

Changes to Complaints Handling Guidance: a consultation by the Office of Rail and Road (ORR).

Response from Transport Focus

Transport Focus welcomes the opportunity to comment on the above consultation.

It is perhaps worth setting out from the offset that Transport Focus supports (and welcomes) the concept of a binding dispute resolution process. Indeed, we have been in the vanguard of discussions with the industry, the Department for Transport (DfT) and ORR about establishing such a scheme – both as part of the current proposal and the implementation of the original 2015 Alternative Dispute Resolution (ADR) directive.

The current complaint system involves Transport Focus acting as an advocate on behalf of passengers and working with rail companies to try and reach a satisfactory outcome. Not all of this involves actual compensation – it is often an apology or explanation that is required or some gesture of goodwill. We have been successful at this, regularly achieving around 70% customer satisfaction levels with the way in which we dealt with the complaint. We have also been successful at using the information gathered to help drive improvements and preventing repeat complaints.

Nonetheless, and as mentioned above, we believe it is right that passengers have access to binding resolution. This binding element will be an important ‘backstop’ but it will be important that the ADR scheme does not lose sight of strengths of the existing mechanism, in particular the advocacy element and the ‘feedback loop’.

The consultation raises four key issues:

1. Signposting

Any complaint system has to be simple and easy to use. So we agree with the statement in paragraph 1.3 about the need for “a clear, understandable, and seamless pathway to a body which can provide independent redress and with which it is easy to engage”.

It is important that this also applies to the wider complaint ‘envelope’ as well as the ADR element. As the document makes clear, there will still be cases that fall outside the remit of the ADR body. It is unlikely that an ADR provider will be able to rule on cases where, for example, passengers want a stop inserted on a service, or fares to be cut or new types of ticket implemented. Sometimes correspondence will also include both ADR and non-ADR type complaints. So there will still be issues that will come through to Transport Focus and London TravelWatch.

Nor are complaints always just about train companies – we can get complaints about third party retailers (e.g. trainline), Network Rail, penalty fare appeals and also about local authority/ PTE products that allow travel on rail. If these aren't to be covered by ADR – and this consultation only looks at train companies – then these too will still come to Transport Focus and London TravelWatch.

So introducing ADR effectively puts a 'third link' in the escalation process. The options presented by ORR recognise this, and the potential additional complexity it brings. There is no single fool-proof process – there are pros and cons to each. Under option one for instance, a passenger with an unresolved complaint could find themselves passed from the ADR provider to Transport Focus; under option three this is reversed; and under option two both the ADR body and us could disagree with the decision made by the train company.

On balance we would favour option one. However, we think the key element is the initial signposting letter. The letter from the train company to the passenger must clearly explain the whole complaint process not just the ADR element. We know from our research that being passed unexpectedly from body to body can be infuriating and could result in passengers abandoning their case. So it is crucial that the letter from the train company is clear that the case goes to the ADR body but that they may involve Transport Focus or London TravelWatch. There would need to be an agreed form of words but the key issue is to raise awareness/ expectation that the case may go beyond the ADR body.

Consideration will need to be given to the way that the complaint process is explained on posters at stations and on board trains and in any online documentation (for example the complaint handling procedure documents published by train companies). It will be important to strike the right balance between outlining the complaints process and a more general 'how to get in touch' with the train company and, for that matter, Transport Focus.

It will also be important to explain when and where ADR applies. If, for instance, Transport for London services are not part of the ADR scheme then it will be important to say so, likewise for third party retailers. This will help prevent false expectations being formed and save time and effort when escalating cases.

In addition, and as ORR acknowledges, speed is of the essence – referrals from the ADR body to Transport Focus would need to be done swiftly. The longer it takes the greater the level of frustration and the likelihood that the case will be abandoned. Analysis of our own complaints handling statistics shows that speed of response is one of, if not the, key driver of satisfaction with passengers in the way the complaint was handled.

2. Timescale for sending signposting letters

We agree that it is essential that rail companies have adequate opportunity to resolve the issue before it goes to the ADR body. But clearly this cannot go on for an indefinite period – it cannot simply be a case of stalling until the passenger gives up.

Not all complaints are the same – complex cases will take longer to deal with than simpler ones. Some will require members of staff to be interviewed and some will require going back to the passenger to seek additional details. Though the latter could be significantly reduced by having a good front-end system that helps passengers provide everything that is required in a readily accessible format.

Any timeframes will need to accommodate these more complicated cases. All of which suggests that option one – eight weeks – may be the most realistic backstop. We would, though, be concerned if eight weeks became the norm for all cases rather than these exceptions. Transparency will be important here – details should be provided on how many (and what type of) cases close within four weeks, five weeks etc. With the clear expectation that most cases should be resolved (or referred to the ADR body) well within the eight week window.

We also support the concept of the deadlock letters – if the train company knows it will not do more it is pointless to wait for the eight week period to expire.

We would ask whether there are lessons that can be learnt from existing ADR schemes in other sectors – especially in regard to the suitability of the eight week timeframe and the deadlock process?

3. Requirement to be a member of an ADR scheme.

We agree with the document that membership of the ADR scheme demonstrates a strong commitment to customer service and builds trust.

The end-game for us is that all passengers have access to the binding resolution element of an ADR process. Having a train company buy into this process because it wants to is arguably a better incentive than one where it is forced to do so and where the focus is on minimum compliance rather than excellence. However, this does mean that a train company can walk away if it disagrees with the ADR body or gets into financial difficulty.

Even having one train company outside the tent makes a bad impression and creates additional complexity – especially where a complaint involves more than that one train company

We tend to agree with ORRs conclusion in paragraph 3.11. If full participation can be achieved on a voluntary basis then good – but there needs to be a very clear ‘...or

else...' message attached. The option/means to shift to a compulsory scheme needs to be clearly known and understood. Indeed, it could be a positive incentive in its own rights.

4. Inclusion of other rail companies

As we have mentioned previously, there is great merit in having a simple, consistent and easily explained complaint process. If someone asks 'how do I make a complaint' it is far better to say '....you do this' rather than '...it depends, you do x for this company, y for that...and so on'

Therefore, the more the wider rail industry is part of the same process the better. Clearly the main focus will be on train companies but, as mentioned, we currently get complaints from other bodies/companies. We would support efforts to extend ADR to these organisations as well.

We would be happy to discuss this response in more detail should you find it helpful.

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