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22 August 2016

Kirk Taylor
Managing Director
Stobart Rail

Dear Kirk

Approval of Stobart Rail Limited Complaints Handling Procedure (Condition 6 of the Station Licence)

Thank you for submitting your draft Complaints Handling Procedure (CHP) for approval. A copy of your revised CHP is attached to this letter, and will be published on our website along with a copy of this letter.

I confirm that we have reviewed your CHP against the 2015 “*Guidance on complaints handling procedures for licence holders*” (the guidance), and can confirm that your revised CHP meets the requirements of Condition 6 of your station licence. We also sought views on your draft CHP from Transport Focus.

We welcome your commitment to respond to 90% of passenger complaints within 10 working days, which we believe is likely to be positive for passengers.

As part of the approval process, we have discussed the information available to passengers online regarding the complaints procedure for Southend Airport Station. We are content that the information provided on the Stobart Rail website is sufficient to meet the requirements of the guidance, however we are concerned that the information may be difficult to find given its current location on a website which is separate from both the station information pages of the London Southend Airport website and the station information pages of the train operator, Abellio Greater Anglia. You have committed to working with both the airport and Abellio Greater Anglia to provide a link from these pages to the complaints information held on the Stobart Rail website to ensure the information is easily available. Please keep us up to date with your progress in this and inform us when this is completed. In any case, please provide an update within 3 months of the date of this letter.

In the case of Stobart Rail, the relevant passenger bodies are Transport Focus and London TravelWatch. In line with the requirements of the guidance, licence holders must establish an appeals handling protocol where the passenger bodies require this. We understand that these protocols are not yet finalised and are currently in the process of

being agreed. Once these protocols are agreed, we expect licence holders to abide by them in their handling of appeals.

Finally, you have confirmed that, in cases where there is a contractual obligation between Stobart Rail and the passenger and where a complaint has not been resolved and your internal procedures have been exhausted, you will provide information on Alternative Dispute Resolution (ADR) to the complainant, and identify approved ADR providers. This is in accordance with the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015. This information will usually be highlighted to complainants in the second substantive response, when details of Transport Focus and London TravelWatch are also given.

This approach appears to discharge the information requirements in the Regulations, however, please note we will be engaging with ATOC and the Department for Transport as to the application of the ADR regulations more generally and this may result in the need to revisit policies in due course.

Yours sincerely,



Annette Egginton



Station Complaints Handling - Passenger Document

Stobart Rail Limited (SRL) is a rail company that, in addition to its infrastructure maintenance work, operates the station at London Southend Airport.

This document sets out the processes we employ for dealing with complaints and claims arising from our operations at that station. These processes aim to satisfy the Office of Rail and Road (ORR) Guidance on complaints handling for licence holders 2015, our Station Licence requirements as well as our own Company standards.

A complaint is defined as “Any expression of dissatisfaction by a customer or potential customer about service delivery by our company and/or about company or industry policies”.

The term complaint in this document covers forms of negative customer feedback received via

- Letters and e-mails
- Telephone and text phone calls
- Customer Complaint/Feedback Forms (available at the station)
- Completion of online Complaints Forms
- Face to face feedback to staff
- Social Media

How to make a complaint?

There are a number of ways you can contact us to make a complaint:

- In person to any member of our station staff, our staff have been trained to receive and pass on complaints
- Via e-mail or letter to the following:

Operations Director,
Stobart Rail Limited,
Solway Business Centre,
Kingstown,
Carlisle,
Cumbria,
CA6 4BY
- E-mail - helpdesk@stobartrail.co.uk
- Via telephone and text phone calls:
Telephone 0800 032 6294 (Free Phone 24 hours)
Telephone 03332 205 436 (using this number from mobiles or landlines will not incur any premium call rates)
Text Relay Phone - 18002 0800 032 6294 (24 hours)
- Customer Complaint and Feedback Forms:
Our Customer Complaint and Feedback Forms are readily available to all customers in leaflet holders at the station or directly from station staff. The leaflets explain the complaints handling procedure and their rights within that process.

