

Annette Egginton
Telephone 0207 282 2101

annette.egginton@orr.gsi.gov.uk

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Dear passenger train and station operator

Annual review of Complaints Handling Procedures

As you know, responsibility for CHPs transferred from the Department for Transport (DfT) to ORR in October 2013. All current CHPs were approved by the DfT, on the basis of guidance issued by the Strategic Rail Authority (SRA) in 2005 (the 2005 guidance).

Condition 6 of the operator licence requires ORR to approve new CHPs and also any material changes made to established CHPs. We can also require a TOC to review its CHP and submit a written report to us at any time. So far we have not required any TOC to review its CHP in this way.

We understand that previous practice has been for TOCs to review their CHP on an annual basis (in line with the 2005 guidance) and seek re-approval from DfT following this. We note however that the 2005 guidance makes no specific call for such annual re-approval (whether from DfT or ORR).

We consider that, where no material changes have been made to a CHP, annual re-approval by ORR is not required. On this basis, each TOC should continue to apply its existing policies and to evaluate its own performance in line with the 2005 guidance.

It is our intention to review the 2005 guidance this summer. As part of that process we will establish and clearly set out new processes for this area. In the meantime, if your CHP has previously been approved by DfT, and you have not made any material change to it, further approval by ORR is not required in order to maintain compliance with your operator licence.

If you consider that you have made a material change, please advise us. When you do so, please include the feedback from the consultation (in accordance with your licence), a marked-up copy of your revised CHP if appropriate, an explanation of what changes you propose and the reasons for these changes and the impact or outcomes you expect on complainants or passengers from these changes. We will review such changes on a case by case basis.

We will be issuing a regulatory statement on this in May 2014 and we will at that time also detail these arrangements and any transitional arrangements that should be expected following our forthcoming review of the SRA's 2005 guidance.

If you have any queries on this, please contact my colleague, John Trippier (john.trippier@orr.gsi.gov.uk).

Yours sincerely

Annette Egginton

Head of Competition and Consumer Policy