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Dear Rosie

Consultation on Guidance – Complaints Handling Procedures

Thank you for your letter of 6 May 2015, consulting us about your proposed revised guidance on Complaints Handling Procedures

In general we felt the letter was clear and helpful, and provided a good platform for commenting on the proposed guidance.

While we consider the current version of our complaints handling procedure is fit for purpose, we agree that the current guidance which sits behind this is now in need of a refresh in order to reflect the significant developments and trends in how communication takes place between train companies and their customers. A target publication date of this Autumn for the revised guidance feels sensible in order to allow time for consultation responses to be fully considered, and we will then be happy to engage with ORR over a further review of our CHP beyond that.

We have a number of comments on the consultation which we provide below in response to the numbered questions in your letter, and the Appendix marks up some specific suggestions for amendments.

Our reading of the guidance is that it is intended that a Complaints Handling Procedure is a guide for customers about the process for making a complaint, and how they can expect their complaint to be dealt with and learnt from. The guidance refers to compliance monitoring arrangements, but these arrangements would not be referenced in the CHP itself. We feel this is the correct approach.

We hope these comments are helpful and constructive and are willing to discuss further with you should you wish.

Yours sincerely

A handwritten signature in black ink, appearing to read "Chris Haggard", with a long horizontal flourish extending to the right.

Chris Haggard
Franchise and Public Affairs Manager

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?

Overall Purpose and Scope

We broadly support the overall purpose and scope of the guidance, although make the following comments and observations

While the guidance does not specifically suggest that details of ORR's compliance monitoring arrangements should be contained in a CHP, we consider that they should not. The CHP should be a helpful guide to customers over what a customer should expect when making a formal complaint to a TOC, and therefore be seen purely as a customer facing document.

Feedback

We welcome the need to clearly distinguish between complaints (that should be handled in accordance with this guidance) and feedback. However, we are not clear that the guidance does define the distinction thoroughly. Given the current practice of producing league tables of the levels of TOCs complaints, it is important that all TOCs are recording in a consistent way, and a more precise definition of feedback needs to be agreed between TOCs and the ORR. There needs to be further cross industry engagement to ensure that a consistent approach is applied by all.

Currently, we suspect that we currently record within our complaints statistics certain matters which could be considered to be feedback, and are in any event reviewing our current practices in this respect to ensure that we record appropriately, and in line with our industry colleagues.

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?

Yes we do agree, and we consider it important that we do handle such responses. It also reflects our current practice. The customer buys their ticket to travel with us, and we want to ensure they have the best possible experience whether the service to them is provided directly by us or through one of our suppliers.

One particular challenge is in respect of services provided to our customers by Network Rail staff at their managed stations, such as mobility assistance at Euston station. While any complaints made about such services would have to be investigated by Network Rail themselves, we would expect to handle the correspondence with the customer. This arrangement conflicts however with the provisions of paras 2.12 and 2.20 in the guidance.

Are there any other categories of third party supply that you consider should be explicitly covered within this obligation?

Suppliers of rail replacement services such as coaches or taxis should be included.

Question 3

Do you agree that the three core standards form a reasonable basis from which licence holders can develop complaint handling procedures?

We support the three core standards. We consider that the first of these is the most significant in relation to the contents of the CHP, and note accordingly that more of the guidance document is devoted to this than to the other two.

We particularly support the provisions of 3.32 in relation to on-the-spot resolution. We are currently putting emphasis on this being achieved and to support this we have set up a first time resolution hotline for our front line people to call in order to identify or arrange suitable instant resolution of customers' problems.

Please identify any areas, for example:

a. where you would prefer more detail or additional clarity; and/or

Fig 3 on Page 16

Complaints may be received at a station but would be passed on to our customer relations team for registering and progressing

Web chat is a further channel which we are trialling and intend to develop further

Para 3.30 on Page 20

We need to be clear about what is considered a full response in this context. It should be made clear that this timescale refers to a response which covers off all the aspects of the complaint, but may not necessarily lead to a resolution. In many cases a resolution could take some considerable time to arrive at if the issues involved are contentious.

Para 3.36 on Page 21

We need to avoid overburdening the customer relations team with providing progress updates to customers as a matter of routine. Our CHP itself will give a steer in terms of what timescales customers can expect. We accept that for correspondence taking longer to respond to, progress updates are appropriate, and this issue is covered in para 3.37.

b. where you consider the standards do not meet our intention to draft at 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.

3.31 of the guidance feels vague, but at the same time overly prescriptive. For instance an operator might feel it appropriate to set a target of 50% of its correspondence to be fully responded to within 2 days, or perhaps 75% within 5 days, which this provision would not allow for.

Question 4:

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

The guidance around conducting a full and fair investigation is helpful and clear

As regards the effective response and resolution we consider that emphasis should be placed on resolving complaints directly between the TOC and the customer, including use of internal escalation processes, before any referral to Transport Focus

Figure 6 should be split into a two stage process where the first stage response will conclude with the offer of a remedy / compensation

The second stage would only apply where there was a comeback from the customer to the initial full response. How the guidance could be amended to reflect this is detailed in the Appendix

It should be recognised within para 3.41 that occasionally complaints are not resolved because a complainant does not respond to an offer of resolution, and ultimately the case is closed due to a nil response.

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?

We do not consider it necessary to incorporate details of such a protocol into the CHP itself, as this is a customer facing guide. The CHP simply needs to highlight that such a protocol exists. The protocol can be spelt out within the publicly available guidance document, in the same way that this would be the place for a customer to find details of the ORR's compliance arrangements should they wish to understand these.