- Via the Stobart Rail Website:
There is a dedicated Southend Station page available on our website.
<http://www.stobartrail.com/item/station>

When raising a complaint in order to help us investigate fully please include full details of the issues you have raised as well as contact information.

The Stobart Rail Station office team can be contacted directly by the customer and the station is manned 24 hours a day. Arrangements for telephone contact to Stobart Rail shall ensure that those making the complaint are only charged at local telephone rates.

The siting of notices and help points ensure that all customers can easily communicate any complaints and comments they may have. The contact details for making a comment / complaint / claim are clearly displayed on notices on station information boards.

The notices state the following options available to customers:

- Comments and complaints can be made locally to our staff on duty at the time who will endeavour to resolve any issues locally or escalate to senior management at Stobart Rail Head Office;
- If a complainant is unhappy with the outcome, or how the complaint was handled, the option of contacting Transport Focus, London TravelWatch;

Please note that in addition to this, the Alternative Dispute Resolution (ADR) for consumer disputes (Competent Authorities and information) regulations 2015 requires us to advise you of an 'Alternative Dispute Resolution' organisation for your complaint. In our case this is the Consumer Ombudsman (www.consumer-ombudsman.org). However as Transport Focus/London TravelWatch already provides a mediation service for customers in the rail industry, we do not make use of the ADR process, and correspondence to the Consumer Ombudsman will be redirected to Transport Focus/London TravelWatch.

Note: Stobart Rail are party to the industry Claims Allocation and Handling Agreement (CAHA) and comply with the provisions of the codes of practice for the handling of claims made by the public against the Railway Industry

The notice board clearly displays contact information, including address, telephone number and e-mail address for making a complaint to.

- Stobart Rail
Telephone: 0800 032 6294
Website: <http://www.stobartrail.com/item/station>
Twitter: @StobartRailLtd
- The Transport Undertaking(s) using the Station; Abellio Greater Anglia
Telephone: 0345 600 7245
Website: www.abelliogreateranglia.co.uk
- Transport Focus;
Telephone: 0300 123 2350
Website: www.transportfocus.org.uk
- London TravelWatch;
Telephone: 020 3176 2999
Website: www.londontravelwatch.org.uk

A copy of this Passenger Document will also be available at the station and on the Stobart Rail website <http://www.stobartrail.com/item/station>

Social Media Policy:

What Stobart Rail will do?

As social media becomes more and more accessible Stobart Rail recognises that there are times when this medium is used to express dissatisfaction. With this in mind Stobart Rail will monitor postings on social media to identify where a posting can be identified as a complaint and requires further investigation. In this case Stobart Rail will contact the complainant, assist them in making a formal complaint if they wish and advise them of the processes and timescales involved. The complaint will be dealt with in accordance with this Complaints Handling Passenger Document.

What we expect of the complainant:

- Please do not use foul language or be aggressive, we will not tolerate this type of engagement.

Equality and Diversity

Stobart Rail excludes no one from lodging a complaint and all our station staff have received complaints handling training. Complaints may be received from people whose first language is not English. These, and the replies, shall be translated into the appropriate language. If a response in a different format is required (such as large print or audio) whenever possible we will respond within 10 working days.

We also have provisions for customers who are visually impaired or hard of hearing and a text relay service is in place. We will also provide upon request copies of our Complaints Handling Passenger Document in alternative formats such as large print, audio or braille.

We are also happy to accept complaints from guardians, carers or support workers made on behalf of a passenger with their permission or authority.

Stobart Rail fully complies with the requirements of the Equality Act 2010.

Privacy Policy

Stobart Rail have in place administrative, electronic and physical security measures to ensure that the information you provide to us is protected from access by unauthorised persons and protected against unlawful processing, accidental loss, destruction or damage in accordance with the Data Protection Act 1998.

