

TravelWatch NORTHWEST

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Winner of CILT award for best practice in passenger transport

promoting quality public transport.....

Rosie Clayton
 Competition and Consumer Policy
 Office of Rail Regulation
 One Kemble Street
 London WC2B 4AN

28th July 2015

Dear Rosie,

Draft guidance on complaints handling procedures for licence holders

TravelWatch NorthWest (TWNW) is an independent Community Interest Company which aims to champion and represent the views of public transport passengers in NW England. Herewith our response to this consultation.

Question 1:

Do you agree with our overall purpose and scope? In particular, do you think that the way that we have distinguished feedback from complaints is helpful?

Overall we agree with the approach used and with the draft guidance. We accept the distinction between feedback and complaints but there should be flexibility on a case by case basis.

Question 2:

Do you agree that the licence holder should coordinate responses relating to third party suppliers? Please indicate in your response what the current practice is and identify any challenges arising from this proposed requirement? Do you agree with our reasoning contained above? Are there any other categories of third party supply that you consider should be explicitly covered within this obligation?

We certainly agree with you that the licence holder should co-ordinate responses as a general rule.

As a licensed station operator Network Rail (NR) must obviously comply with promoting awareness of how to complain at its stations. We are not sure how well that is currently advertised at its stations and on its website. Presumably NR has does have an approved Complaints Handling Procedure. How does it stand with any requirement to hold a Passengers Charter?

NR, as a provider of services to train operators, does provide somewhat of a challenge. It could be said that it is not really a third party when it comes to train performance because it affects it directly in so many ways. NR is an intrinsic part of the product that the passenger is experiencing. Where TOCs respond on behalf of a NR failure this could lack proper explanation and detail. It might be preferable in such circumstances to pass such complaints to NR, keeping passenger informed of course. Although if that were the case NR would need to improve substantially in its ability to deal with passengers at first hand.

Question 3:

Do you agree that the three core standards form a reasonable basis from which licence holders can develop complaint handling procedures? Please identify any areas, for example:

a. where you would prefer more detail or additional clarity; and/or

b. where you consider the standards do not meet our intention to draft at sufficiently high level for licence holders to develop procedures to suit their own business models and the needs of their passengers. In particular whether the balance between specified obligations and a focus on internal culture and arrangements appears consistent with our stated regulatory approach.

We generally agree on the three core standards.

Promoting awareness - this element needs to be tightened particularly as in paragraph 3.46 your research found that 72% of passengers had little or no awareness of their rights to compensation in the case of delays. This is unacceptable. Paragraph 3.4 describes how awareness should be promoted. In addition to the points listed there needs to be provision for a poster display actually on trains preferably in the passenger accommodation area in every coach, as this is the location where passengers first experience a delay. This is already provided by some operators (e.g. Northern) and is referred to in passengers charters. To remove/ not include this obligation from TOCs would be an unacceptable, retrograde step. Further, as well as train staff having supplies of complaint/compensation forms available on board, there should be **consistently** pro-active announcements about their availability together with the broad terms of compensation during the course of any delay over the prescribed time. Only by doing this will passengers in those circumstances become fully aware of their rights.

Also there should be reference in pocket timetables to the complaints procedure and the appeals procedure through Transport Focus - this has certainly appeared in the past.

There should be consistency of complaint handling and compensation levels throughout the train operators and Network Rail. At the moment some TOCs compensate on delays above 60 minutes (e.g. Northern) whilst others trigger compensation at 30 minutes. Now that compensation can be made by cheque (an increasingly outdated means of transferring cash) rather than vouchers

the opportunity should be taken to standardise compensation policy nationally in line with Delay/ Repay guidelines.

Question 4:

Is the guidance around *Conducting a full and fair investigation* and *Effective response and resolution* helpful and/or sufficiently clear?

This seems acceptable.

Question 5:

Do you consider that a CHP should contain a requirement to have an appeal handling protocol with PF and LTW? Do you agree that we should specify some of the detail including recommended response times? Alternatively, is there other detail that you think should be included?

Yes we very much agree with the requirement to have an appeal handling protocol with Transport Focus and London Travelwatch. This is very important. The recommended response times seem reasonable.

Question 6:

Are you content with the ORR's minded proposal to drop these two previous requirements? If not give reasons.

Yes we are happy with this.

Question 7:

Do you believe our proposed monitoring activities will be effective in ensuring compliance with the obligations? Is there any additional evidence that you would like to see included as part of this process?

They seem to be comprehensive. As well as core data sets, independent research/ surveys of the complainants satisfaction levels of complaint resolution would be useful and may help to highlight wider areas of dissatisfaction to promote improvements.

Question 8:

We ask for comments on our initial approach and its impact, including both any costs and benefits that we do not identify.

The approach is generally satisfactory.

Thank you for the opportunity to respond

Yours sincerely

John

John Moorhouse
Company Secretary