Consumer Expert Panel

3 March 2022 - Microsoft Teams Meeting

Attendees

Name	Organisation
Anne Heal	Chair, Non-executive Director, ORR
Diane McCrae	Consumer Expert Panel Member
Ray Kemp	Consumer Expert Panel Member
Carol Brennan	Consumer Expert Panel Member
Marie Pye	Consumer Expert Panel Member
James Walker	Consumer Expert Panel Member
Andrew Williams-Fry	Consumer Expert Panel Member
Helen Parker	Consumer Expert Panel Member
Mike Hewitson	Consumer Expert Panel Member and Transport Focus
Lynn Armstrong	Office of Rail and Road (NR item only)
Sarah Robinson	Office of Rail and Road (Complaints item only)
Greg Byron	Office of Rail and Road
Jacqui Russell	Office of Rail and Road
Chris Pawluczyk	Office of Rail and Road (Horizon scanning and NR items only)
Iain Ritchie	Office of Rail and Road (Complaints item only)
James Morgan	Office of Rail and Road (Horizon scanning item only)
Daniel Roberts	Office of Rail and Road (Complaints item only)

Agenda

Time	Presenter	Topic
10:00 – 10:10	Chair	Welcome and declarations of interest
10:10 – 10:20	Jacqui Russell	Consumer Team Update
10:20 – 10:50	Lynn Armstrong	Network Rail Periodic Review 23
10:50 – 12:00	Sarah Robinson and Iain Ritchie	Complaints Handling Code of Practice
12:00 – 12:30	**n/a**	**Break**
12:30 – 13:15	Chris Pawluczyk	Horizon Scanning
16:10 to 16:15	Chair	AOB & Meeting Close

Welcome and declarations of interest

Apologies were received from Trisha McAuley and Stephanie Tobyn.

Consumer Team Update

Jacqui Russell provided the panel with updates on selected areas of work.

The team had been monitoring the passenger information provided to passengers in relation to the Storm Eunice disruption, with a particular focus on some of the learning points ORR had noted when previous disruption had occurred.

Jacqui noted that it was good to see the industry working well together although the team were looking to identify any further learning points that may be built upon when

any similar disruption occurs in the future. Mike Hewitson noted that in some instances train operators strongly advised passengers not to travel, which would not warrant a refund, and that didn't seem appropriate from a consumer point of view.

In addition to this work, Jacqui noted that the booked assistance window was reducing to two hours from 1 April 2022, which is an improvement and ORR have been engaging with stakeholders to make sure they are ready to deliver this and deliver it reliably. One panel member stated they were interested to hear more about how ORR was going to monitor the delivery of this change.

Another panel member noted that one of the key points where issues arise is when a passenger is going from one train company to another and the handover process fails, and this is something ORR should focus on.

Lastly, Jacqui noted that ORR had published a report recently on the admin fees that can be charged on refund applications. ORR found the actual cost of processing a refund to be well below the £10 currently being charged. This has been received positively by the industry and changes in this area are being looked at.

Network Rail Periodic Review 23

Lynn Armstrong and Chris Pawluczyk joined the meeting to discuss what ORR was doing in terms of its overall policy framework for Periodic Review 2023 (PR23).

Lynn noted that Siobhan Carty presented to the panel previously on PR23. Lynn noted that Network Rail had sent ORR its initial business plans for control period 7 (CP7) and ORR is working on its advice to Government which is due late spring/early summer.

This item – about our overall policy approach to regulating during CP7 – would build on that previous discussion and test ORR's current thinking on this front prior to a consultation in summer 2022.

Lynn wanted to hear from the panel as to whether there was anything from a consumer perspective that the team should consider.

In response, panel members raised the following points for ORR to consider:

- Environmental sustainability issues, including net zero;
- The implications of the changing patterns in travel to more leisure based travel, meaning that the industry will need to work more to engage with people who do not travel regularly;

- The need to be able to respond to the changing environment, given the high levels of uncertainty. For example, the Civil Aviation Authority had rollover price controls (where the old arrangements roll on for one more year to allow time to move on to a point where things may hopefully be more certain);
- Competitive companies work with a risk of not knowing how many customers will turn up every day and this uncertainty is now something the rail industry is facing. A set of incentives to respond to this competitive opportunity is worth considering;
- The importance of freight, as well as passenger, services; and
- To remember that the key questions that consumers will ask are: what service can I expect and how much will I pay?

Moving on, Lynn noted that ORR had placed emphasis in control period 6 on Network Rail's engagement with stakeholders, and that this remains a priority area.

Lynn opened up the floor to the panel members to seek their views on the lessons ORR could learn on the approach to assessing Network Rail's to stakeholder engagement.

In response, panel members commented that:

- ORR needs to find a middle way where we give Network Rail broad outlines of what they should be doing on stakeholder engagement without being over-prescriptive.
- ORR should focus on defining desired outcomes rather than outputs.
- Looking ahead, ORR should expect Network Rail/GBR stakeholder engagement to capture the views of both passengers and potential passengers.
- Leadership from the top of Network Rail is needed to drive culture change across the system, so ORR should look for evidence of engagement with stakeholders from the top of the organisation and an embedded culture of good stakeholder engagement.

