work ORR have carried out on complaints handling and awareness of the watchdogs, it is evident that this significant increase we have seen in Virgin Trains complaints is largely a result of Virgin Trains' firmer line.



Regrettably, without any leniency being applied to industry and Virgin Trains' terms and conditions, dissatisfaction amongst passengers will only worsen and the number of Transport Focus appeals numbers will continue to rise. If the situation does not improve, I will have to consider making a formal referral on the matter to the Office of Rail and Road.

I would be interested in your perspective on the current situation.

Yours sincerely

pp *Anthony Smith*

Anthony Smith
Chief Executive



Anthony Smith
Chief Executive
Transport Focus
Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX

RECEIVED

24 MAY 2017

Dear Anthony,

Re: Virgin Trains West Coast Complaints Handling

I am writing to you in response to your letter of 4 May regarding our approach to complaint and appeal handling.

The stance taken by our Customer Resolution team on passenger complaints changed last summer. This was in order to support our front line teams who at the same time were being asked to be more consistent in their approach to customers.

Your letter implies that on occasion we do not take a reasonable and fair approach to customers, which we do not accept.

Where the industry is at fault in some way we will generally show leniency, and we seek to allow passengers on following services if they are delayed by another operator's service before travelling on one of our trains, for example. We do however consider it to be the customer's responsibility to comply with the terms and conditions of their ticket. In the case of Advance tickets, passengers should allow sufficient contingency in getting to a station, given the relatively low prices of such tickets and the excesses which can become payable. If we were to excess Advance tickets to a walk-up fare when a service is missed, this would clearly act as a disincentive to anyone buying a flexible ticket, and encourage people to simply buy advance tickets each time, knowing they could always excess.

Another clear example would be where a customer has lost their tickets. Any compensation potentially issued for the additional ticket would directly contravene the National Rail Conditions of Travel.

Many customers can feel frustrated if they see leniency applied to other customers which they feel is unjustified, particularly if they have made significant efforts to comply with the terms and conditions of their ticket themselves. It is also important for us to support our front line teams who regularly have difficult conversations with customers regarding these issues, and who can feel undermined if our Customer Resolution team override the decisions they make following a complaint.

We understand appeals have risen and you state that Transport Focus have 157 active cases open with us. However, at the time of your letter most of these had not been passed over for us to comment on. We understand that Transport Focus has various work streams and that other TOCs' cases may





have previously taken priority, however not having had the chance to respond to these may have contributed to the number looking disproportionately high. We also consider the increase to be in part due to the finalisation of the Protocols document which guides the relationship between ourselves and Transport Focus, with its increased emphasis on making references to Transport Focus in follow up responses.

Quality of responses is something we do pay close attention to, and we are grateful for Transport Focus highlighting cases where this may have been lacking. However, we do not have a dedicated Quality and Training Manager and are unsure as to where this assertion came from.

We do not believe our management staffing to be below the desired level. We look to engage with Transport Focus when there may be temporary changes to our usual contacts availability i.e. annual leave, sickness. This however does not evidence any claim that there is a sustained management issue. Having said that we are currently increasing headcount at the 'contact handler' level, as well as investing in new technology, both of which will improve our ability to respond in a timely and effective manner.

Fraud is an area we have concerns about. Where a customer has made a genuine error and there is no risk of fraud we accept we can exercise some discretion, however that is best exercised at the front line where it is likely to be more obvious.

We will always consider each case on its own merits, but believe that circumstances should justify compensation.

I hope you find the above comments helpful and informative, and please let me know if there is anything further you need from us.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "P. Whittingham".

Phil Whittingham
Managing Director, Virgin Trains



Anthony Smith
Chief Executive
Transport Focus
Fleetbank House
2-6 Salisbury Square
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Phil Whittingham
Managing Director, Virgin Trains



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19 June 2017

Our ref: AS/2017/0165



Virgin Trains West Coast Complaints Handling

Many thanks for your response to my letter of 4 May regarding our growing concerns with Virgin Trains' approach to passenger complaint and appeal handling.

I am surprised that you do not share our concerns in relation to these issues. I had hoped that by highlighting them, our organisations could work together towards a more productive and positive working relationship on behalf of passengers.

