

Stephanie Tobyn

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29 October 2014

Tunde Olatunji
Head of Customer Experience
NXET Rail Limited



Dear Tunde

Approval of NXET Trains Limited (trading as c2c) Complaints Procedure (Condition 6 of the Station Licence and GB Passenger Statement of National Regulatory Conditions)

Thank you for your email of 24 October 2014, in which you provided a copy of the final version of your Complaints Handling Procedure (CHP) for the Essex Thameside franchise. The franchise will commence on 9 November 2014. Your CHP is attached and will be published on our website along with a copy of this letter.

I confirm that we have reviewed your CHP against the 2005 “Guidance on Complaints Handling Procedure” and approve it as meeting the requirements of Condition 6 of the station licence and GB Passenger Statement of National Regulatory Conditions (SNRP).

Your CHP was originally submitted to ORR on 21 August 2014.

We provided our comments to you on 9 October and from Passenger Focus on 17 October. You provided a number of amendments and clarifications in response to these comments. The main areas we asked you to clarify included:

- Clarifying your commitment to passengers – you have clarified that you will respond to 95% of complaints within 5 working days. This is significantly less than the maximum period allowed by the Guidance (20 working days) and will be welcomed by passengers;
- Appeals – You provided additional information and commitment to passengers on your processes for managing appeals from London Travel watch or Passenger Focus. This included providing an explanation of the roles of the two bodies, their contact details, and, a commitment to respond within 10 working days to appeals made in this way;
- Provisions for people with special needs – operators need to make appropriate provisions for all passengers to be able to use their complaint system. You have included a commitment to respond in large print and braille where it is needed and

- we would encourage you to review, on an on-going basis, what other provisions need to be made to accommodate the variety of needs of your passengers; and,
- Monitoring and review – you have provided additional information on how you review your responses to complaints. You have set out that reviews are made by the Senior Customer Relations Executive and Head of Customer Relations. You also explain that a system of customer satisfaction monitoring takes place every four weeks. Over time, we would encourage you to add more detail on these processes such as how many responses are checked and how does the monitoring process translate into improved services.

We note that you are commencing a new franchise and encourage you to review your CHP once you have practical experience of running the franchise.

Yours sincerely,

A handwritten signature in black ink that reads "Stephanie Tobyn". The signature is written in a cursive, flowing style.

Stephanie Tobyn

Director, Economic Regulation



**COMMENTS AND COMPLAINTS
HANDLING PROCEDURE**

November 2014

c2c RAIL LIMITED

COMMENTS AND COMPLAINTS HANDLING PROCEDURE

c2c Rail Limited seeks to develop its business and retain existing passengers by constantly striving to Improve Customer Satisfaction. We shall design our standards based on customer requirements and recognise their right to complain when those standards are not met. Should failures in our standards occur, we will respond to customer complaints in an effective and generous way. We will treat a complaint as any expression of dissatisfaction by a customer or potential customer about our service delivery or about company or industry policy.

Customer comments and complaints are an important means for the customer to communicate with the company and to ensure that their communications are properly dealt with we have developed this Comments and Complaints Handling Procedure. In doing so we recognise the “Guidance on Complaints Handling Procedures”, published by the Strategic Rail Authority (now the Department of Transport) in February 2005. We are also mindful of the ORRs Regulatory Statement published in July 2014. We have referenced both documents in our review to ensure that the procedure:

- **Is well publicised to our customers and easily accessible by them.**
- **Is flexible and easily used.**
- **Ensures speedy handling within set time limits.**
- **Will address all points raised by the customer and ensure a full and fair investigation.**
- **Respects the need for confidentiality as appropriate.**
- **Will provide an effective response and appropriate redress.**
- **Will provide management information to ensure continuous service improvements.**
- **Will incorporate the handling of claims against c2c.**
- **Ensures customers can appeal if they remain unhappy with how we have dealt with their complaint to Passenger Focus or London TravelWatch**
- **Ensure consistency in standards between our Charter, our Disabled Persons Protection Policy and this Complaints Handling Procedure.**
- **Is available upon request, in a format suitable to customers who have special accessibility needs or to those who require complaint handling information, in a language other than English.**

The company’s Comments and Complaints Handling Procedure will be formally reviewed as specified by the Office of the Rail Regulator from time to time in consultation with the relevant independent passenger bodies’ i.e. Passenger Focus and London TravelWatch where appropriate, and with the agreement of the Department for Transport.