Consultation on a draft Complaints Code of Practice

Sarah Robinson and Iain Ritchie joined the meeting to present this item.

In introducing this item, Sarah noted that the aim was to seek the panel's views on four areas where ORR is considering the responses to its recent consultation on a new Complaints Code of Practice. The four areas were :

1. Stop the clock;

2. Measuring quality in complaints handling;
3. Social media; and
4. Learning from complaints.

When reporting performance on complaints handling to ORR, train companies are currently allowed to discount time elapsed while they are waiting for further information to be provided by the complainant. ORR has proposed removing this ability to 'stop the clock' and Sarah sought the panel's views.

In response, panel members made the following observations:

- They were not aware of stop the clock being used in other sectors.
- Removing the ability to stop the clock would create a more level playing field, given the current mixed practice across operators; and would create positive incentives on train companies to improve the aspects of the process that are under their control (e.g. the clarity of asks to complainants).
- Escalation to an Ombudsman is more often caused by poor quality communication than complainants being chased for information;
- ORR would need to mitigate the risk, if stop the clock is removed, that operators 'time-out' and close complaints without giving customers reasonable time to respond.

In relation to measuring quality in complaints handling, Sarah emphasised that driving quality in the complaints handling process was a key goal of ORR's work and that ORR had set out an intent to develop a new suite of metrics that give appropriate consideration to quality. Sarah sought the panel's views on options for measuring quality.

In response, panel members noted:

- Monitoring of satisfaction with complaints handling is well established across sectors. The Traffic Penalty Tribunal, the Institute of Customer Service and the water industry were noted as having completed work in this area that could be of value to ORR.
- There is value in reporting data on different aspects of satisfaction separately, as it gives a richer picture.
- For satisfaction, there is a strong link between satisfaction and complaint outcome, eg whether the complainant received the desired outcome from their complaint, and it can be hard to disaggregate this effect from other factors that drive satisfaction.

- ORR may need to recognise that some complaints are more important than others and so obtaining disaggregated information about types of complaints and their individual satisfaction is important.
- League tables can be more powerful than targets in driving improvement; although it was suggested that targets have been used in the water industry, with a baseline developed initially and targets then ramped up over time.

Sarah moved on to seek the panel's views on ORR proposals relating to complaints handling on social media, where feasible.

In response, panel members commented:

- CRM integration with social media is standard in most sectors these days so it should be reasonable to expect train companies to be able to handle and report complaints submitted via social media alongside complaints submitted through other routes;
- Customers will expect the company to respond whether they have raised a complaint on social media or via a traditional complaints form.
- Handling complaints through traditional channels remains important, and ORR should avoid inadvertently driving rail companies to be disproportionately focussed on social media.

Finally, Sarah sought views on a number of other areas of interest from the consultation. These included:

- The proposed replacement of the regulatory requirement to respond to 95% of all complaints within 20 working days with a new requirement on signposting to ADR at a potentially reduced timescale of 20 or 30 working days, or via a phased reduction of 40-30-20 working days;
- Whether a regular forum may be beneficial, chaired by ORR, at which CHPs could be reviewed or discussed to facilitate continuous improvement;
- Whether on receiving a complaint the licence holder should, if it is not clear, clarify at the outset what outcome the customer wants; and
- Whether operators must set out the remedies they may offer within their complaints handling procedure alongside those relating to delay or cancellation under the National Rail Conditions of Travel or other relevant legislation.

When considering these elements, the panel members noted that:

- Setting out an escalation process is unlikely to itself create escalation; it is poor engagement and communication that causes escalation.
- Organisations should generally be asking customers three questions when dealing with complaints:
  1. What happened?
  2. What was the impact?
  3. How would you like it solved?
- The rail industry may benefit from greater use of thematic reports and case studies;
- It is valuable for consumers to be given the option of identifying what they expect from the complaints process at the outset.
- ORR also needs to consider what is done with the insight and this insight should flow out from the customer service team and out into the business/industry.

Horizon Scanning

Chris, Daniel and James attended the panel to present on the Horizon scanning piece of work completed by ORR.

ORR conducts this exercise every six months to identify future events that could impact on ORR's activity and role. In presenting this item, Chris identified what was in and out of scope in relation to this piece of Horizon scanning but sought views from the Consumer Expert Panel more widely on the issues that ORR has identified.

In response, the panel members thought that the following issues were worthy of consideration by ORR as part of this exercise:

- Environmental sustainability;
- The industrial relations within the rail industry;
- The cost-of-living crisis;
- The potential for societal unrest and this impacting the transport sector; and
- The need for greater accessibility on the Railway due to health issues caused by or exacerbated by Covid.

AOB & Close

Members expressed mixed views on the value of face to face vs remote meetings, which the Chair will consider.

Next Meeting: June 2022

END