My letter does indeed imply that Virgin Trains, in a number of the cases we see, do not take a reasonable and fair approach to customers. You state that you do not accept this point. However, your response only serves to confirm our assertion that Virgin Trains are applying a blanket "T&Cs only" stance both on the front-line and at Customer Relations level, rather than exercising leniency and discretion where most would consider it reasonable to do so.

In the accompanying Annex I set out my response in greater detail under three main headings:

- Conditions of Travel - leniency towards passengers
- Complaints protocol- making things better
- Operational structure and working relationship between our organisations

I suggest we use these as the agenda for our forthcoming meeting on 6 July.



It has become increasingly evident in recent months that the way in which appeal complaints are being handled between our teams is not working as well as it should for the benefit of passengers.

This is perhaps best evidenced with regards to active case numbers with Transport Focus. Virgin Trains' complaints currently stand at 176. I understand that our teams had been conducting bi-weekly case reviews to discuss complaints, in addition to individual appeal escalations. However, as of the date of this letter, many remain outstanding.

It is still my concern that Virgin Trains are increasingly moving in the opposite direction to the rest of the industry in regards to complaint handling and we believe that unless a more reasonable and individual approach is adopted, complaint numbers will only continue to rise.

Given these concerns, the Board of Transport Focus would like to meet with you to discuss these matters. I would therefore, like to invite you to attend our next public Board meeting on 11 July in central London. Please do let me know if you will be available to attend.

Yours sincerely



Anthony Smith
Chief Executive

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ANNEX

Conditions of travel

You say in your letter that where the industry is at fault, you will "generally show leniency" and "seek to allow" passengers on the following service. The Conditions of Travel are clear on this point:

"9.4 Notwithstanding Condition 9.2 (b) above, if you are using an advance Ticket and you miss your booked train because a previous connecting train service was delayed, you will be able to travel on the next train service provided by the Train Company with whom you were booked without penalty."

It is stated that passengers "will be able to travel", not that operators should "seek to allow" them to do so. Your wording here is concerning and suggests that Virgin Trains are not fully aware of their requirements under the Conditions and believe that by allowing passengers to travel on the next service under these circumstances, Virgin Trains are applying discretion, which is not the case. You are simply adhering to the rules.

Your point that a genuine error is best dealt with on the front-line is also concerning. This statement implies that, however reasonable a passenger's case, Virgin Trains are reluctant to exercise discretion retrospectively should this passenger choose to pay up at the time and opt to follow up later.

You state that "*many customers can feel frustrated if they see leniency applied to other customers which they feel is unjustified*", which again suggests a blanket approach being applied by Virgin Trains and demonstrates our point that complaints, either on the front-line or retrospectively, are not being assessed individually and on their own merit. The contact that we receive from passengers shows that those who witness encounters with staff on board actually feel frustrated by a lack of leniency being applied to other passengers when what appears to be a genuine error has been made. It is worth pointing out that we are not, nor have we ever been, suggesting that Virgin Trains should not protect their revenue and penalise those who deliberately try to avoid a fare. Passengers that have made an innocent mistake however, should not be dealt with in the same manner.

Complaints protocol

In your letter, you make reference to the protocol which sets out the way in which Transport Focus and Virgin Trains should work together.

The protocol stipulates that the passenger watchdogs should be provided with a dedicated contact to handle appeals, with a back-up contact being available during periods of absence. Contacts dedicated to deal with Transport Focus appeals should have authority and discretion to apply goodwill, should this be deemed appropriate and should not have had any involvement in the original complaint. The protocol also states that responses to escalations from Transport Focus should be received within 10 working days.



My team currently escalate passenger appeals to a generic email address which is manned by your Senior Customer Relations team. As we understand it, your Customer Relations department consists of three tiers – Customer Advisors, Senior Advisors and Customer Relations management.

Customer Advisors deal directly with passengers only. Senior Advisors deal with both passengers directly, escalations from your Advisors and appeals from Transport Focus.

Often, more than one Senior Advisor will become involved in a Transport Focus appeal, as the first response received often does not address the points raised by Transport Focus, or creates additional queries that should have been addressed prior to the intervention of Transport Focus.

In addition, you have two Customer Relations Team Managers who become involved in more complex complaints. As I am sure you will appreciate, multiple colleagues becoming involved in a single complaint causes confusion on both sides and unnecessarily protracts matters.

