

Board Meeting Date 23/07/2019 Time 13.30-16.00 Venue G1, Fleetbank House

Part 2

Time	Item	Subject	Leading	Purpose	Paper
A Corp	orate at	ffairs			
13.30	1	Chair's opening remarks; apologies and introductions	Jeff Halliwell		
	2	Introduction - Catherine Folca, stakeholder manager, Transport Focus			
		South Western Railway and Network Rail Wessex Route:	Catherine Folca,	Information	✓
			stakeholder		
		Andy Mellors, Managing Director, South Western Railway	manager, Transport		
		Alan Penlington, Customer Experience Director, South Western Railway	Focus		
		David Dickson, Interim Route Managing Director - Wessex, Network Rail			<u> </u>
	3	Introduction - Kate O'Reilly, stakeholder liason manager, Transport Focus			
	-	Rail Passenger Ombudsman Scheme:	Kate O'Reilly,	Information	_
		Trail Tabbongor Ombadoman Conomo.	stakeholder liason	momation	
		Judith Turner, Legal Counsel & Head of ADR, Rail Ombudsman	manager, Transport		
		Kathryn Stone OBE, appointed to independently assess quality and complaints,	Focus		
		Rail Ombudsman			
		Rail Delivery Group:			
		Jason Webb, Customer Information Director, Customer Directorate, Rail Delivery			
		Group			
		David Statham, Managing Director, Southeastern			
10.00					
16.00		Close			

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Board Meeting Jul 19 BM Meeting date: 23/07/19 Part 2 Agenda item: 02.0

Purpose of submission:	For discussion	Type of submission:	Briefing	
Report Title	South Western Railway and Network Rail Wessex Route breifing			
Sponsor	Anthony Smith – chief executive			
Author(s)	uthor(s) Catherine Folca – stakeholder manager			

Summary

The Board will recall that Andy Mellors, Managing Director, South Western Railway (SWR) and Becky Lumlock, formerly Route Managing Director Wessex Route, Network Rail attended our January 2018 Board meeting and our July 2018 Members Event, to talk about the decline in performance prior to and since the SWR franchise came into operation in August 2017. We have invited SWR and Network Rail back to discuss performance since our last meeting. Transport Focus has been to visit the Joint Performance Improvement Centre at Waterloo, which is one of several initiatives implemented to improve performance. This meeting will also afford the opportunity to learn about initiatives introduced to improve performance. We will be joined by:

Andy Mellors, Managing Director, South Western Railway

In post from start of current franchise in August 2017. A number of senior leadership roles since joining FirstGroup in 2002. Previously Engineering Director/Deputy Managing Director at Great Western Railway. Prior to that a similar role at First ScotRail.

Alan Penlington, Customer Experience Director, South Western Railway

Has worked on the railway for 18 months. Previously worked at Virgin Atlantic for 14 years where he had a variety of operational and customer focused roles including leading their customer experience and service propositions.

David Dickson, Interim Route Managing Director, Wessex

David has been at Network Rail since 2002. Most recently he was chief operating officer for Wessex Route and Route Managing Director for the Scotland Route before that.

The National Rail Passenger Survey (NRPS) results for the spring 2019 wave show a decline in overall satisfaction of two percentage points since spring 2018, although this represents an increase of five percentage points since autumn 2018. Satisfaction with punctuality/reliability saw a four percentage points increase since spring 2018, this represents an improvement of seven percentage points since autumn 2018. Punctuality/reliability continues to be the key driver of satisfaction among passengers. See Appendix for NRPS summary reports, for further information on the spring 2019 NRPS results please see this link.

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Additional information

Train Company Background

South Western Railway (SWR) is a joint venture between First (70%) and MTR (30%). First MTR took over the operation of South Western in August 2017, during the Waterloo upgrade engineering works. SWR provides commuter, inter-urban, regional and long-distance services to passengers in South West London and southern counties of England, as well as providing connectivity to the ports and airports in the region. The franchise end date is 17 August 2024. Network map

SWR Key Statistics	2017-18	2018-19 ¹
Number of employees	5,059	5,177
Number of stations managed	186	184
Passenger journeys (millions)	211.8	216.0
Passenger kilometres (millions)	5,937.8	6,039.6
Passenger train kilometres (millions)	39	39
Route kilometres operated	998.2	997.8

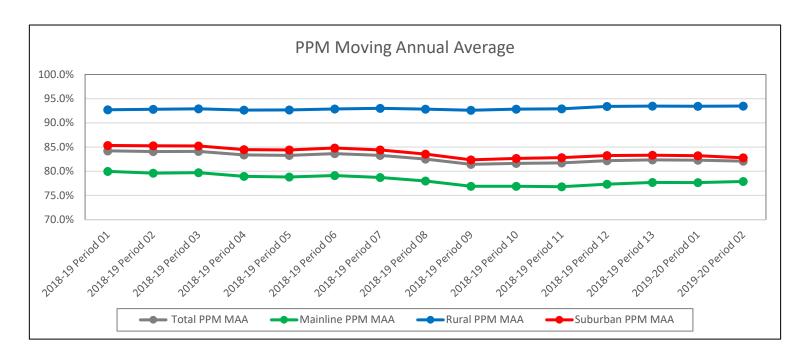
¹ https://dataportal.orr.gov.uk/media/1392/south-western-railway-key-stats-1819.pdf



Performance

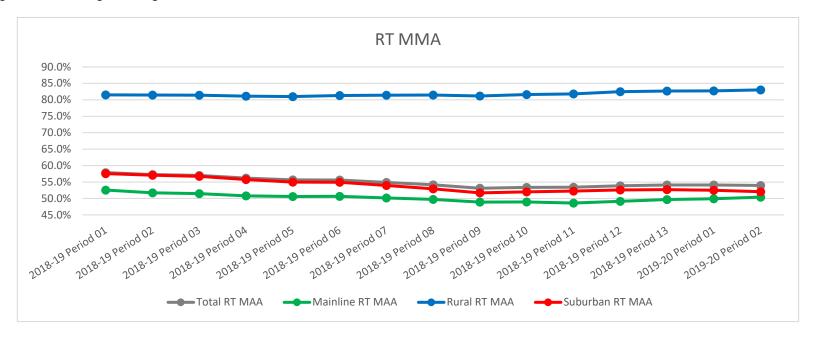
The following charts below depict SWR performance over the rail periods April 2018 to May 2019, overall and by the different building blocks. The data is drawn from Office of Rail and Road (ORR) statistics.

The moving annual average Public Performance Measure (PPM) i.e. within the 5 minutes threshold for lateness.





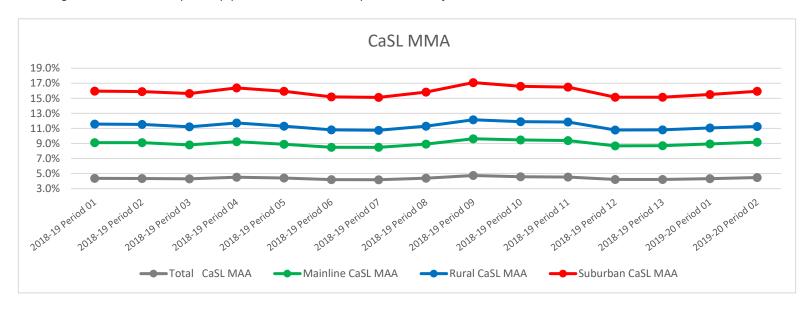
The moving annual average for Right Time Performance is lower







Cancellations and significant lateness (CaSL) (30 minutes or more) remain fairly constant.







Delay attribution split by Network Rail, SWR and TOC on TOC

The table below shows the attribution of delays of three minutes or more.

- Network Rail attributed delays: as well as infrastructure faults, includes external factors such as weather, trespass, vandalism, cable theft and fatalities.
- Train operator caused to self: delays to a passenger train operating company's (TOC) services that are attributed to that company.
- TOC on TOC: delays to a passenger train operator's services that are attributed to another train company.

Network Rail delay categories	Annual 2017-18	Annual 2018–19
External	10%	15%
Network Management / other	23%	21%
Non-Track assets	20%	13%
Severe weather, autumn & structures	6%	5%
Track	9%	14%
NR-on-TOC total	68%	70%
TOC-on-self total	27%	27%
TOC-on-TOC total	4%	4%

Percentages may not add up due to rounding

Additional reading

South Western Railway latest stakeholder newsletter link.

