



# Williams Rail Review

## Passenger representation

June 2019

## Introduction

Transport Focus has long called for passengers to be at the heart of the railway. It is a highly complex industry involving many detailed engineering and technical elements, but without passengers there is no railway.

Transport Focus's first submission to the Williams review argued that passengers should not just be the passive recipients of major decisions made on their behalf by the industry<sup>1</sup>. This report also set out opportunities for increased engagement with passengers in strategic planning, implementation and monitoring (attached here as Appendix 1). There are those who would argue that train companies can act as a proxy for passengers when dealing with Network Rail and other agencies. Transport Focus disagrees - there will always be instances where commercial interests do not match passengers' aspirations. There can be no effective substitute for involving those who actually use services in the planning and delivery of those services – a view strengthened by the fact that passengers are funding an ever-increasing proportion of the railway.

It is absolutely right that the industry seeks out and listens to the views of individual customers. However, it can be too easy for these individual voices to be side-lined and marginalised. So there is a continued need for professional, independent consumer representation which can sit alongside direct engagement, and which can capture, collate and amplify the passenger voice. This was also recognised by passengers themselves in research conducted by Transport Focus on the structure of the railway<sup>2</sup>.

This is not a new concept, there is a long tradition of consumer representation in Great Britain, much of which can be traced back to the post-war nationalisation agenda. This was reinvigorated during the privatisation programme in the late 1980/90s where statutory consumer bodies were established for most of the network utilities (gas, electric, water, telecoms, royal mail). On rail, statutory passenger representation began in 1947 – though this too changed radically with privatisation.

The model of representation has changed several times over the years, but Transport Focus believes that its fundamental need and value has remained constant. This brief paper sets out some of the benefits arising from dedicated passenger representation and, based on this experience over the past 70 years, some of the key principles that underpin it. Examples of how this is currently being put into practice can be seen in Transport Focus's workplan for 2019-20<sup>3</sup>.

This submission focuses on the principle of passenger representation. The intention is to ensure that passenger representation is built into any reform of the railway, whatever shape or form this ends up taking.

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<sup>1</sup> [Williams Rail Review: what do passengers want?](#) Transport Focus. January 2019. Appendix 5 sets out opportunities for greater passenger engagement in strategic planning, implementation/delivery and monitoring

<sup>2</sup> [Research debrief: Passenger input into the Rail Review.](#) Transport Focus. 2019

<sup>3</sup> [Workplan 2019-20: Making a difference for transport users.](#) Transport Focus. 2019

## Consumer representation

There are seven widely recognised consumer principles that consumer bodies follow:

- access
- choice
- safety
- information
- fairness
- representation
- redress

There are a number of potential ways that bodies can apply these. They can:

- act as an advocate for the interests of all consumers and/or for specific (often disadvantaged or minority) consumers. This can be at a strategic and/or an operational level.
- provide a formal and informal consultation mechanism as part of industry and regulatory decision-making.
- capture and disseminate users' views.
- help to inform/educate consumers.
- monitor/audit delivery of services and hold people to account for what is delivered.
- identify/highlight problem areas and best practice.

Representation can also take a number of different forms. For example:

- consumers can raise issues through existing democratic channels via MPs and local councillors.
- local and/or national community/action/user groups can campaign and lobby for change.
- the industry in question can create an internal challenge mechanism – this could be via a consumer 'champion' on the board or through a panel. These could be nominated or possibly even elected positions.
- through statutory consumer representation – bodies appointed with specific duties, rights and powers to represent consumers either nationally or on a sector-specific basis.
- through regulatory mechanisms - for example the use of independent Consumer Challenge Groups/ Boards is now established practice in a number of UK sectors where there are monopoly providers of consumer goods or services, including water, energy, and Heathrow Airport. These groups critique and scrutinise the way in which the monopoly organisation engages with its consumers, and report publicly on the degree to which consumers are driving the organisation's business plans. Fundamentally, the objective is to achieve a change in mindset/ culture in the monopoly organisation. See Appendix 2 for further details.