Operational structure

Previously, prior to Virgin Trains' restructure, two dedicated contacts within Virgin Trains were responsible for dealing with Transport Focus appeals, plus two additional advisors to whom cases could be delegated or who could provide cover during periods of absence. The Head of Customer Relations provided a point of escalation only and did not become involved in day-to-day appeal handling, unless requested by Transport Focus.

This mirrors the process that we follow with the majority of operators, which has proven significantly more efficient, timely and conducive to a strong working relationship than the process our teams are currently following. Working closely with a couple of dedicated contacts also allows us provide valuable insight, which from feedback we have received from operators, improves complaints handling, both in terms of quality and volume.

With regards to our assertion that you had appointed a Quality and Training Manager, this has stemmed from correspondence between our teams in relation to ongoing quality monitoring at Virgin Trains. I apologise if we have misunderstood this. However, as my team were under the impression that one of your Customer Relations management team had been assigned responsibility for quality and training, it would be useful if you would provide clarity on how ongoing quality monitoring is applied and assessed.

Regarding your management staffing levels, again, our concerns stem from correspondence with your Customer Relations management. Once again, I apologise if we have misunderstood. However, my team have repeatedly been advised that delayed responses to appeals has been a result of stretched resource amongst your Customer Relations team.

19 June 2017

Active appeals as at 3 July 2017

TOC	Active cases
Virgin Trains	166
Great Western Railway (GWR)	140
ScotRail (Abellio)	68
thetrainline.com	64
Virgin Trains East Coast	60
Northern (Arriva)	60
Southeastern	50
Arriva Trains Wales	48
Greater Anglia	44
TransPennine Express	33
London Midland	32
South West Trains	29
CrossCountry	25
Southern (GTR)	20
Tyne and Wear Metro	11
Chiltern Railways	8
Grand Central Railway	8
Southern	8
c2c	7
National Rail Enquiries	7
Thameslink	6
Great Northern	6
Network Rail	6
East Midlands Trains	5
Caledonian Sleeper	5
Metrolink	5
Redspottedhanky.com	3
ScotRail	3
TrainGenius.com	2
Rail Delivery Group (RDG)	2
First Hull Trains	2
Grand Central	2
Gatwick Express	1
First Great Western	1
Merseyrail	1
take thetrain .co.uk	1
Northern Rail (Serco & Abellio)	1
(blank)	
Grand Total	940

Total incoming appeals January – June 2017

TOC	Appeals created
Great Western Railway (GWR)	541
Virgin Trains	374
Northern (Arriva)	317
Virgin Trains East Coast	205
South West Trains	198
Greater Anglia	144
Southern (GTR)	105
Arriva Trains Wales	96
TransPennine Express	93
CrossCountry	93
ScotRail (Abellio)	90
thetrainline.com	84
Southeastern	77
London Midland	53
East Midlands Trains	46
c2c	40
Southern	30
Tyne and Wear Metro	29
Grand Central Railway	22
Great Northern	21
Chiltern Railways	17
Thameslink	15
ScotRail	15
Network Rail	15
National Rail Enquiries	12
Merseyrail	11
Metrolink	10
Raileasy	6
First Hull Trains	6
Caledonian Sleeper	6
Grand Central	5
Redspottedhanky.com	4
Rail Delivery Group (RDG)	4
First Great Western	3
Govia Thameslink Railway Limited (GTR)	2
Tyne & Wear ITA	2
IPFAS/RPSS	2
MyTrainTicket	2
TrainGenius.com	2
Nexus	1
Gatwick Express	1
takethetrain.co.uk	1
(blank)	1
Grand Total	2800

Total incoming appeals January – June 2016

TOC	Appeals created
Virgin Trains East Coast	188
South West Trains	144
Southern (GTR)	132
Northern Rail (Serco & Abellio)	121
Virgin Trains	115
Greater Anglia	109
CrossCountry	104
Great Western Railway (GWR)	103
ScotRail (Abellio)	98
Arriva Trains Wales	75
Northern (Arriva)	70
Southeastern	69
London Midland	67
TransPennine Express	59
Great Northern	48
thetrainline.com	47
c2c	42
East Midlands Trains	38
Southern	37
Thameslink	31
Tyne and Wear Metro	23
Chiltern Railways	17
Caledonian Sleeper	13
Merseyrail	12
Grand Central Railway	10
IPFAS/RPSS	10
IRCAS	10
Metrolink	8
Govia Thameslink Railway Limited (GTR)	8
National Rail Enquiries	6
First Hull Trains	6
Network Rail	6
First Great Western	5
Raileasy	4
Redspottedhanky.com	3
Tyne & Wear ITA	2
ScotRail	2
TrainGenius.com	2
Association of Train Operating Companies (ATOC)	2
Transport Investigations Limited	2
East Coast	1
takethetrain.co.uk	1
(blank)	
Grand Total	1850