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Potential questions and discussion points

Fares and ticketing

- Delay Repay national average claim 35%, is there any sense of uptake and what measures are there in place to raise awareness?
- Smart ticketing what is the trend you are seeing in the split between paper / season /smart season tickets? Any plans to move away from paper seasons completely?

Industrial relations

• Unions – has there been any progress towards ending this dispute?

Infrastructure

- At the last meeting Network Rail spoke of putting additional staff in place to carry out detailed track inspections to identify where action was needed to counter the effects of the hot weather, has this been effective?
- Has Network Rail implemented any other initiatives to reduce the number of infrastructure failures?
- Are there any plans to reduce dwell times at platforms, through speeding up boarding, e.g. by reducing step / gaps between platform and train and platform lengthening?

Network Rail

- What difference will the new Network Rail mean for passengers?
- Will there be a change to your approach to communication with passengers?
- How are Network Rail going to measure the success of putting passengers first?

Performance

- Performance how confident are you that you will deliver and maintain a significant improvement in performance?
- Is there additional focus on the core busiest routes between Woking and Waterloo and Barnes and Waterloo?
- Are there plans to focus on and address sub-threshold delays?

Rolling stock

- New fleet introduction are there any delays or is this currently on schedule?
- What steps are being taken to improve the reliability of older trains on the network?

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Timetable

- The May timetable 2019 saw the introduction of 300 additional services how confident are you of preparations for the next significant timetable change?
- Accurate station dwell times and sectional running times are key to a timetable that delivers good punctuality. What are your plans to ensure that these underlying assumptions are spot on?

Further information	
Annex 1	National Rail Passenger Survey - At a Glance - Great Britain wide - Spring 2019
Annex 2	National Rail Passenger Survey - At a Glance - South Western Railway - Spring 2019

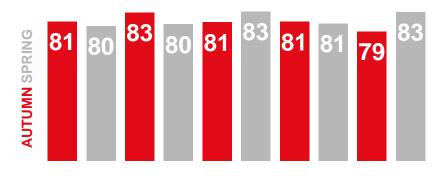
NATIONAL RAIL PASSENGER SURVEY SATISFACTION AT A GLANCE

National SPRING 2019

This survey covers 28,238 National passengers



OVERALL JOURNEY SATISFACTION



2014

2015

2016

2017

2018

2019

Overall Satisfaction = Very Satisfied + Fairly Satisfied

83%

Overall satisfaction in

Spring 2019





77% 80%



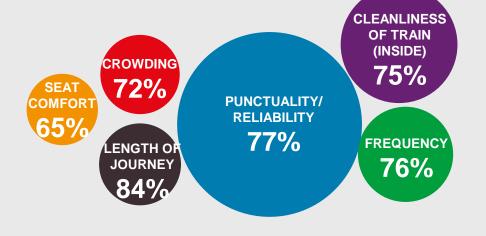
76% **85**% **90**%



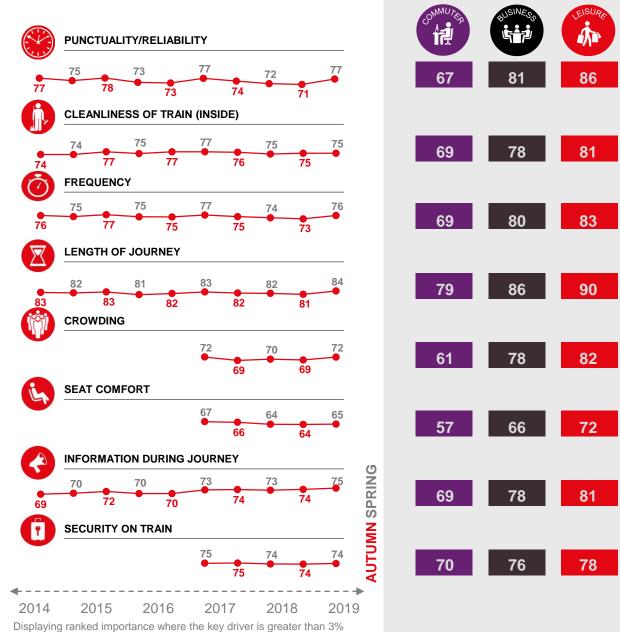
DRIVERS OF SATISFACTION

% SATISFIED

Some factors have a greater influence on whether a passenger is satisfied with the overall iourney than others. The size of the circle denotes relative importance of the top six drivers of satisfaction, so the biggest is the most important driver.



DRIVERS OF SATISFACTION OVER TIME



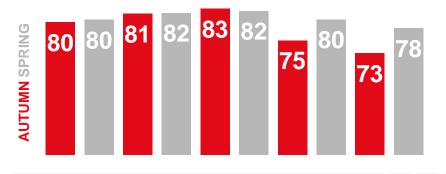
NATIONAL RAIL PASSENGER SURVEY SATISFACTION AT A GLANCE

South Western Railway SPRING 2019

This survey covers 2,216 South Western Railway passengers



OVERALL JOURNEY SATISFACTION



2014

2015

2016

2017

2018

2019

Overall Satisfaction = Very Satisfied +

Fairly Satisfied

78%

Overall satisfaction in

Spring 2019







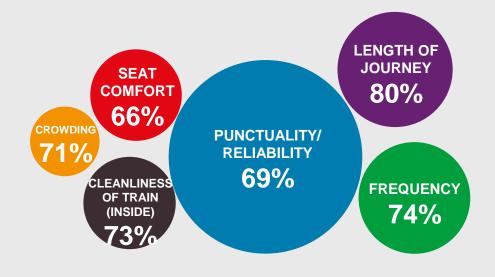
75% 74% 72% 82% 86%

vs Spring 2018

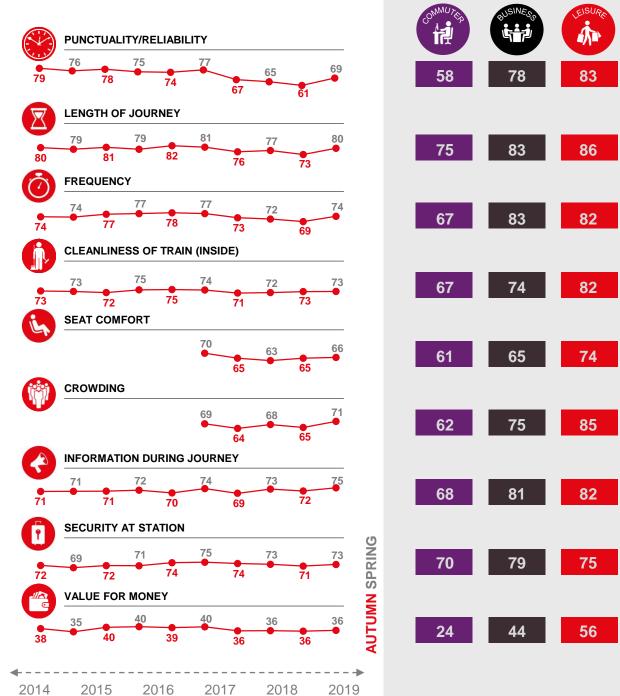
DRIVERS OF SATISFACTION

% SATISFIED

Some factors have a greater influence on whether a passenger is satisfied with the overall iourney than others. The size of the circle denotes relative importance of the top six drivers of satisfaction, so the biggest is the most important driver.



DRIVERS OF SATISFACTION OVER TIME



Displaying ranked importance where the key driver is greater than 3%

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Board Meeting Jul 19 BM Meeting date	23/07/19 Part 2 Agenda item: 03	3.0
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Purpose of submission:	For discussion	Type of submission:	Briefing
Report Title	Rail Passenger Ombudsman Scheme		
Sponsor	David Sidebottom - director		
Author(s)	Kate O'Reilly – stakeholder liaison manager		

Summary

The Rail Ombudsman was introduced in November 2018 and promised to deliver free, binding, independent dispute resolution for rail passengers. The introduction of the Ombudsman replaced, for the most part, the appeal complaint mediation role that Transport Focus and London TravelWatch had previously carried out. Transport Focus and London TravelWatch continue to handle complaints that fall outside of the eligibility criteria for the Rail Ombudsman.

Transport Focus and London TravelWatch have worked closely with the Rail Delivery Group, Department for Transport and the Office of Rail and Road to support the process of setting up the Scheme to ensure that the passenger voice has been represented throughout.