## Key characteristics

Transport Focus's experience suggests that there are several key factors that underpin effective passenger representation in the rail industry. These are reflected in feedback from Transport Focus's own stakeholder surveys in 2013 and 2017; and in an academic paper from Lucerne University looking at the effectiveness of Transport Focus and London TravelWatch in representing passengers<sup>4</sup>.

It is important that any decisions on the future shape/structure of the railway take these into account when factoring in engagement and representation, whatever form that representation may take.

### *Independence*

Being independent of the operator and Government(s) is essential in generating trust with passengers and other stakeholders. It can also help in establishing relationships with the media.

There will be occasions when the operator and the representative body need to work together on an issue – change can often require collaboration as well as challenge. At such times transparency is important – publishing research, being open about funding arrangements, having robust governance all help to provide reassurance.

Having a statutory basis to the representative body can also help as it comes with 'built-in' duties and responsibilities as well as a clear accountability mechanism to Parliament. This statutory basis also gives the body a degree of authority in its dealings with the industry.

### *Evidence based*

While personal experiences can be powerful and emotive it can be too easy for the industry to portray these one-off situations as not representative of the majority of consumers. It can be hard to drive change based solely on anecdotes or word of mouth.

Research that captures the views of a representative sample of users is much harder to ignore or to marginalise and it gives a much better measure of any systemic failure.

For example, Transport Focus conducts research asking rail passengers what they see as priorities for improvement<sup>5</sup>. This is used to help inform government strategic spending plans on rail, specifications within individual franchise agreements and route plans developed by Network Rail. Transport Focus also monitors levels of passenger satisfaction with the service they receive<sup>6</sup>.

Over the course of a year, and across all its modes, Transport Focus typically surveys over 180,000 transport users and captures their views about their last journey. The comparative,

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<sup>4</sup> Are statutory passenger watchdogs effective in representing passenger interests in public transport?  
Vu Thi Tao, Philipp Wegelin, Widar von Arx. Lucerne University of Applied Science and Arts. 2017

<sup>5</sup> [Rail passenger priorities for improvement](#). Transport Focus. 2017

<sup>6</sup> [National Rail Passenger Survey](#) (NRPS). Transport Focus.

benchmarked results from these surveys are then used to drive change for users. For example, passenger satisfaction targets are now built into rail franchise agreements – having fallen below its target, the Scottish Government took action to force ScotRail to improve passengers’ experience markedly. Transport Focus was also able to use this satisfaction data to demonstrate that the railway’s official measure of punctuality did not reflect passengers’ own experiences – leading to the introduction of the new ‘right-time’ performance measure from April 2019.

Having access to evidence and being evidence-based allows the representative body to speak with authority. This generates credibility which, as well as facilitating a good working relationship, also enables the body to robustly challenge operators and regulators.

### *Professional skills and knowledge*

Rail is an incredibly complex industry which is glued together through a series of statutes, and long-standing regulations and commercial agreements.

Arguably a consumer body does not need to know this – it can just focus on the outputs experienced by the users. For instance, you do not need to understand fares and ticketing to campaign against fare increases. But if you want to be involved in developing lasting solutions and in driving effective reform of the system you do need a good working knowledge.

It is Transport Focus’s experience that a representative body needs professional staff with sufficient sector knowledge to turn research and issues into potential solutions and improvements. For example, Transport Focus began to receive reports about overzealous revenue protection in 2012. Through monitoring complaints data and other investigations it was able to build up a dossier showing flaws in the system. Publications in 2012<sup>7</sup> and 2015<sup>8</sup> built up the case for reform and led ultimately to a change of legislation in 2018<sup>9</sup>.

### *Stability and funding*

Research and staffing come at a cost. Any representative body has to be adequately funded to allow for both research, advocacy, communication and public engagement.