We may collect and process the following data:

- Information you provide to us by completing forms on our website
- Information contained within completed Complaints and Feedback Forms
- Information you have provided to our staff directly or via letter or email
- Information obtained via social media interaction

All customer information will be treated in a manner that ensures confidentiality is protected. Personal details or details of information provided will not be divulged to third parties except with the written consent of the complainant. Exceptions to this are where it is necessary for us to fulfil our obligations to other organisations carrying out their statutory duties i.e. the Police, where we may have to disclose some or all of such information.

Where practical we will coordinate a single response to your complaint where it involves other licence holders, where the bulk of your complaint is with another licence holder we will make arrangements for the complaint to be passed directly to them within 5 working days, but will inform you when this transfer has taken place.

The Office of Rail and Road (ORR) may wish to contact a complainant to conduct research and learn of their experiences. We provide an option to opt out from being contacted on our complaint forms/website if you do not wish to be contacted.

Response Times

Wherever possible, customers' complaints shall be handled locally with the intention of resolving any issues there and then. Our station staff are fully trained in handling customer complaints. Where a complaint cannot be resolved immediately a full and fair investigation will take place.

Written, Emailed, Faxed, telephoned comments and complaints in addition to those recognised as a complaint via social media shall be acknowledged as soon as is practicable; the aim shall be to acknowledge complaints received within five working days.

The length of time it takes to resolve complaints depends on their complexity, we aim to respond to 90% of all complaints within 10 working days and 95% of all complaints within 20 working days. In cases where a full response cannot be given within the 20 working days then an update will be sent advising the customer of progress made; thereafter, an update shall be provided every 10 working days. These limits also apply to complaints referred to us by Transport Focus.

In the event that we receive a sudden or unexpectedly large increase in the volume of complaints we shall endeavour to maintain compliance to the above timeframes but may have to put in place emergency timescales. In this event customers will be informed via the Stobart Rail website and complainants informed via letter or email of any potential delay in dealing with their complaint. Stobart Rail will also inform the Office of Rail and Road, Transport Focus and London TravelWatch of the reasons for, duration of and plans in place to return to published timeframes and processes in place in order to maintain the quality of our responses.

Where complaints cannot be answered fully within our published timescales we will make the complainant aware of any potential delays and provide them with regular updates after the target response date time has elapsed. The updates will give full details of progress being made and give the complainant the option to speak directly to someone if they choose to do so.

Note: Where internal disciplinary action is taken towards any member of staff as a result of a complaint (or complaints) we will not be able to provide details to the complainants as we must treat the details of any disciplinary as confidential.

Response and Resolution

Stobart Rail will provide a full written response to all complaints in plain English free of rail industry jargon, initials and acronyms. The tone and formality of the response will be appropriate to the circumstances of the complaint. Upon the complainant receiving a second substantive response from Stobart Rail the complainant will be signposted to Transport Focus/ London TravelWatch and relevant ADR (Alternative Dispute Resolution) body, the Consumer Ombudsman (www.consumer-ombudsman.org) even if Stobart Rail continues to engage with the complainant. Stobart Rail will ensure that there are no outstanding actions required by them with regard to complaints resolution.

Where a complaint is considered to be frivolous or vexatious Stobart Rail may wish to terminate correspondence with a complainant before full resolution has been reached. The decision on whether a complaint is frivolous or vexatious will only be made by the Operations Director or other senior manager. Stobart Rail will consult with Transport Focus or London TravelWatch

before terminating correspondence and will advise the complainant in writing of the reasons behind the decision. Stobart Rail will continue any other dialogue with the complainant on any other unrelated comment or complaint.

Compensation

Levels of redress will be determined by the Operations Director on a case by case basis, taking cognisance of all relevant factors; for example, reimbursing the train fare where a particular train was missed because of Stobart Rails actions or inactions.

Monitoring and Measuring

Stobart Rail monitors information relating to customer perception as the whether our organisation has met customer requirements and expectations.

Stobart Rail carry out internal audits conducted by qualified auditors on all station activities including complaints handling to determine the compliance, currency and effectiveness of our processes. These audits alongside analysis of complaints received are reviewed at our management meetings in order to provide the basis for analysis of trends and the mechanism for continual improvements. Feedback on any identified improvements on handling customer complaints is disseminated to all relevant staff and included in our documented processes.