Since the introduction of the Rail Ombudsman, Transport Focus and London TravelWatch have been monitoring the Scheme and have been working closely with scheme members (train operators and Network Rail), Rail Delivery Group and the Ombudsman, to ensure that it is delivering on its objectives and that it is working for passengers. We have identified a number of issues.

Transport Focus has identified and has been liaising Rail Delivery Group since April 2019 in relation to two core issues:

- Signposting
- Data and reporting

A brief summary of each issue is below.

In addition to setting out our concerns, Transport Focus invited Rail Delivery Group and the Rail Ombudsman to attend this Board meeting in public in London on 23 July 2019.

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This paper is intended to provide a brief overview of the issues identified and the current situation with the Rail Ombudsman to help inform thinking and the questions members might wish to ask.

Signposting

- Passengers are not being made clearly aware, up front, and on a consistent basis of the existence of the Rail Ombudsman or of their right to free, binding dispute resolution should they be unable to reach an agreement with a scheme member.
- Please refer to Annex 2 for the audit report highlighting how and where each train operator is alerting their customers to the existence and role
 of the Rail Ombudsman and, as a consequence, identifies both good and poor practices. The report covers reviews of train operator websites,
 Complaint Procedures and Passenger Charter as sources of information for passengers. Transport Focus plans to share this report with each
 train operator and work with them on individual findings and proposed action plans to improve passenger awareness. Transport Focus also
 plans to publish the report and repeat the audit within the next six months.
- The Rail Ombudsman must fall in line with other industries, such as water, energy and finance, in which consumers are made aware of the existence of an Ombudsman and their right to escalate at first point of contact e.g. complaint acknowledgement letter. There is no evidence to suggest that proactively advising consumers of their rights increases the number of referrals to the Ombudsman and the requirement to follow the escalation process mitigates any risk of this.
- The process that was in place prior to the introduction of the Rail Ombudsman mandated referral to the passenger watchdogs no later than the second substantive response to the passenger. This has now been replaced with a 'deadlock' process, whereby scheme members are only required to signpost when they consider a complaint deadlocked or when 40 working days have elapsed since the original complaint was raised.
- Prior to the introduction of the Rail Ombudsman, Transport Focus and London TravelWatch collectively dealt with approximately 2000 appeal
 complaints per quarter. The Ombudsman's first quarterly report was released on 27 June 2019 and covers the period January to March 2019.
 The report stated that 726 complaints were referred to the Ombudsman and of these, only 195 were assessed as being in scope of the
 Scheme. The majority of cases that have been deemed as out of scope for the Ombudsman have been due to the journey or incident taking
 place before the implementation date of 26 November 2018. More detailed information can be found in this report under Annex 3.

Data and reporting

Transport Focus and London TravelWatch maintain their role as passenger advocates and continue to handle passenger complaint relating to
industry policy which fall outside of the scope of the Ombudsman. Complaints regarding policy issues account for approximately 30% of overall
passenger complaints. As such, the introduction of the Ombudsman has resulted in a wealth of complaint management and insight being lost
as appeal cases are no longer initially signposted to the passenger watchdogs. Therefore, in order to continue to fulfil our advocacy role,

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Transport Focus and London TravelWatch require access to appropriate levels of complaints data and reporting raised with the Rail Ombudsman.

- The Rail Ombudsman has provided the passenger watchdogs with access to a data portal which provides top level complaint category data only. While helpful, vital information that can only be obtained from having sight of the original complaint is not included e.g. time of incident, all stations involved, underlying cause of the issue, impact on the passenger/s, etc.
- Although comprehensive data sharing agreements are in place between Transport Focus, London TravelWatch and Rail Delivery Group, we do
 not have full access to more relevant and detailed complaint data. However, the Rail Ombudsman is citing General Data Protection Regulations
 (GDPR) and a lack of capacity at the Ombudsman to anonymise data as a reason for not providing this level of access. It should be noted that
 both Transport Focus and London TravelWatch have very recently set up fortnightly discussions with Rail Delivery Group to progress matters
 around access to data and reporting.
- To date, there has been no insight into passenger satisfaction with the performance of the Rail Ombudsman itself is not being monitored.
- Train operators and Network Rail are obliged to share monitoring of passenger satisfaction with their complaint handling standards with the
 Office of Rail and Road. This is reported by the regulator on a quarterly basis. However, this reporting has been suspended until the end of
 2019/20 due to GDPR regulations causing an impact on the process by which surveys are collected via a third party. When results are
 eventually reported this will be a key measure of the success by which passengers judge how their initial complaint to a scheme member has
 been handled and resolved.

Additional information

Rail Ombudsman Scheme Council

- Both Transport Focus and London TravelWatch are Independent Members of the Scheme Council. The other Independent Members are represented by Department for Transport, Office of Rail and Road and Disabled Persons Transport Advisory Committee (DPTAC).
- The purpose of the Council is:
 - To provide governance over the Scheme
 - To oversee RDG's administrative role in managing the Scheme
 - To manage its relationship with the Scheme provider in its provisions of the Scheme service
 - To ensure the appropriate application of the Scheme rules
- The Scheme Council met for the time on 3 June 2019. Key points discussed and actions agreed included:
 - Appointment of a Chair for the Scheme Council. Keith Richards from DPTAC agreed to Chair the Scheme Council
 - Review and agreement of Scheme Council's terms of reference
 - Review and agree Governence Reference Handbook
 - Signposting and data
 - Update on performance on Rail Ombudsman

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- It was on this final two points that most discussion took place. Key points being:
 - Need for clarification of definition and terms used in reporting
 - Clear that complaint volumes have come down
 - Need for clarity to explain trends and consistent references
 - Develop historical changes and trends
 - RDG agree that driving principle regarding data is that it must be open and shared unless GDPR infringed
 - Lower case volumes than anticipated could be down to lower levels of disruption on the railway, Scheme Members taking additional steps to resolve first time complaints or that signposting needs to improve
- RDG agreed to take away some work to develop a "guide" for Scheme Members to look at how/when complaints are going to deadlock, identifying and sharing best practice regarding provision of information and redress and look to introduce an annual "customer survey" or standalone passenger research in autumn 2019 to explore the previously mentioned issues

Potential questions and discussion points

We are seeking clarification on the following points from representatives from the Rail Ombudsman and Rail Delivery Group:

Signposting

- What is being done by the rail industry to bring itself in line with other service industries and meet its objectives of building greater transparency and trust by making passengers aware of the existence of the Rail Ombudsman and its role more easily, clearly and consistently?
- Transport Focus has seen evidence of cases being protracted or deadlock letters not being issued, in some cases despite being specifically requested by the passenger. Do you consider that it is acceptable for the decision as to whether a complaint is deadlocked or not to lie solely with the scheme member? How should this be audited?
- What monitoring/auditing is being done to ensure that scheme members are signposting at an appropriate time and that complaints are not being protracted unnecessarily? Previously the rail industry reported on the number of complainants that had been signposted to Transport Focus or London TravelWatch. We are unaware as to whether or not this data is still collected as it is not published as part of the ORR rail statistics.
- How can you be assured that scheme members are not allowing 40 working days to lapse before signposting to the Ombudsman when signposting could take place earlier?
- Transport Focus and London TravelWatch are aware that increased internal procedures by the rail operators and additional care may be taken in handling complaints such as rail operators contacting the Rail Ombudsman for a steer of how they would view a complaint. This does not explain the substantial decrease in appeals and therefore why do you think so few complaints have been referred to the Rail Ombudsman in comparison with the number that would previously have been referred to the passenger watchdogs?

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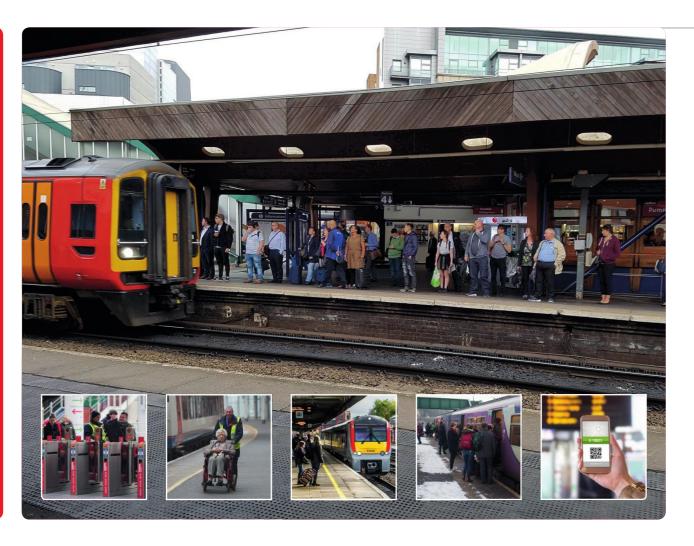


• The process for registering a complaint with the Rail Ombudsman is 40 working days with the rail operator and up to another 40 days with the Rail Ombudsman. In addition, registering a complaint with the Rail Ombudsman involves completing a long, detailed form. Do you believe that this process for registering a complaint with the Rail Ombudsman could be a deterrent for passengers?

