

Marcus Clements
Head of Consumer Policy
Directorate of Economics, Markets & Strategy
Office of Rail and Road



Charlie Woodhead
Accessibility and Inclusion Manager
London North Eastern Railway

23 February 2021

Dear Charlie,

Compliance with Condition 5 (Accessible Travel Policy) of your Station Licence and GB Statement of National Regulatory Provisions: Passenger

Thank you for your response to our letter dated 18 August 2020, regarding London North Eastern Railway's (LNER) licence and its activities in relation to its obligations under section A8 (**Redress**) of the Accessible Travel Policy (ATP) Guidance.

It was helpful to understand the variety of reasons why the reported number of claims received for redress following booked assistance failure may differ from the reported number of times redress is actually provided. However, please note that a claim for redress about a specific assistance failure must be owned by the operator of the train the passenger was travelling on, or due to travel on, when the failure took place. That the assistance was provided at a station managed by another operator is not a valid reason for not dealing with the claim or providing redress.

You indicated in your response that your CRM system was unable to re-categorise a case that has been reviewed and where redress is not deemed applicable. At the next ATP quarterly meeting in April, I shall be grateful if you will report on the outcome of your planned investigation into how this may be adapted to provide more accurate reporting, together with an update on the further training that was to be provided for staff undertaking regular quality assurance checks to ensure that claims for redress due to assistance failures are appropriately handled in accordance with LNER's ATP.

Your response appears to indicate you only record redress in cases where compensation is provided. However, redress should be determined on a case-by-case basis and whilst it may include a monetary refund, it may also be a gesture of goodwill. In all cases where assistance failures occur, it is important that an



explanation is given to the passenger why assistance was not provided and what steps have been taken to ensure the failure does not reoccur.

We welcome LNER's internal audit of redress claim cases and your commitment to making contact with passengers who should have received redress. I shall be grateful if you will provide an update in our April meeting as to the volume of cases that were incorrectly rejected.

Please note that this letter and your previous reply will be published on our website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marcus Clements', is positioned below the text 'Yours sincerely'.

Marcus Clements

Marcus Clements
Head of Consumer Policy
Directorate of Economics, Markets and Strategy
Office of Rail and Road
25 Cabot Square
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10 September 2020

Dear Marcus,

Compliance with Condition 5 (Accessible Travel Policy) of LNER Station Licence and GB Statement of National Regulatory Provisions: Passenger

Thank you for your letter dated 18th August, regarding the high proportion of rejected claims for redress in connection with booked assistance failures at LNER.

I think it is important initially to set our understanding of the above condition. This states that on a periodic basis LNER will report to ORR the volumes of claims received in regard to failed assistance, where an advance booking has been made. This information will be reported together with the number of instances where redress has been provided. It is understood by all parties that the total number of cases where redress has been offered will not always equal the number of claims received. This can be for a number of reasons including, but not limited to:

- The assistance failure taking place on a non LNER service or managed station
- The customer being unhappy with the level of service received even though assistance was provided.
- The customer submitting their complaint initially to the wrong TOC
- Incorrect assistance being booked by another operator or service provider

Condition 5 also states that redress should be paid in line with the LNER company policy for handling this type of complaint, which will differ at each individual TOC.

Having reviewed the numbers provided in your letter, we have undertaken a detailed review of the claims received in Period 1-13 of 2019/20. It would be fair to say that although the redress numbers seem low, this is mainly due to the way customer cases are logged and indexed in the CRM system when received in the business.

All cases where a customer reports an instance of 'failed assist' are logged as a Level 3 complaint, regardless of the query raised. Once received, the case will be sent for investigation and depending on the outcome, a decision is made as to whether compensation is payable or not. In the event of a clear assistance failure, a payment will be made to the Customer in line with our company policy. Where a case may not be a failure, as detailed above, or where a case is forwarded to another train operator, or the customer requests no compensation to be made and is just providing feedback, the case will be closed with no redress payable.

At the current time due to the CRM system used, the case will remain in the level 3 category as we are limited in the reclassifications channels available. That said, I have asked our systems team who work with our Customer Solutions Centre to look at possible changes that can be made to the process, to allow a re-categorisation of the case when appropriate. This will sit alongside the Level 3 reporting, to show the number of cases closed with no redress payable.

In addition, our Training and Quality team will be spending time with all appropriate colleagues involved in this area. Our team will deliver basic refresher and enhanced training as appropriate in this area, including the importance of correctly logging the outcome of each case received, and the difference between Level 2 and Level 3 complaints categories. Going forward, regular spot checks will be carried out on all colleagues involved in the process to ensure ongoing quality and accuracy when working cases of failed assistance.

Since receipt of your letter, we have carried out a detailed audit of all rejected cases received in 2019/20 and are in the process of making contact with the cases where compensation has not been paid to customers who are entitled, and this will be paid as soon as possible.

I trust that this gives you a bit more background into the reasoning for the numbers appearing lower than you anticipated and I have asked my colleague Mike Ross, Customer Relations Manager for the MD's Office, to give further updates to Sarah Reynolds going forward, in their monthly call regarding customer activity. Naturally please do feel free to contact me at any time if I myself can be of further assistance.

Yours sincerely,

Charlie Woodhead
Accessibility and Inclusion Manager
LNER

Marcus Clements
Head of Consumer Policy
Directorate of Economics, Markets & Strategy
Office of Rail and Road



Charlie Woodhead
Accessibility and Inclusion Manager
London North Eastern Railway

18 August 2020

Dear Charlie,

Compliance with Condition 5 (Accessible Travel Policy) of your Station Licence and GB Statement of National Regulatory Provisions: Passenger

I refer to Condition 5 of London North Eastern Railway's (LNER) licence and its activities in relation to its obligations under section A8 (**Redress**) of the Accessible Travel Policy (ATP).

As you will be aware, one of the principal ways the Office of Rail and Road (ORR) monitors licence holders' compliance with their ATP obligations is via their routine core data submissions. Our review of LNER's activities in relation to the provision of redress to passengers following a booked assistance failure shows that between rail periods 1-13 in 2019/20, LNER received 439 claims for redress; of these, 133 were approved and redress was provided. This indicates that only around 30% of all claims from passengers for redress due to booked assistance failure have been approved by LNER, an approval rate which is considerably lower than most other operators.

This is a new performance measure and we are keen to ensure that it is operating as envisaged. It is our expectation that passengers should be able to receive appropriate redress when they do not receive the assistance they have booked. Where they do not, it is important that we understand why this is the case.

Next steps

I shall be grateful if you will provide a detailed response setting out the reasons for the high proportion of rejected claims for redress following booked assistance failure. Please include any supporting material, where relevant, together with any action you



have taken or propose to take to ensure that passengers who have not received the assistance they booked can receive the redress to which they are entitled.

I look forward to receiving your reply by **Friday 11 September 2020**.

Please send your response to: Denise.Brown@orr.gov.uk

This letter and your reply will be published on our website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Clements', is positioned below the text 'Yours sincerely'.

Marcus Clements