Signed:



K. Taylor

Managing Director

Date: July 2016

	Procedure	Reference	SRP80	Date	August 2016
		Issue	Ten	Owner	Operations Director
		Page	Page 1 of 5		

STATION COMPLAINTS AND CLAIMS HANDLING PROCEDURE

Purpose

The purpose of this Procedure is to ensure that all complaints and claims are handled in a professional, courteous and effective way. That the processes in place are easily accessible and user friendly for all complainants with the aim to reach a satisfactory outcome to complaints from all parties.

Scope

Stobart Rails operations at London Southend Airport Station.

Commitment

Stobart Rail is committed to the following:

- Our complaints handling process is designed to be easily accessible and user friendly
- Our staff are fully trained in handling complaints in a professional manner
- Complaints will be fully and fairly investigated
- Complaints resolution is given a high priority by senior management
- We will endeavour at all times to reach a satisfactory outcome to complaints for all parties involved
- We will advise you of any right to be represented and signpost you to relevant passenger watchdogs
- We shall constantly strive to improve customer satisfaction with our services and facilities
- We base our standards on customer requirements and recognise a customer's right to complain when those standards are not met
- We will respond to legitimate customer complaints in a friendly, professional, timely and effective manner
- We are party to the industry's Claims Allocation and Handling Agreement (CAHA) which we must comply with regarding claims for loss, property damage or personal injury

Responsibilities

All Stobart Rail Station Staff
 Operations Director/Senior Managers
 Stobart Rail Head Office Staff

Receiving Complaints

Complaints can be received in a number of ways:

Our dedicated station website has two distinct online forms, one for feedback and one for general feedback.

At our station we have two distinct hard copy forms, one for complaints and one for feedback. This procedure includes a section on monitoring postings on social media that may include expressions of dissatisfaction without actually using the word 'complaint'. In these cases, our staff will contact the poster and ask if they would like to make a formal complaint. These various mechanisms allow us to clearly distinguish between complaints and general feedback.

Letters and e-mails:

Any staff receiving letters or e-mails of complaint must forward them to the Senior Business Systems Coordinator (SBSC)/Business Systems Coordinator (BSC).

Telephone and text phone calls:

Any staff receiving complaints via telephone or text phone must note all the details and transfer them to a Customer Complaint Form (SRF087). Staff must then forward them to the SBSC/BSC.

Reference	SRP80	Date	August 2016
Issue	Ten	Owner	Operations Director
Page	Page 2 of 5		

Customer Complaint Forms (available at the station):

If received in person by Station Staff these must be forwarded to the SBSC/BSC. If received via post or e-mail the receiver must forward to the SBSC/BSC.

Online Complaints Forms:

Online Complaints Forms completed via our website <http://www.stobartrail.com/item/station> will be forwarded to the SBSC/BSC to action and log with a hard copy printed and retained. Information will be transferred to (SRF087) by SBSC/BSC

Face to face feedback to staff:

Stobart Rail do not use any third parties to handle complaints. Stobart Rail provide our station staff with complaints handling training and retrain them at periodic intervals or in response to evidence of ineffective complaints handling. Our dedicated Training Department sources and organises specific training for our staff.

Dedicated Station Staff must endeavour to resolve a customer complaint at a local level, and must record details of the complaint on the dedicated Station Issues, Faults, Feedback and Lost Property Log. N.B. Complaints resolved at a local level will not be used for statistical analysis purposes. Where a customer complaint can't be resolved, station staff to prompt customer into completing complaints form or visiting the website. SBSC/BSC will check log daily and transfer complaints to (SRF087).

Social Media:

As social media becomes more and more accessible Stobart Rail recognises that there are times when this medium is used to express dissatisfaction. With this in mind the SBSC/BSC will monitor postings on social media to identify where a posting can be identified as a complaint and requires further investigation. In this case the SBSC/BSC will contact the complainant, assist them in making a formal complaint if they wish and advise them of the processes and timescales involved. The complaint will be dealt with in accordance with this procedure.