Data and reporting

- When can the passenger watchdogs expect to have the requested access to complaint data?
- How are we assured that the Rail Ombudsman is in fact providing passengers with fair, transparent and seamless dispute resolution?
- We are aware that an independent assessor has been appointed to assess the quality of output from the scheme. However, we are not aware of any monitoring of experience or satisfaction with the scheme. How is passenger experience with the scheme being monitored, if at all?
- Rail Delivery Group is proposing that the way in which rail operators advise and signpost to the Rail Ombudsman is scored against a varying
 set of standards and that they should be the body that assesses and awards these scores. Transport Focus and London TravelWatch believe
 that to demonstrate consistency there must be one standard that all rail operators must achieve and that this cannot be carried out by the Rail
 Delivery Group as they could not demonstrate transparency or bias towards the organisations that they represent. Would you agree that setting
 one standard which scheme members must meet would be more effective than a varying set of standards? If not, why not?

Further information	
Annex 1	Rail Ombudsman - Signposting passengers July 2019 (publication)
Annex 2	Rail Ombudsman statistics published June 2019 (publication)
Annex 3	Transport Focus complaint update (report)



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

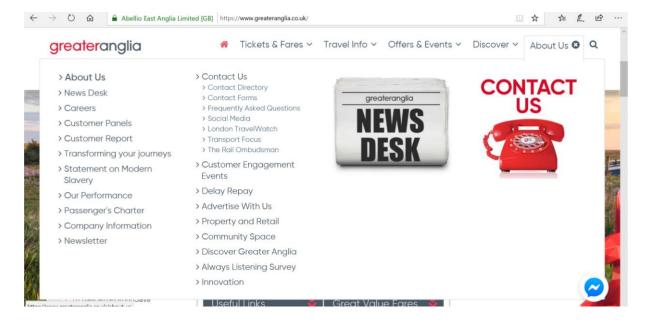
The review found that no scheme members are providing information regarding the Ombudsman on the home page of their own website.

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.

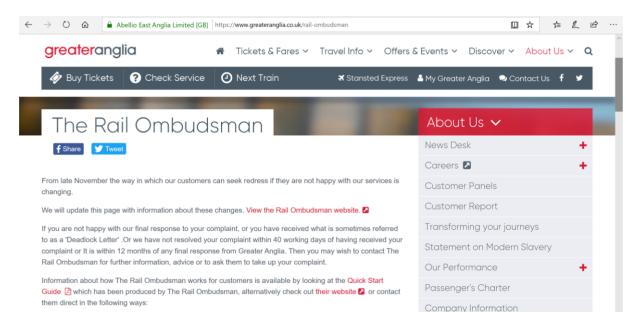
The information should be obvious and easily accessible by consumers.

Examples of good practice:

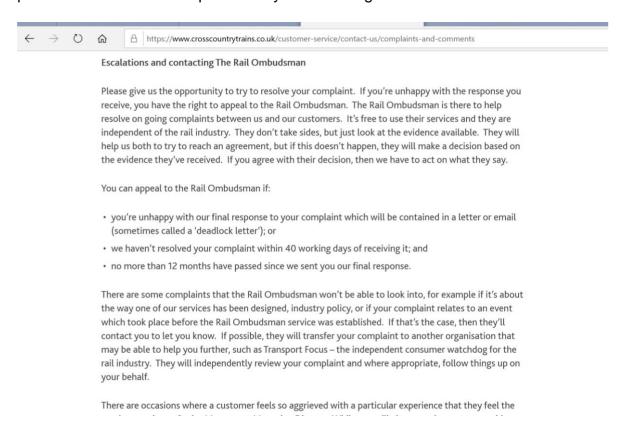
Greater Anglia refer to the Rail Ombudsman when you hover over 'About us' on the home page (in a sub menu under the 'contact us' tab on that page):



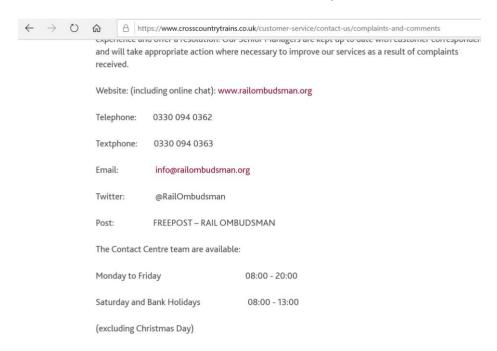
Once the 'Rail Ombudsman' link is selected, an overview of the escalation ("deadlock") process, timeframes, along with links to the Rail Ombudsman website and 'quick start' guide are all provided.



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



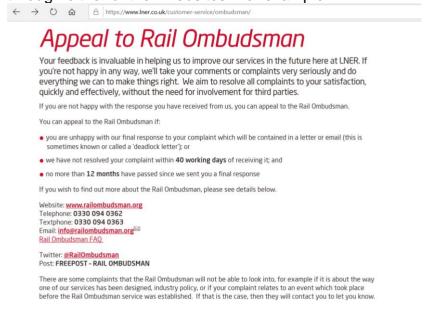
The information provided by Cross Country is clear, explaining timeframes, eligibility and possible onward signposting to Transport Focus or London TravelWatch. It also provides contact details for the Ombudsman via multiple channels:



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:

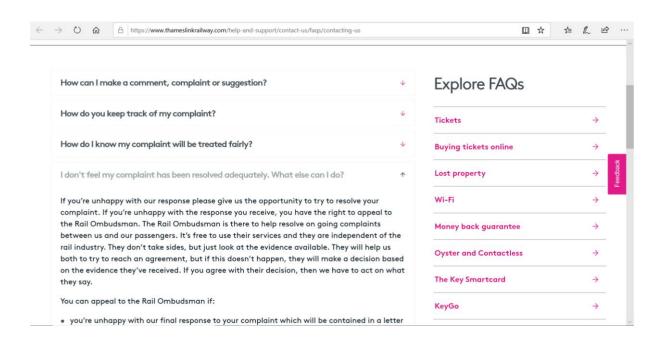
Chiltern and LNER have information regarding the Ombudsman on their websites. However, this only appears to be available via Google search and could not be accessed by simply navigating through either of their websites. For example LNER:

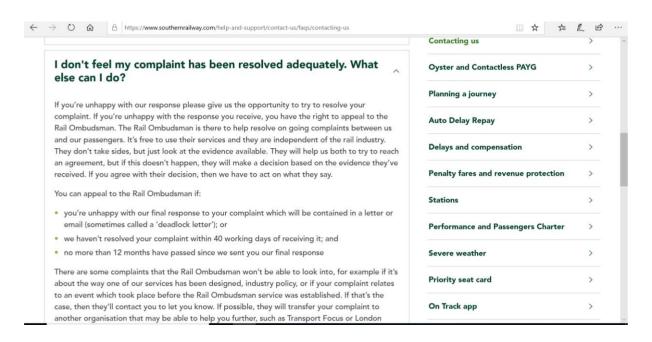


The url https://www.lner.co.uk/customer-service/ombudsman/ is displayed (as above) when navigating from Google. However, the Ombudsman section cannot be navigated to as a next step from https://www/lner.co.uk/customer-service/ which should be possible if this page exists.

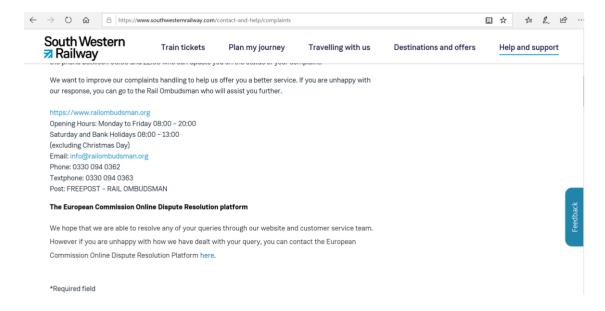
Virgin Trains make no reference at all to the Rail Ombudsman on its website.

