



Consumer Expert Panel

14 December 2022 - Microsoft Teams Meeting

Attendees

Name	Organisation
Anne Heal	Chair, Non-executive Director, ORR
Diane McCrea	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
Trisha McAuley	Consumer Expert Panel Member
Mike Hewitson	Consumer Expert Panel Member and Transport Focus
Stephanie Tobyn	ORR
Catherine Waller	Non-Executive Director, ORR (observer)
Anna Rossington	ORR (Item 2 only)
James Morgan	ORR (Item 2 only)
Jacqui Russell	ORR
David Kimball	ORR

Agenda

Item	Speaker	Time
Welcome	Anne Heal	10.00
1. Consumer Update	Jacqui Russell	10.05
2. Network Rail Stakeholder Management	James Morgan	10.15
3. Rail Reform – Consumer role	David Kimball	10.30
4. Workforce Reform	Jacqui Russell	11.10
Closing remarks and AOB	Anne Heal	11.50
Close		12.00

Welcome and declarations of interest

1. Anne Heal welcomed Catherine Waller and introduced the panel. Catherine was attending in her capacity as an ORR Non-Executive Director to learn more about the work of the Panel. Anne noted that it was the last meeting of the Panel for departing members Diane McCrea, Ray Kemp, Carol Brennan and Trisha McAuley.
2. Trisha McAuley declared her interest as a member of the Transport Focus Board.

Consumer team update

3. Jacqui Russell began by thanking the departing members of the Panel for their valuable contributions to the work of the Consumer Team and across ORR and wished them well in their future endeavours.
4. She then noted that since June's meeting a new Prime Minister, cabinet and transport ministers had been appointed, which had meant that hoped-for progress on regarding planned rail reforms, including the introduction of new legislation and the plans for workforce reform, had not materialised. As before, ORR would continue with its work in these areas as planned until further clarity was obtained.
5. Jacqui also noted the serious ongoing disruption to rail services caused by strikes and the poor performance of some train operators. ORR's focus remained on

ensuring operators met their obligations regarding information provision, compensation, and assistance during this period of disruption. She noted that delay repay claim levels were high, though complaints levels remained below pre-Covid levels. ORR was also considering how to make better use of data in its compliance work, and developing proposals for assessing the experience of journey planning / ticket purchase online.

6. In the discussion that followed the Panel was interested in understanding better:
 - the impact of Delay Repay (including automatic Delay Repay) on the volume of complaints received by train operators; and
 - how the impact of strikes fell on different segments of the travelling public.

Mike Hewitson noted that lack of awareness and the small value of Delay Repay in some cases were barrier to claiming. Trisha McAuley added that passengers experiencing frequent disruptions may come to the conclusion that complaints do not result in meaningful changes in service or behaviour. Jacqui agreed to consider how best the Panel may provide useful input in all these areas. The Panel then reflected on the challenges faced by ORR as the regulator in such challenging times, given the Government's central role in many of the most pressing issues. Jacqui noted that in the medium-term rail reform offered a pathway to a better passenger experience.

Network Rail Stakeholder Management

7. James Morgan provided an overview of his paper setting out the work Panel members did to help assess the effectiveness of Network Rail's stakeholder management. He thanked members for their assistance and invited feedback to inform next year's assessment.
8. The following points were noted:
 - The panel thanked James personally for his support during the assessment process and agreed that both the process and Network Rail's effectiveness had improved over the years;
 - However, the Panel had not seen the hoped-for engagement by Network Rail's leadership;

- Network Rail had more work to do to fully understand what makes effective stakeholder management; for instance, there was little evidence that stakeholder insight was being used as the basis for sound decision-making;
 - The guidance provided to both Network Rail business units and to stakeholders could be improved to make it clearer what is being asked of them in the process;
 - Suggestions were also made to make the stakeholder survey more representative, perhaps extending to customers, to balance the results with the view of experts, to ensure stakeholder views of individual encounters with Network Rail are not over-extrapolated, and to present the findings more simply;
 - ORR should clearly state and raise its expectations for Network Rail's stakeholder management.
9. Anna thanked the Panel for its feedback and agreed in particular that ORR should be clearer about its expectations for Network Rail's performance in this area.

Rail Reform – Consumer role

10. David Kimball introduced the paper exploring the future role for consumer licence conditions, assuming GBR is established and has its own licence enforced by ORR. In the subsequent discussion, the panel made the following observations:
- Whilst it would be beneficial for GBR's licence to contain a consumer condition, this would be difficult to enforce if GBR was not delivering any services directly to customers and there would be implications for holding to account those rail operators not within GBR's scope of control;
 - The importance of consistency of passenger experience across services within and without the control of GBR, the desire to avoid conflict between licence and franchise obligations, and the necessity of accountability for the provider of every service across a passenger's journey;
 - ORR should first set out its guiding principles for passenger outcomes, perhaps working with Transport Focus, before commencing the development of options for the regulatory structure; ORR's Board should consider the strategic opportunities;
 - Holding the right entity to account for each outcome might mean a variety of licence obligations or licences are required for different activities.

11. David thanked the Panel for its advice and agreed that there were both challenges and opportunities for ORR in developing advice to DfT on potential consumer conditions in the GBR licence.

Workforce Reform

12. Jacqui Russell introduced the paper on this sensitive issue, in which ORR has no decision-making role but is interested in any implications of changes to ticket office operations for the passenger experience, including retail and accessibility, and station operators' compliance with consumer licence conditions and consumer law. She explained the work ORR is doing to stay engaged with DfT, GBRTT and RDG.

13. The panel was keen to emphasise the important role staff at stations play in assisting passengers to purchase tickets and provide travel advice (including during disruption), with particular emphasis on disabled travellers.

14. There then followed a discussion on a number of consumer, regulatory, technological and other factors that should be considered, including the experiences of Transport for London. The Panel also emphasised the importance of effectively communicating any changes to the public.

15. Mike Hewitson explained the role of Transport Focus in the ticket office closure process, and suggested that the implications of any closures must be made clear to passengers.

16. Jacqui thanked the panel, and noted the need to reflect on how ORR's role complements those of others in protecting the passenger interest.

AOB & Close

17. Stephanie Tobyn and the Chair thanked the departing panel members for their valuable contributions to the work of ORR.

18. David Kimball added his thanks, and noted that recruitment for new panel members would commence January 2023, with the aim of new members being in place for the next meeting. David would arrange 2023 meeting dates with the remaining panel members.

END