Change can be a slow process on rail and often requires constant pressure over a number of years. For example, Transport Focus’s research has long showed the importance of accurate journey planning information. Subsequent audits confirmed that accurate timetable information was not being provided 12 weeks in advance. After pushing for a number of years this finally became a formal licence commitment, backed up with the potential for fines if a company breaches these targets.

Being able to commit to a long-term campaign objective requires a degree of stability and adequate funding. This in turn requires clarity and stability when it comes to the funding mechanism – whether this be via government grant or through a licence/levy mechanism. This also applies to the choice of sponsoring body. Getting the right sponsor, funding mechanism and

<sup>7</sup> [Ticket to Ride](#). Transport Focus. 2012

<sup>8</sup> [Ticket to Ride – an update](#). Transport Focus 2015

<sup>9</sup> [The Railway Penalty Fare Regulations 2018](#). DfT.

governance arrangements can be key to the success of the body.

### *Scalability*

Rail serves both a national and a local market – with trade-offs constantly being made between both on a regular basis. Timetabling is a prime example - if there is 'space' in the timetable to run an extra service into a city does this cater for the inner-suburban market (stopping at lots of local stations) or the longer distance market (with limited stops)? A representative body for the 'local' market would argue for its constituents, as would the body representing passengers from further afield.

A national remit can help ensure that the needs of all passengers can be assessed and balanced. Not having a vested interest or a partial constituency allows for a more neutral assessment based on the 'greater good' and levels of hardship.

As well as 'geography' this can also apply to the balance between longer-term strategic decisions and more immediate operational ones. At a time when major new rail infrastructure is intended to release capacity across key parts of the rail network it can be argued the need for this independent balance will become more rather than less important.

A national remit can also facilitate benchmarking and the spread of best practice between regions/areas and between train companies. This flexibility can work under different models of 'ownership', whether this be a nationalised system or more devolution within the current public-private model of franchising. For example, in its current structure Transport Focus works at a national level with DfT, Transport Scotland and Transport for Wales, and at a regional level with Transport for the North.

### *Multi-modal*

Increasingly transport is being viewed as a door-to-door journey rather than a series of individual silos. Since 2009 Transport Focus has had a multimodal remit – first with bus, coach and tram and more recently with users of England's motorways and major 'A' roads, the Strategic Road Network (SRN). This wider remit has enabled more of a focus on integration in general but especially on things like journey planning information, fares and ticketing and connections.

It also allows for the identification and spreading of good ideas and best practice between modes. For example, by analysing the results of the rail<sup>10</sup> and bus<sup>11</sup> passenger satisfaction surveys Transport Focus can compare and contrast the experiences of passengers with a disability between modes. This also extends to comparing the way Highways England and Network Rail manage major engineering works and how they communicate with passengers/motorists during this disruption. Having a multi-modal role can help to maximise value for passengers.

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<sup>10</sup> [National Rail Passenger Survey](#) (NRPS). Transport Focus.

<sup>11</sup> [Bus Passenger Survey](#) (BPS). Transport Focus.

## Conclusion

This paper is Transport Focus's fifth submission to the Williams Review:

[Williams Rail Review - what do passengers want?](#)

[Williams Rail Review - what do passengers think about the structure of the railway?](#)

[Williams Rail Review - Barriers to travel: How to make rail more attractive to infrequent and non-users.](#)

[Williams Rail Review – Trust in train operators: an exploration of issues influencing passenger trust in rail](#)

Together these papers set out what passengers want from the railway, their views on structure and accountability, their levels of trust with train companies, and barriers to using rail.

It is essential that the rail sector engages with its customers and involves them in the decision-making process, but it is also important that there is professional, independent consumer representation which can help capture, collate and amplify the passenger voice.

This submission focuses on the principle of passenger representation. Its aim is to ensure that the need for passenger representation – whatever shape or form this ends up taking – is not forgotten and may be enhanced in any reform of the railway.

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