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



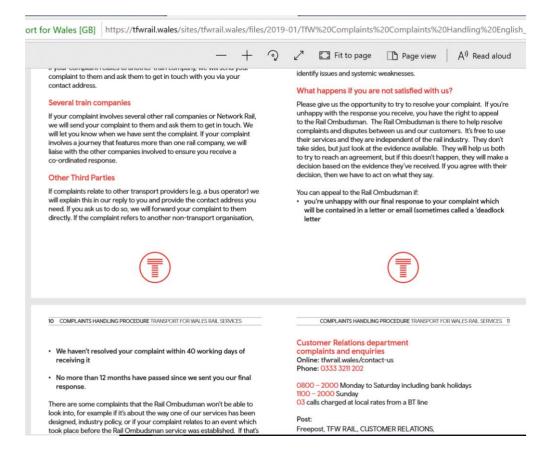
In persor

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.

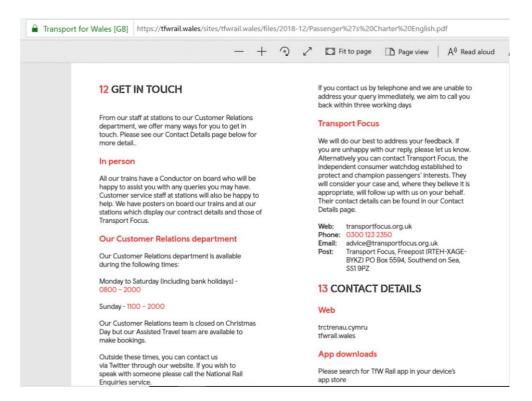
However, the Chiltern Railways Complaints Procedure provides outdated information regarding Alternative Dispute Resolution and escalating to Transport Focus or London TravelWatch:



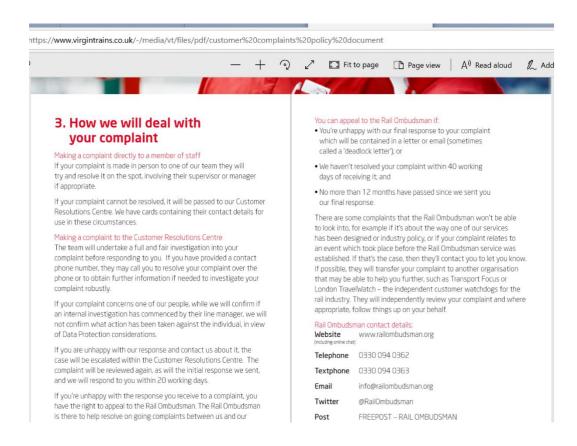
Conversely, Transport for Wales' Complaint Procedure correctly signposts to the Rail Ombudsman:



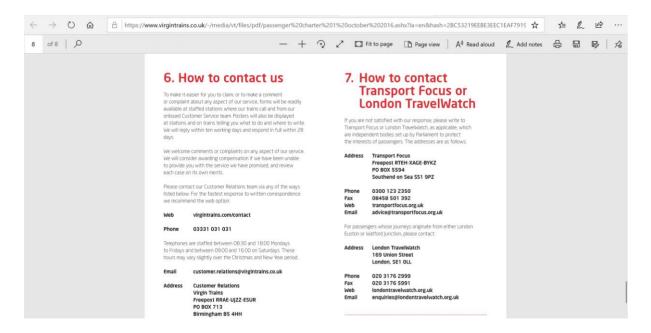
However, the Transport for Wales' Passenger Charter still refers passengers to Transport Focus:



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



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



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	*	✓	<u> </u>
Transport for Wales	*	X	×
Virgin Trains	~	×	×
West Midlands Trains	×	×	→

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Transport Focus is the operating name of the Passengers' Council

Quarterly Report



Dates: 01/01/% - 31/0' /%



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Executive Summary

This is the first quarterly report produced by the Rail Ombudsman, providing complaint case information from January 2019 to March 2019 ("Quarter 4").

The Rail Ombudsman was launched on the 26th November 2018 as a free service for Rail Passengers. It is an independent, impartial and expert organisation equipped to investigate rail complaints for Rail Passengers who have not been able to resolve their complaints directly with the Participating Train Operating Companies. For further information about the Rail Ombudsman please visit our website: www.railombudsman.org

The Rail Ombudsman helps Rail Passengers and Participating Train Operating Companies to reach a fair resolution to complaints. Its decisions are binding on Participating Train Operating Companies. Furthermore, it provides feedback to the rail industry to help encourage improvements and where possible, reduce future preventable complaints.

A total of 726 complaints were referred to the Rail Ombudsman in Quarter 4. During the same period, we assessed 195 to be In Scope and eligible for the scheme. We transferred 273 to statutory appeals bodies to deal with and we assessed that 202 were not eligible and thus Out of Scope. We Mediated 58 cases and Adjudicated on a further 47. In 2 instances, the Rail Passenger withdrew their complaint. 88 complaints were resolved via a Simple Resolution. Of these, 86 complaints were satisfied by the performance of a previously agreed resolution, or a resolution that was decided between the parties independently after the complaint was raised with the Rail Ombudsman. The remaining 2 cases were not upheld as the nature of the claims were such that the decision was made at an administrative level.

The Rail Ombudsman can only consider complaints arising from events that occurred on or after the 26th November 2018. A number of complaints that fell before this date were not eligible to be considered.

In addition to the quantitative data provided within this report, the Rail Ombudsman is producing a series of case studies that provide both Rail Passengers and the rail industry with insights about the Rail Ombudsman scheme. These are available at: www.railombudsman.org/resource-area/faq-3/case-studies/

All data within this report has been extracted from the Rail Ombudsman's Case Management System.

Notes

All percentages shown within this report have been rounded up or down to the nearest whole number.

Passenger journeys delivered by Participating Train Operating Companies vary in length and number. Complaint volumes in this report have not been weighted to reflect this and should not be used as mechanisms for comparison. Further information on Train Operating Companies' passenger numbers can be found on the Office of Rail and Road's data portal here: https://dataportal.orr.gov.uk/browsereports/12

Complaints evaluated / closed by the Rail Ombudsman during Quarter 4 include complaints raised in the previous quarter.



Definitions

Rail Passenger An individual who has undertaken, or has attempted to undertake, a journey on a scheduled rail service,

and has purchased (or has had purchased on their behalf), or has attempted to purchase, a ticket for that

journey.

Participating Train
Operating Company

A train operating company which is part of the Rail Ombudsman scheme. The full list of Participating Train Operating Companies is available here: www.railombudsman.org/about-us/Participating-service-providers/

In Scope A complaint accepted as being eligible for the Rail Ombudsman scheme.

Out of Scope (Transferred)

A complaint that is outside the scope of the Rail Ombudsman scheme which is transferred to either

Transport Focus or London TravelWatch.

Out of Scope (Ineligible)

A complaint which is deemed ineligible for the Rail Ombudsman scheme and also for Transport Focus and

London TravelWatch.

Simple Resolution A stage in the Rail Ombudsman process that provides an opportunity, in some circumstances, to quickly

resolve an issue.

Complex Resolution A stage in the Rail Ombudsman process where a Simple Resolution is not possible. The Rail Ombudsman

will first Mediate and then where applicable, Adjudicate to resolve an In Scope complaint.

Mediation The process by which, assisted by an independent view from the Rail Ombudsman, a settlement in relation

to an In Scope complaint can be negotiated to which both the Rail Passenger and the Participating Train

Operating Company agree.

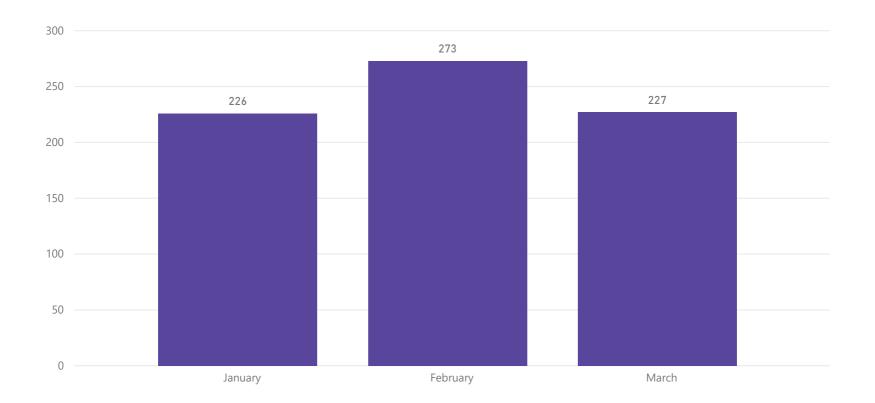
Adjudication The process by which, in the event that a Simple Resolution and Mediation have been unsuccessful in

reaching agreement between the Participating Train Operating Company and the Rail Passenger, the Rail

Ombudsman will investigate and make an impartial decision on the case.



