

Complaints Handling Procedures – Consultation in guidance

First Great Western response, July 2015

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?

Yes, the distinction between a complaint and feedback is helpful as some of the contact we receive from customers is constructive and intended to improve the service provision, whether this regards repairing a defect or a suggestion for a different way of working, a timetable amendment or any other comment offered in the spirit of offering helpful advice.

A complaint, classed as an expression of dissatisfaction about our service is by its nature an inherent criticism & one that requires a response that addresses the cause of that dissatisfaction and details what we are doing/will do to prevent a reoccurrence.

It should be noted that we welcome any and all contact from our customers and the distinction between feedback and a complaint regards the classification of that contact rather than giving one more importance than the other.

This approach should be reflected in the classification of such contacts and also falls in line with First Great Western's vision, to 'revalue rail in the hearts and minds of the travelling public'. Pro-actively seeking and welcoming feedback is an important aspect of gaining and maintaining customers' trust and ownership of the service we offer and the locations we are custodians of.

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?

Yes, the customer has a direct relationship with the TOC and should not be expected to deal with any third party suppliers the TOC wishes to employ to operate aspects of their service. In all cases we take direct ownership of any issues raised with us irrespective of whether the core service is provided by First Great Western directly or via any given third party we employ with any aspect of the service provided by the third party being the sole responsibility of the TOC to manage.

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 clarity; and/or

b. where you consider the standards do not meet our intention to draft a 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 agree that the three core standards offer sufficient and reasonable guidance to enable TOCs to develop a Complaints Handling Policy that not only embeds the culture required for continuous improvement but provides our customers, stakeholders and industry partners with the confidence that any complaint received by First Great Western is one that will be listened to and when possible acted upon.

Whilst the three core standards do allow TOCs to develop their own CHPs, aligned to the business objectives and culture, it is understood that some aspects of that CHP are obligatory, such as *'including information about how to make a complaint in all major publications and at stations'* and it is appropriate for the ORR to detail those obligations. In the course of approving and assessing TOCs' approach to CHPs it is assumed that the list of obligations will evolve as a greater understanding will develop and as TOCs respond to the changing commercial landscape.

Question 4:

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

The guidance is helpful however we don't agree that the details of Transport Focus or London TravelWatch should be signposted to a passenger after the first substantive response. A requirement that the appeal bodies be flagged to the customer so early in the process contradicts the guidance that TOCs should endeavour to reach effective resolution of the customer's complaint. We want to own any issue to the point of resolution and although we are happy to provide the contact details of either body should this be requested, and passengers can and do contact either body without any prior request of their contact details, to have an obligatory reference to the ombudsman could be perceived as a desire to wash our hands of the issue and that would be misleading as we see ongoing communication with our passengers via Customer Relations as a key touch point in their experience with our service.

An alternative recommendation could be to.

- Always provide the contact details of both bodies, upon request.
- To carry the contact details of both bodies on all relevant customer communications (compensation claim forms, CHPs, Timetables, web site, etc), as is currently the case.
- To offer the contact details of both bodies when it is clear an impasse or clear disagreement on a specific issue and/or the proposed resolution has taken place.

In essence, this provides the passenger with the means to have their complaint and our handling of that complaint reviewed in full via an independent body should they express dissatisfaction with that resolution. The onus to resolve any complaint should fall solely on the TOC, rather than the TOC be provided with the means to send a single substantive response only, with any subsequent communication merely referred to Transport Focus/London TravelWatch.

The guidance regarding 'conducting a full and fair investigation' is also helpful, especially as it refers to that investigation being tailored and proportionate to the issues raised. The TOC has the responsibility to not only respond effectively to a complaint raised but to also ensure the issue raised is a valid one and that can only be achieved via an investigation involving the service and/or colleagues involved. This not only provides the TOC with insight into potential improvements to the service offered but also gives the passenger the confidence their complaint has been taken seriously.

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?

A CHP policy should have a commitment to engage with TF and LTW on a case by case basis and there is no harm in having a commitment to a timely response, although by the time this stage is reached it is likely that any review will take longer than a regular contact, and a commitment for the handling of any complaint to be reviewed by a manager as part of the appeals process. This is currently part of our day to day practice.

We view both Transport Focus and London TravelWatch as industry partners who are both looking to achieve the same goals, to improve the experience of the all passengers and to address instances where we have failed to achieve the desired standard. We aim to resolve all complaints with the customer directly and openly but appreciate the role both bodies play in giving the customer the opportunity to have an independent review of how we well, or otherwise, we have handled a complaint and we have a commitment to working with both LTW and TF on any issues raised, whether classed as an appeal or otherwise and that commitment will form part of a revised CHP.

Question 6:

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

We are content that the two requirements in question '*for licence holders to review their CHP's every year*' & '*for licence holders to seek the ORR's consent to any lengthening of timescales due to unforeseen or specific event*' are both dropped with the less prescriptive obligations detailed in the consultation on guidance replacing them.

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 the process?

Yes, the proposed monitoring activities are all undertakings that any TOC should be processing, alongside internal activities, on a BAU basis to ensure the way they manage complaints, end to end, is effective in ensuring continuous service improvement.

Should there be evidence that a TOC is not compliant with their own CHP and/or is not treating complaints seriously then the suggested independent audit is appropriate to gain the required insight into where the failings are.

Question 8:

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

The guidance on Complaints Handling Procedures aligns with the approach taken by First Great Western when dealing with complaints; to be transparent and open and to look to not only resolve the complaint but to understand and act upon the issues that caused the expression of dissatisfaction and it is reassuring that the vast majority of the proposals regard actions and commitment we not only agree with but are looking to further embed in our approach to complaints handling within our business.