Recording of Complaints

In all cases the SBSC/BSC will record complaints on the dedicated Station Complaints Spreadsheet. This spreadsheet includes the following required information:

- Date of feedback
- Feedback received from
- Client/External Organisation/Staff Member/Member of Public
- Compliment/Complaint
- Details of feedback received
- Department responsible
- Person to action
- Date passed for action
- Action taken
- Preventive/Improvement Action (if applicable)
- Date closed out and filed

Dealing with Frivolous or Vexatious Complaints

Definitions

Frivolous:

- Not serious or sensible in content, attitude of behaviour; silly
- Unworthy of serious or sensible treatment; unimportant

Reference	SRP80	Date	August 2016
Issue	Ten	Owner	Operations Director
Page	Page 3 of 5		

Vexatious:

- (Law) Instituted without sufficient grounds, especially so as to cause annoyance or embarrassment to the defendant

These criteria, or seriously abusive behaviour/language, are the criteria for terminating correspondence with a customer.

Where a complaint is considered to be frivolous or vexatious Stobart Rail may wish to terminate correspondence with a complainant before full resolution has been reached. The decision on whether a complaint is frivolous or vexatious will only be made by the Operations Director or other senior manager and the decision will be recorded on the Station Complaints Spreadsheet allowing for monitoring and analysis. In such cases the complainant will be informed in writing by the SBSC/BSC of the reasons for termination and provided with the contact details of London TravelWatch or Transport Focus and an Alternative Dispute Resolution Provider (ADR), as appropriate. Definitions of this kind of complaint are provided as a guide to aid in the decision of when correspondence will be terminated. Stobart Rail will continue any other dialogue with the complainant on any other unrelated comment or complaint.

Please note that in addition to this, the Alternative Dispute Resolution for consumer disputes (Competent Authorities and information) regulations 2015 requires us to advise complainants of an ‘Alternative Dispute Resolution’ organisation for your complaint. In our case this is the Consumer Ombudsman (www.consumer-ombudsman.org). However as Transport Focus/London Travelwatch already provides a mediation service for customers in the rail industry, we do not make use of the ADR process, and correspondence to the Consumer Ombudsman will be redirected to Transport Focus/London Travelwatch.

Records of termination of complaints will be retained by the SBSC/BSC on the Station Complaints Spreadsheet in order to provide data for analysis and identification of relevant trends.

A Full and Fair Investigation

Where a complaint cannot be resolved immediately or on the spot, the following investigative process would take place:

- Analysis of Complaint: Identification of key elements and facts to be checked
- Evidence Gathering: Relevant records, policies, procedures and identification of any evidence gaps
- Corroboration and Analysis: Objective analysis of all evidence and potential interviewing of involved staff
- Application to the Complaint: Determine what happened against what should have happened
- The Reasons: Identification of the cause of the failings
- The Response: The development of a recommended response/resolution

Staff that are the subject of the complaint shall not undertake the investigation but shall pass the complaint on. The Operations Director will determine who will undertake the investigation. In complex cases the Operations Director may appoint a team to fully investigate the situation.

Note: Where internal disciplinary action is taken towards any member of staff as a result of a complaint (or complaints) we will not provide details to the complainants as we must treat the details of any disciplinary as confidential.

Reference	SRP80	Date	August 2016
Issue	Ten	Owner	Operations Director
Page	Page 4 of 5		

Compensation

Levels of redress will be determined by the Operations Director on a case by case basis, taking cognisance of all relevant factors; for example, reimbursing the train fare where a particular train was missed because of our actions / inactions.

Escalation of Complaints

Following the recording of complaints on the Station Complaints Spreadsheet the SBSC/BSC will forward all complaints to the Operations Director or a Senior Manager who will review and recommend appropriate actions and responses to be taken. Actions and responses will be relayed to the SBSC/BSC for populating on the Station Complaints Spreadsheet and once the complaint has been satisfactorily closed out this will also be recorded on the spreadsheet.