1. Complaints referred to the Rail Ombudsman for assessment, by month

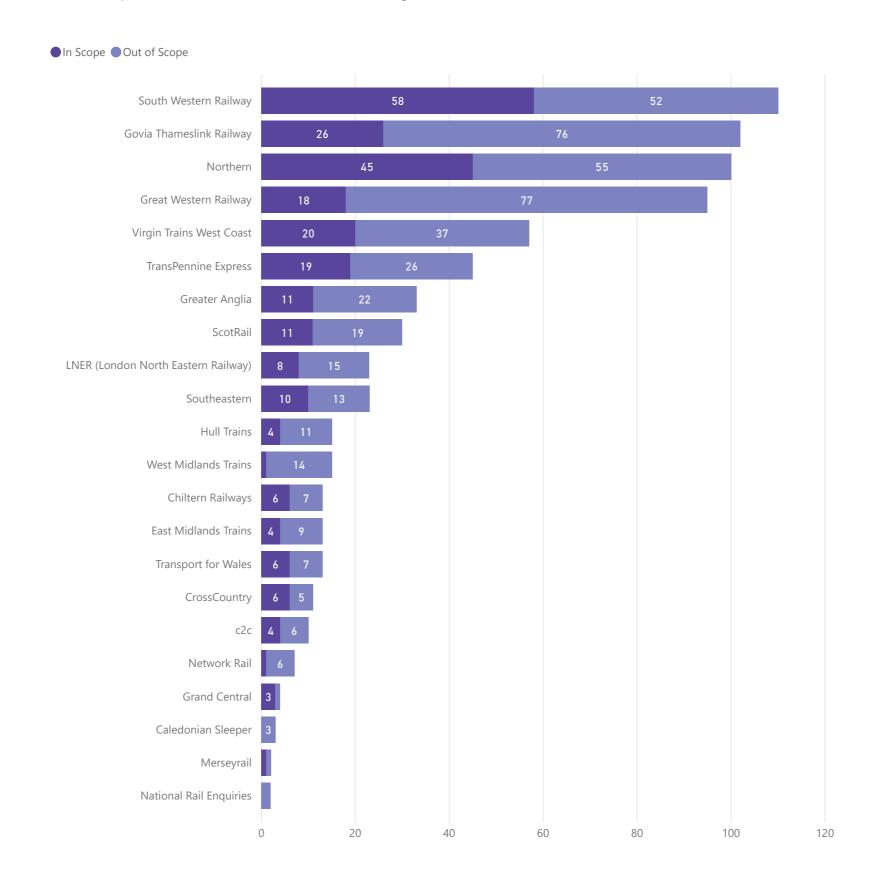


Total referred to the Rail Ombudsman in Quarter 4: 726



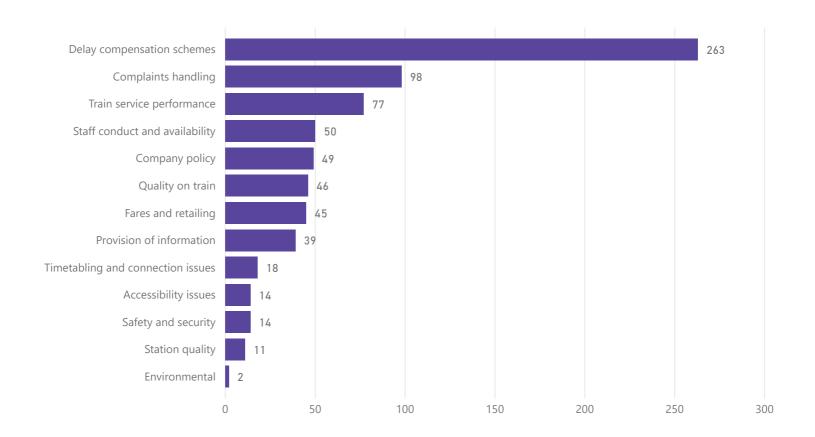
2. Complaint volume by Participating Train Operating Company

New complaints referred to the Rail Ombudsman during Quarter 4.





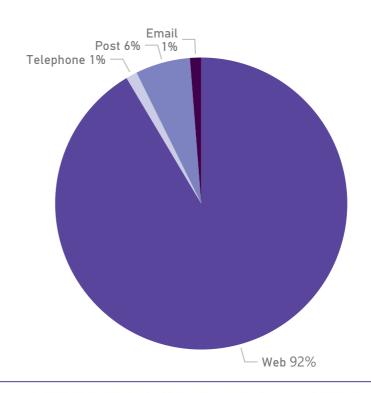
3. Complaints referred to the Rail Ombudsman, by top level complaint category



4. Channel used by Rail Passengers to refer complaints to the Rail Ombudsman

The channel used by a Rail Passenger to refer a complaint (excluding contact relating to general enquiries, advice and signposting).

Channel	Vol. of complaints
Web	664
Post	44
Email	9
Telephone	9
Total	726





5. Complaints referred to the Rail Ombudsman by second level category

Second level category	Top level category	Vol. of complaints
Compensation claim rejected	Delay compensation schemes	98
Punctuality/reliability (i.e. the train arriving/departing on time)	Train service performance	75
Level of compensation	Delay compensation schemes	73
Complaints not fully addressed/fulfilled by Participating Train Operating Company	Complaints handling	68
Compensation claims process	Delay compensation schemes	57
Ticketing and refunds policy	Company policy	45
The attitudes and helpfulness of the staff at station	Staff conduct and availability	31
Speed of response	Delay compensation schemes	28
Provision of information about train times/platforms	Provision of information	21
Ticket buying facilities	Fares and retailing	20
Sufficient room for all passengers to sit/stand	Quality on train	19
Other	Fares and retailing	15
No response from Participating Train Operating Company	Complaints handling	11
Facilities onboard	Quality on train	11
The helpfulness and attitude of staff on train	Staff conduct and availability	11
Personal security onboard	Safety and security	9
Unhappy at type/level of compensation	Complaints handling	8
The provision of information during the journey	Provision of information	8
Response time	Complaints handling	7
Smartcards	Fares and retailing	7
Other	Provision of information	7
Upkeep and repair of the train	Quality on train	7
Assistance staff	Accessibility issues	5
Awareness/promotion of schemes	Delay compensation schemes	5
The facilities and services	Station quality	5
Connections with other train services	Timetabling and connection issues	5
The frequency of the trains on that route	Timetabling and connection issues	5
Booked assistance not provided at station	Accessibility issues	4
Cleanliness of train	Quality on train	4
Other	Quality on train	4
Personal security whilst using station	Safety and security	4
Other	Accessibility issues	3
Other	Company policy	3
Staff member was impolite/unhelpful	Complaints handling	3
Value for money of ticket price	Fares and retailing	3
Provision of information on website or mobile apps	Provision of information	3
Other	Station quality	3
Timetabling	Timetabling and connection issues	3
Other	Delay compensation schemes	2
Other	Staff conduct and availability	2
The availability of staff - at station	Staff conduct and availability	2
The availability of staff - onboard	Staff conduct and availability	2
Connections with other forms of public transport	Timetabling and connection issues	2
The length of time the journey was scheduled to take (speed)	Timetabling and connection issues	2
Other	Train service performance	2