Virgin Trains complaint categories – incoming January – June 2017

Complaint category	
Accessibility	9
Other	2
Pre-booked assistance not provided	2
Staff training required	5
Complaints handling	145
Follow up actions unfulfilled by train company	13
No reply received from train company	8
Train company was impolite/unhelpful	5
Train company's reply did not fully address complaint/all the issues	29
Unhappy at level of compensation	90
Fares, retailing and refunds	108
Cost of ticket	22
Incorrect ticket sold/wrongly charged	13
Railcards	8
Refund conditions/administration	20
Reservations - cost/availability	2
Season tickets - renewal/lost/availability/compensation	1
Ticket inspections	4
Ticket restrictions	16
Unable to purchase ticket	3
(blank)	19
Information	7
General lack of information	1
Incorrect announcements/information on indicators	1
Lack of info to allow pre journey planning	1
Posters/signs/notices/publications/timetables	1
Quality/volume of announcement/indicators	1
(blank)	2
Penalty fares/unpaid fares notice/prosecution	15
Incorrect ticket	5
Lack of discretion	2
No ticket	4
(blank)	4
Quality on train	54
Anti-social behaviour	2
Cleanliness of train	3
First class not provided/standard passengers in first class	2
Heating/ventilation/air conditioning	2
Layout/design of train	1
On train services/catering/dedicated carriage	20
Reservations	10
Toilets	4
Train crowded	10
Safety and security	3
Security on train	2
(blank)	1
Staff conduct and availability	44
Internet	1
Phone	6
Staff at station	19
Staff on train	18

Station quality	16
Access to/within station	1
Booking office/retailing facilities	4
Parking	11
Timetable and connection issues	2
Rail connections too tight/missed/not held	1
Stopping pattern	1
Train service performance	54
Delay	34
Journey abandoned due to delay	4
Train cancelled	16
(blank)	
(blank)	
Grand Total	457

Virgin Trains complaint categories – incoming January – June 2016

Complaint category	
Accessibility	1
Pre-booked assistance not provided	1
Complaints handling	74
Follow up actions unfulfilled by train company	15
No reply received from train company	13
Train company was impolite/unhelpful	1
Train company's reply did not fully address complaint/all the issues	11
Unhappy at level of compensation	34
Fares, retailing and refunds	25
Cost of ticket	5
Incorrect ticket sold/wrongly charged	1
Pricing structure/policy	2
Refund conditions/administration	6
Reservations - cost/availability	2
Season tickets - renewal/lost/availability/compensation	2
Ticket restrictions	1
Unable to purchase ticket	2
(blank)	4
Information	4
Lack of announcements/indicators/information on indicators	2
Lack of info to allow pre journey planning	2
Penalty fares/unpaid fares notice/prosecution	10
Failure to carry railcard	1
Lack of discretion	3
No ticket	4
Ticket retailing problem	2
Quality on train	24
Anti-social behaviour	1
Cleanliness of train	3
First class not provided/standard passengers in first class	2
On train services/catering/dedicated carriage	6
Quality of rolling stock/ride	1
Reservations	4
Toilets	2
Train crowded	5
Safety and security	1
Security on train	1
Staff conduct and availability	12
Phone	1
Staff at station	8
Staff on train	3
Station quality	3
Booking office/retailing facilities	1
Waiting rooms/areas	2
Timetable and connection issues	4
Integration with other forms of transport/non-rail connections	1
Rail connections too tight/missed/not held	2
(blank)	1
Train service performance	47
Delay	34
Engineering works	1

Journey abandoned due to delay	1
Repeated poor performance	1
Stopping pattern/routing	1
Train cancelled	8
(blank)	1
(blank)	
Grand Total	205

*Multiple complaint categories added to each appeal complaint. Hence number discrepancy.