Response Times

Written, emailed, faxed, telephoned comments and complaints in addition to those recognised as a complaint via social media shall be acknowledged by the SBSC/BSC as soon as is practicable; the aim shall be to acknowledge complaints received within **five working days**.

The length of time it takes to resolve complaints depends on their complexity, we aim to respond to 90% of all complaints within 10 working days and 95% of all complaints within 20 working days. In cases where a full response cannot be given within the 20 working days then an update will be sent by the SBSC/BSC advising the customer of progress made; thereafter, an update shall be provided by the SBSC/BSC every 10 working days. These limits also apply to complaints referred to us by Transport Focus.

Appeals to TF and LTW

Upon the complainant receiving a second substantive response from Stobart Rail the complainant will be signposted to Transport Focus, London TravelWatch and relevant ADR (Alternative Dispute Resolution) the Consumer Ombudsman (www.consumer-ombudsman.org) even if Stobart Rail continues to engage with the complainant. Stobart Rail will ensure that there are no outstanding actions required by them with regard to complaints resolution.

Quality Management Systems

Stobart Rail are certificated to BS EN ISO 9001:2008 Quality Management Systems and as such have to prove compliance with the required clauses of that standard. Compliance requirements to these clauses are applied to our Station activities. These clauses include:

Control of Records: The identification, storage, protection, retrieval, retention and disposition of records. Records shall remain legible, readily identifiable and retrievable.

- Details of station complaints are recorded on the Station Complaints Spreadsheet log by the SBSC/BSC and hard copy complaints form and communication retained in a dedicated folder for a minimum of 3 years.

Customer Communication: The organisation shall determine and implement effective arrangements for communicating with customers in relation to customer feedback including customer complaints.

- Arrangements for the handling of complaints are included within this procedure and in the Station Complaints Handling - Passenger Document.

Monitoring and Measuring: The organisation shall monitor information relating to customer perception as the whether the organisation has met customer requirements.

- Stobart Rail carry out internal audits conducted by qualified auditors on all station activities including complaints handling to determine the compliance, currency and

Reference	SRP80	Date	August 2016
Issue	Ten	Owner	Operations Director
Page	Page 5 of 5		

effectiveness of our processes. These audits alongside analysis of complaints received are reviewed at management meetings provide the basis for analysis of trends and the mechanism for continual improvements. Feedback on any identified improvements on handling customer complaints is disseminated to all relevant staff.

Data Protection

Stobart Rail have in place administrative, electronic and physical security measures to ensure that the information you provide to us is protected from access by unauthorised persons and protected against unlawful processing, accidental loss, destruction or damage in accordance with the Data Protection Act 1998.

Staff receiving customer information must treat it in a manner that ensures confidentiality is protected.

Personal details or details of information provided must not be divulged to third parties except with the written consent of the complainant. Exceptions to this are where it is necessary for Stobart Rail to fulfil our obligations to other organisations carrying out their statutory duties i.e. the Police. In such cases we may have to disclose some or all of such information.

Where practical Stobart Rail will coordinate a single response to a complaint where it involves other license holders. Where the bulk of your complaint is with another licence holder we will make arrangements for the complaint to be passed directly to them but the SBSC/BSC must inform the complainant when this transfer has taken place.

The Office of Rail and Road (ORR) may wish to contact a complainant to conduct research and learn of their experiences. We provide an option to opt out from being contacted on our complaint forms/website if the complainant does not wish to be contacted.

Complaint Handling Service Standards

Stobart Rails service standards with regards to complaints are documented throughout this procedure.

Changes to Complaints Handling Procedure

If Stobart Rail establish or make any material change to this Complaints and Claims Handling Procedure the Operations Director or Senior Manager will consult with Transport Focus and London TravelWatch. Changes may be made at the initiative of Stobart Rail or where the Office of Rail and Road has determined a change needs to be made.

This procedure will be reviewed by the Operations Director or Senior Manager at least annually or following a significant change in legislation.