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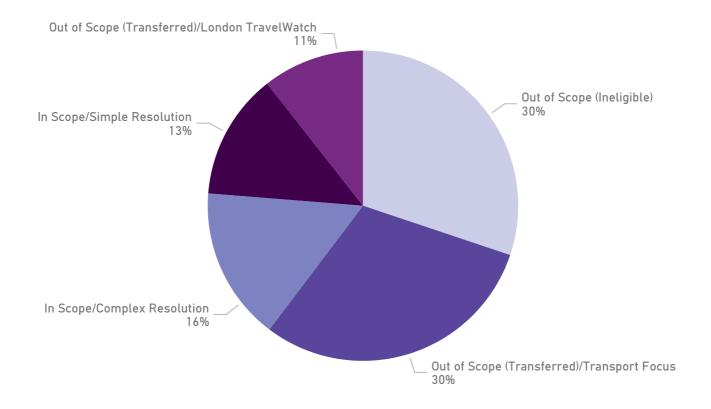
Second level category	Top level category	Vol. of complaints
Assistance booking process	Accessibility issues	1
Participating Train Operating Company accessibility policy	Accessibility issues	1
Onboard policy	Company policy	1
Other	Complaints handling	1
Other	Environmental	1
Overgrown vegetation	Environmental	1
The toilet facilities	Quality on train	1
Other	Safety and security	1
How request to station staff was handled	Staff conduct and availability	1
The helpfulness and attitude of other staff (not on train/not at station)	Staff conduct and availability	1
Facilities for car parking	Station quality	1
The provision of shelter facilities	Station quality	1
The upkeep/repair of the station buildings/platforms	Station quality	1
Routing	Timetabling and connection issues	1



6. Volumes assessed as In Scope or Out of Scope

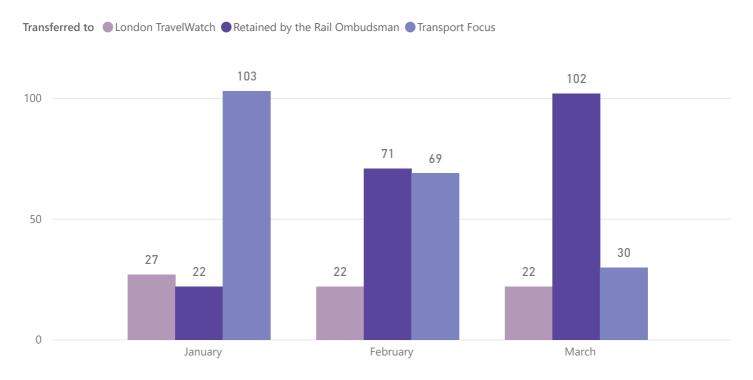
How we classified the complaints that were closed by the Rail Ombudsman or deemed to be Out of Scope in Quarter 4.

Classification Type	No. of complaints
Out of Scope (Ineligible)	202
Out of Scope (Transferred)/Transport Focus	202
In Scope/Complex Resolution	107
In Scope/Simple Resolution	88
Out of Scope (Transferred)/London TravelWatch	71
Total	670



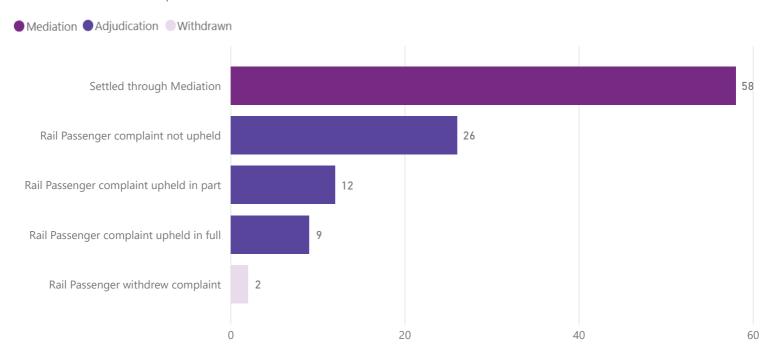


7. Complaints transferred to Transport Focus, London TravelWatch or retained by the Rail Ombudsman



8. Complex Resolution case outcomes

Outcomes of closed Complex Resolution cases.

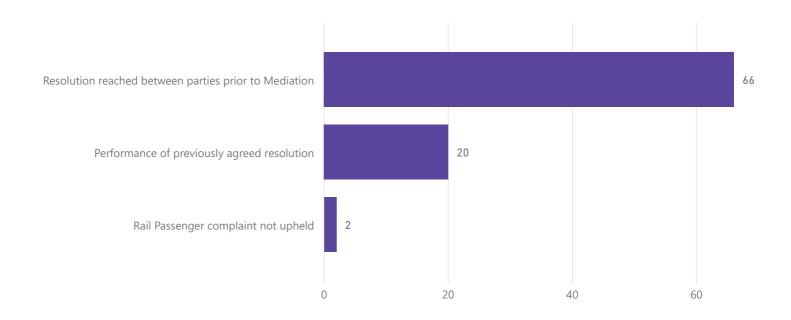


Rail Passengers received a remedy in 75% of Complex Resolution cases either through Mediation or Adjudication.



9. Simple Resolution case outcomes

Outcomes of closed Simple Resolution cases.



10. Out of Scope categories

Reasons why complaints referred to the Rail Ombudsman were found to be Out of Scope.

Out of Scope category	Out of Scope (Ineligible)	Out of Scope (Transferred)	Total
Incident date prior to Ombudsman launch *	20	244	264
No deadlock letter provided **	150		150
Policy issues	12	23	35
Already settled	12		12
Penalty fare appeals	1	3	4
Action being taken by alternative channel	3		3
Business to business		2	2
Planned service alterations/closures	1	1	2
Personal injury claim	1		1
Residential or lineside issues	1		1
Tort or criminal claims	1		1
Total	202	273	475

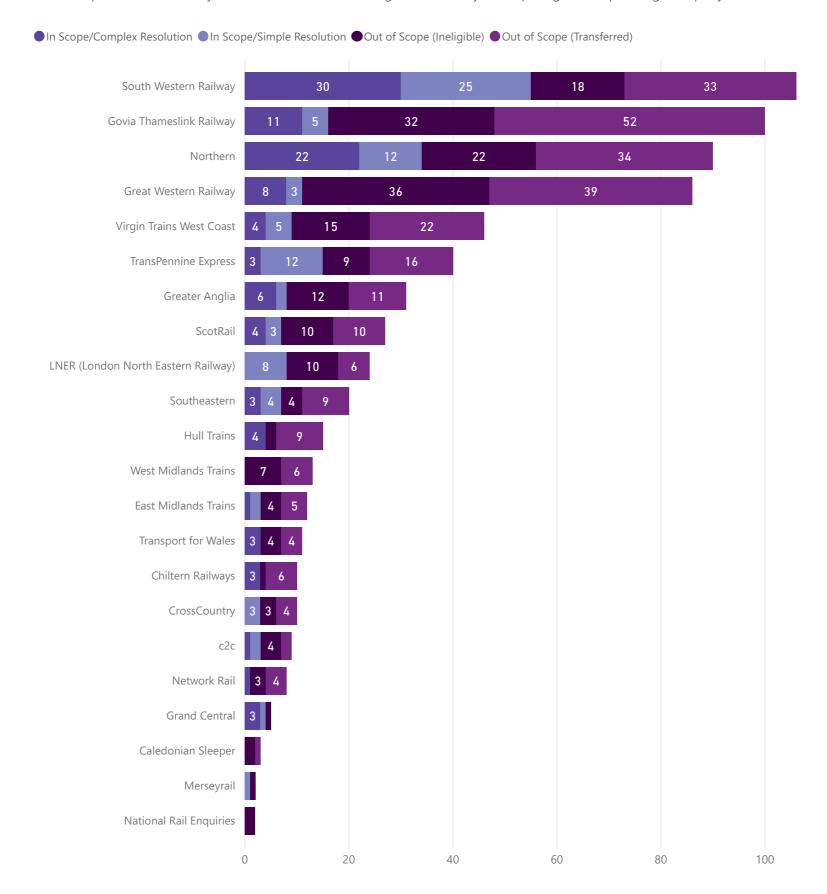
^{*} The Rail Ombudsman launched on 26th November 2018 and we were unable to accept complaints concerning incidents that occurred prior to this date.

^{**} Complaints can only be accepted if the Participating Train Operating Company hasn't resolved the Rail Passenger's complaint within 40 working days; or if the Rail Passenger is unhappy with their final response which was contained in a letter/e-mail (called a "deadlock letter") from the Participating Train Operating Company.