Question 6:

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

We support the ORR's proposal to drop the two requirements relating to dispensing with the automatic annual review, and having to seek ORR's consent to extend response timescales during exceptional circumstances.

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 this process?

As stated in our response to Question 1, we do not feel it appropriate to refer to ORR monitoring within a TOCs complaints procedure. This should be part of ORR's compliance monitoring procedure, and recognise that these are clearly set out in the guidance document.

We would suggest that ORR do not place too much emphasis onto any individual complaints referred to them, which is likely to be a tiny proportion of overall customer contacts a TOC would have itself.

It makes business sense to have an effective complaints procedure and it plays an important part in ensuring our customers are satisfied with the service they receive. It should nevertheless be understood that complaints are only one sources of intelligence about customer satisfaction, and we make significant efforts to hear from those who may have constructive comments on our service but are not minded to complain (ie the silent majority)

Question 8:

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

We have no further specific comments

Appendix : Suggested Amendments

2.12 A complaint about a specific train, ticket office or station service shall be owned by the licence holder responsible for that train, ticket office or station service. In the specific case of Network Rail providing station services, any complaints from a customer about these would ordinarily be handled by the TOC the customer was travelling with. A complaint about a delay will be owned by the licence holder on whose train the passenger was travelling when the delay occurred. This holds true even where the impact of the delay arises on another part of the journey i.e. where a delay leads to a missed connection or results in a dispute over ticket validity on a later train.

2.14 A complaint about a ticket sale will be owned by the licence holder which sold the ticket, whether that be directly or through one of their suppliers. A complaint against a third party ticket retailer should be handled by the third party retailer.

3.4 Details on how and to whom a passenger should complain should be made available in the licence holder's major publications, be prominently displayed at stations on websites and via social media. At multi-operator stations, publicity should make clear the different contact points for complaints about different services. Complaint forms should also be made available on the request of a passenger, for example, on trains which carry guards or conductors, or alternatively at stations.

3.10 Designated customer contact points are a useful access route for the passenger. All customer-facing rail staff, including sub-contracted staff, should be trained to receive and if necessary pass on complaints.

3.25 The ORR may wish to conduct research with complainants to learn more about their experiences. Data protection concerns must be properly addressed to allow this. Licence holders should consider ways in which the complainant could be advised of this eventuality, for example by informing complainants that they could be contacted by the regulator and providing a tick-box option to ~~opt-out~~ opt-in if the complainant ~~does not wish~~ is happy to be contacted.

3.36 Communication with the complainant is an important on-going process whilst the complaint is under investigation. At the outset, the complainant should be advised of the complaints process and the target timescales for a response. When immediate resolution is not possible, the complainant should be kept informed of progress, to a reasonable extent, either by email, letter, face-to-face meeting, or phone call depending upon the complainant's preference.

3.40 The passenger should be signposted to TF or LTW and ADR after they have received the first substantive response from the licence holder, have then had it escalated within the company and still remain dissatisfied, even if the licence holder continues to engage with the complainant with the objective of resolving the complaint itself.

Figure 6 on Page 24

This figure needs to be split into two stages. The first stage would go as far as the middle box in row 2.

The second stage (should it be needed) would begin with an automatic escalation within the organisation and conclude with the "Signposts" box which would be repositioned to the end of the process.

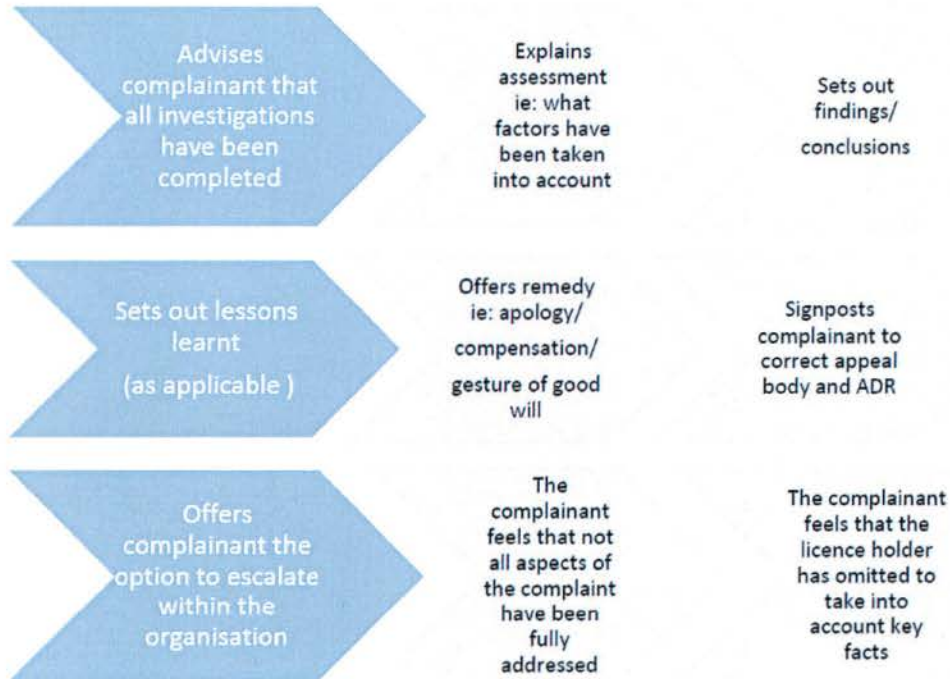


Figure 8 on Page 30

6th box :

Complainant will be kept **suitably** informed of progress of his/her complaint

7th box :

Aim will be for complaints **will to** be resolved to the satisfaction of the complainant and the organisation will address systemic issues and learn from them