

Rosie Clayton  
Competition and Consumer Policy  
Office of Rail Regulation  
One Kemble Street  
London  
WC2B 4AN

20<sup>th</sup> July 2015

**Re: Complaints Handling Procedures – Consultation on Guidance**

Dear Rosie,

I am writing in response to the e-mail dated 6<sup>th</sup> May 2015 in relation to the above.

Thank you for inviting Arriva Trains Wales to respond. Here are our comments to each question raised.

**Question 1**

We agree with the overall scope and purpose of the proposed guidance. However, the way that you have tried to distinguish between feedback and a complaint is not that clear. A complaint is clearly defined in point 2.6 but feedback is not defined in the document in the same clear way. We feel that the current guidance is too open to interpretation and will not meet the needs it has been designed for. Points 2.8 and 2.9 attempt to provide an explanation but do not specifically.

Regarding point 2.9, we do not monitor all online forums or consumer websites whereby a customer may post feedback and we will not have a mechanism for doing so. We respond to customers via Twitter, but not 100% of the time and Facebook is solely used for marketing purposes. Does the guidance expect feedback to be monitored across all mediums?

**Question 2**

We agree that the licence holder should coordinate responses relating to third parties and we do so currently with all suppliers, with the exception of our revenue protection service partner. ATW instruct Transport Investigations Limited (TIL) to provide us with this revenue protection service and handle any complaints that arise from their dealings with our passengers directly. This is due to TIL writing to the passenger directly after they have been interviewed and including their contact details for any complaints within the documentation. If a passenger also writes to ATW, we will acknowledge their complaint, but do not interject as this may impact any legal proceedings which may be forthcoming. However, if the complaint is regarding the way the customer was spoken to (as opposed to the process) then we will deal with the complaint fully.

**Question 3**

The three core standards certainly provide a reasonable basis from which CHPs can be developed and improved. We agree that there is a need to highlight best practice principles around accountability; senior management involvement and the use of the insight gathered from complaints. We agree with the elements that have been retained too: Including information about how to make a complaint in all major publications and at stations; Making comment/complaint forms available on request, for example, on trains which carry guards or conductors; Having minimum opening hours at call centres and a recording system for out of hours; Providing telephone routes at: local telephone rates or free/low call; Responding to 95% of all complaints within 20 working days. Where licence holders

have set themselves and published more challenging targets, to provide full responses to at least 90% of complaints within that published target; Keeping customers informed of the process of the complaint. We have dropped the specific requirement on how often the complainant should be advised on progress (currently every ten working days).

However, there is some points we'd like to make to advise of our position.

On point 3.9, access routes, whilst we're aware that these are examples, we do not use online intermediaries such as Fix My Transport or Resolver (but do offer all other routes in the diagram).

On point 3.29, we think each TOC should respond to their own part of the query. Whilst we understand that the customer will want a single response, the timeframes to reply will be impacted by having to rely on information supplied by another party, which is outside of the initial TOCs control. It would be unfair to judge compliance against set targets, on work that is nothing to do with your TOCs performance.

On point 3.59, with reference to TIL once more, we do not hold complainant details on our CRM if the customer is dealing directly with TIL for a revenue protection enquiry. However, we will do so if the complaint is regarding the way the customer was spoken to. I believe we need to define more clearly which third party suppliers the ORR is referencing in this point.

On the whole, we believe that the balance between the specified obligations and the focus on internal culture and other arrangements is consistent with the regulatory approach.

#### **Question 4**

The guidance provided is helpful. ATW already carry out investigations using a process similar to the one set out in the updated document and welcome the flexibility to do what is appropriate depending on the circumstances of particular cases. Can you provide clarity around point 3.40? What is meant by 'after they have received the first substantive response'? We assume this is the second response but would like clarity. On point 3.41, we will adhere to this as far as can be reasonably expected i.e. if we ask for additional information in order to resolve, but the customer does not provide it, we will not be able resolve the complaint.

#### **Question 5**

We agree that the CHP should include the requirement of the appeal handling protocol with PF. The agreement of the protocol should be a two way relationship between PF and the organisation, which will then work for both parties and the customer. The response times that the customer can expect should also be detailed. On point 3.52, PF currently liaise with TIL on certain cases without consulting the TOC. Without the knowledge of this happening, it is impossible to ensure the response times will be adhered to. It's important that this is recognised so that it is understood that this practice will continue or, the approach that PF currently have with TIL needs to be reviewed.

Any case correspondence should come from the customer in the first instance, and then from the TOC, so PF can assess if an appeal is warranted. To further enhance the CHP, an outline of how PF manage appeals would be beneficial, especially on any customer facing documents.

With reference to the ADR directive, you state that we need to ensure that ADR is available but there is not one for transport at present. What is the 'residual' ADR that is referred to? Who provides this service? Is this not the role of Passenger Focus?

#### **Question 6**

We understand the ORR's decision to remove the existing two requirements. ATW have a quality assurance process in place and we review our CHP to ensure it meets the needs of the customers and the business. Could guidelines be produced for what constitutes an unforeseen and specific event when the existing requirement is substituted? An

unforeseen event is very broad terminology. Or is it the ORR's aim to provide TOCs with room for interpretation here?

**Question 7**

The approach outlined should be sufficient in ensuring compliance to the CHP.

**Question 8**

The benefits that we can see are better trained staff; improved and more efficient complaint handling; increased customer satisfaction with their complaint; more transparency for customers on the process and timeframes and a clear understanding of other TOCs processes too.

The costs would be increased time for training of frontline staff; having sufficient resource to meet compliance targets; website development to make contacting us easier and more efficient; time spent completing more quality audits and providing feedback; acknowledging postal complaints and potentially having to change third party contracts.

These views are representative of Arriva Trains Wales.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Barry Lloyd', enclosed within a large, loopy circular flourish.

Barry Lloyd

Head of Customer Experience

Arriva Trains Wales