11. Complaint classifications by Participating Train Operating Company

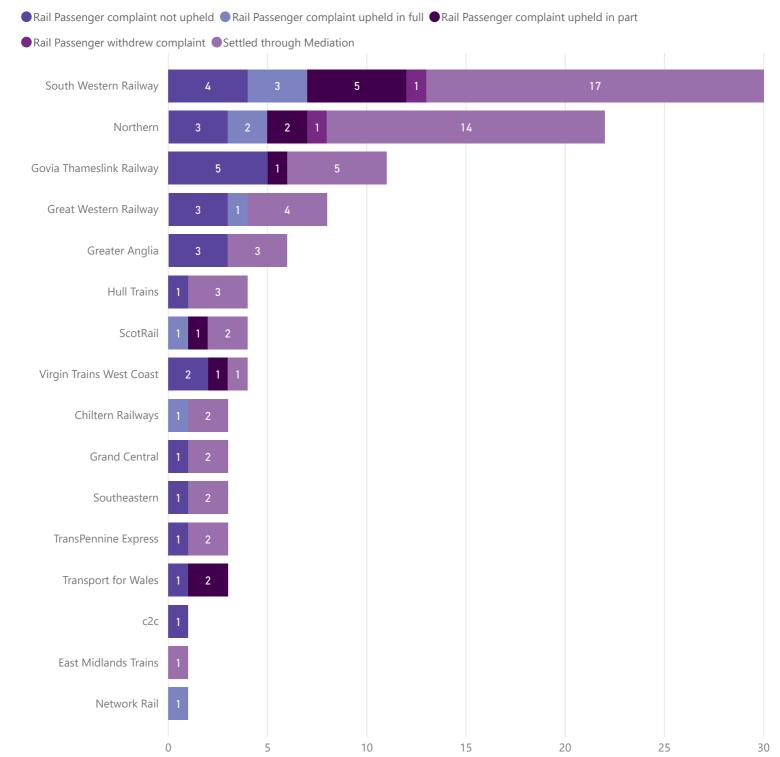
Complaints evaluated by the Rail Ombudsman during Quarter 4, by Participating Train Operating Company.





12. Complex Resolution case outcomes, by Participating Train Operating Company

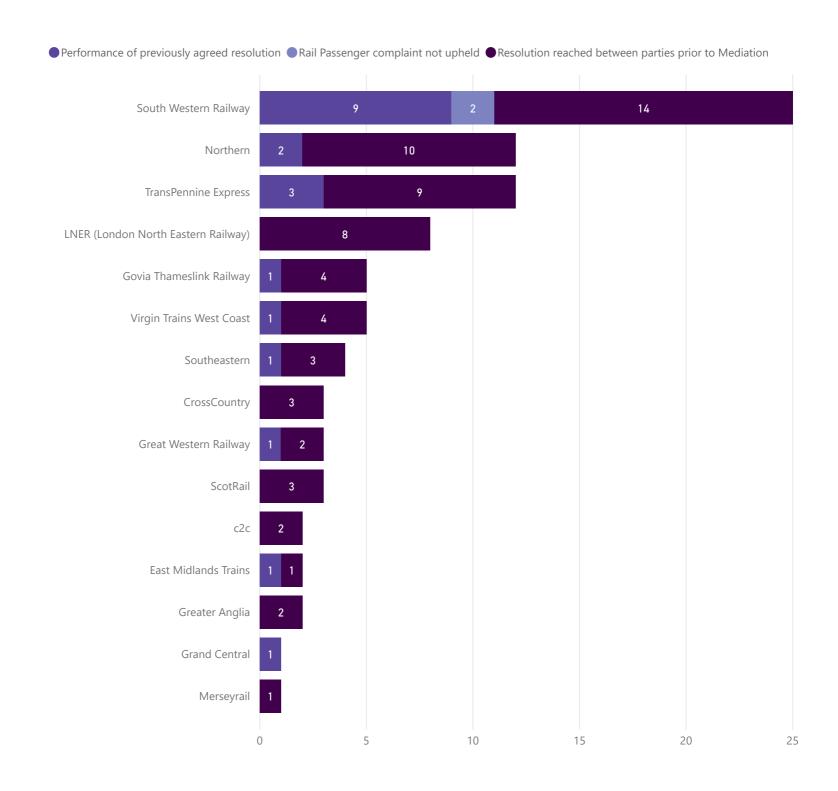
Outcomes of closed Complex Resolution cases by Participating Train Operating Company.





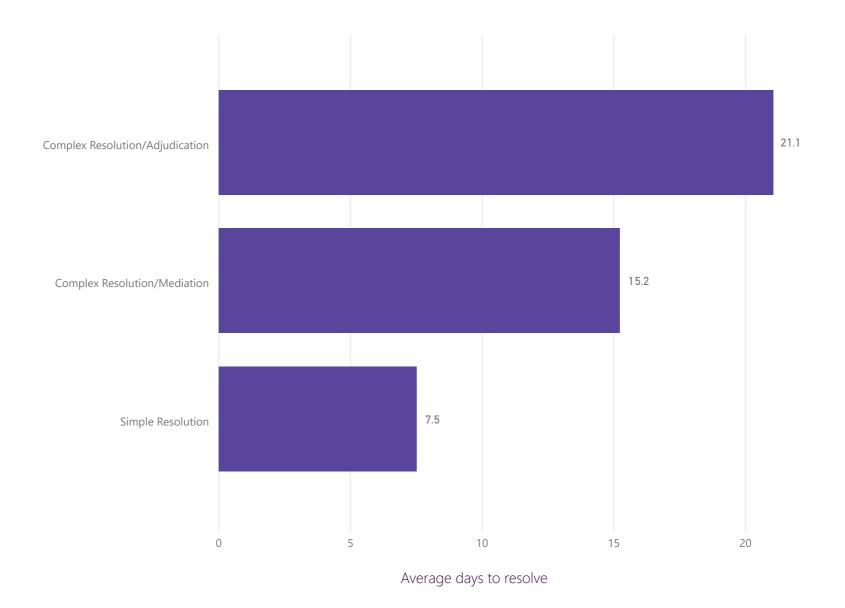
13. Simple Resolution case outcomes, by Participating Train Operating Company

Outcomes of closed Simple Resolution cases by Participating Train Operating Company.





14. Average time to close In Scope complaints in working days





www.railombudsman.org

Dates: 01/01/19 - 31/03/19



Transport Focus Complaint Update

As you are aware, since the introduction of the Rail Ombudsman the nature of our work has changed significantly. The previous update regarding these changes can be found <u>here</u>.

The Rail Ombudsman was introduced on 26 November 2018 and since then the number of appeal complaints Transport Focus has been dealing with has reduced significantly. Below shows the number of appeal complaints dealt with per month between December 2018 and June 2019.

Dec	444
Jan	315
Feb	159
Mar	83
Apr	79
May	76
Jun	63
Total	1219

Although the majority of complaints are now directed to the Rail Ombudsman, we still deal with complaints about retailers, revenue protection and policy issues. We currently have 89 active cases, 76 of which are appeal complaints and 13 are enquiries. The number of enquiries have remained consistent since the implementation of the Ombudsman as shown below:

Dec	15
Jan	35
Feb	21
Mar	27
Apr	19
May	20
Jun	18

Paul Gratrix continues to work on appeal complaints that pre-date the Ombudsman, while I work on the wider, policy issues identified through our previous and current case work.



The main issues we are currently focusing on are:

Penalty Fares

- Under certain circumstances, passenger appeals that have been assessed by the Independent Appeals Panel (IAP) and then declined, we may still take their case on and appeal with the train operator on their behalf with success.
 We are collating these as examples of an inconsistent approach across the network.
- Reviewing the overall effectiveness of the IAP and the appeals process.

Cases involving Transport Investigations Limited (TIL)

We continue to see cases whereby passengers have been issued a Ticket Irregularity Report or MG11 (straight to prosecution) when there is clearly no intent to evade a fare. We are currently building evidence to demonstrate the heavy-handed nature of TIL practices.

Trainline (TTL) Issues

Trainline, and other retailers, are not members of the Ombudsman scheme and therefore, we continue to receive all appeal complaints relating to their services.

A recurring issue which is generating the majority of complaints is in relation to timetabling. There are two main issues

- TTL are selling advanced tickets for journeys prior to Network Rail confirming
 the timetable often rendering the tickets invalid which causes problems for the
 train operators. LNER have already written to them regarding this.
- TTL are not updating their systems when services have been amended and are providing passengers with incorrect information in relation to booked services, which have since been amended, for example, due to an emergency timetable.

We will continue to provide regular updates regarding the issues we are working on but if you have any queries in the meantime or would like to learn more about the work we are doing, please feel free to drop me a line.