Passenger Focus and London TravelWatch are the independent rail consumer watchdogs set up to protect and promote passenger interests. Specifically they deal with appeals from passengers who remain dissatisfied with the outcome of a complaint dealt with by a train company.

The Office of Rail Regulation has the right to request a review of this procedure and how successfully we implement it, at any time.

1. The Comments and Complaints Handling Procedure is well-publicised to our customers and easily accessed by them.

- 1.1 The majority of comments are dealt with by our Customer Relationship Team. Details of how to contact the company are publicised by the following means:
 - a) "Passenger Information" posters prominently displayed at all c2c stations which show the name of the operator i.e. c2c Rail Limited, the address, website or email address to which comments and complaints should be sent, together with a telephone contact number.
 - b) Notices installed in c2c operated trains show the telephone, fax number and address of the Customer Relations Team and also of Passenger Focus and London TravelWatch.
 - c) Current notices in the c2c timetable shows our email address, website link, c2c Live (our app for smartphones and tablets) and a telephone contact number for getting in touch with our Customer Relationship Team.
 - d) Passenger "Comment Forms" are available from all c2c staffed stations.. These forms are intended to be handed in at stations, but include a telephone number, fax number and postal address to help customer get in touch with the Customer Relationship Team. These forms include the addresses for Passenger Focus and London TravelWatch.
 - e) Our new c2c Live app which enables registered customers to access a range of information about our services.
- 1.2 Details of how to get in touch with Passenger Focus and London TravelWatch are towards the end of this document.
- 1.3 Complaints can be made to any c2c Customer Servicing staff, all of whom are fully briefed in customer care, and who will either:-
 - a) Rectify the fault immediately.
 - b) Pass the comment or complaint to an appropriate Manager, Supervisor or the Customer Relations Team.
 - c) Direct the customer to the Customer Relationship Team (or provide them with a "Comments Form".
- 1.4 Comments and Complaints via the Customer Relations Team can be made by telephone during normal office hours, i.e. 08.00 to 20.00 Monday to Friday, and 09:00 to 16:00 on Saturdays, Sundays and Bank Holidays (except Christmas and Boxing Day). We provide an answering machine service outside of these hours. We also accept customer contacts made in writing, by fax, and via our website and c2c Live. ().
- 1.5 c2c Customer Service staff use the internet interpreting and translation facilities to interpret any foreign correspondence to English and to revert the response, when completed, to the language of origin.

- 1.6 We will use every reasonable effort to translate any correspondence received into the language in which a complaint was made. We will also receive and respond in kind to correspondence made in Braille or written in large print.

2. The Comments and Complaints Handling Process is flexible and easily used

- 2.1 In most cases a complaint can be dealt with directly to the satisfaction of the customer by the initial member of staff, a Supervisor or Manager. Where this is not the case, with a relatively small amount of investigation, a local manager can often quickly resolve the situation and contact the customer with a response. This will be done wherever possible.
- 2.2 Once a customer contacts us, we will:
 - a) Acknowledge receipt, investigate, and respond appropriately to the complaint (as per section 3 or section 8 of this document).
 - b) We will re-consider our response by following our escalation process, if the customer is not satisfied with our initial reply. We will also inform the customer of their right to refer their matter to Passenger Focus or London TravelWatch if they are unhappy with how we have dealt with their matter.
 - c) We are committed to responding to appeals received on your behalf from Passenger Focus or London TravelWatch within 10 working days.
- 2.3 Where a customer is dissatisfied with the written response to their complaint then the response and any compensation due, is escalated firstly to the Senior Customer Relations Executive. If the matter is still not resolved then it will be reviewed by the Head of Customer Relationships..
- 2.4 We will advise customers of their right to appeal to Passenger Focus or London TravelWatch in every instance where they are unhappy with our initial response.

3. The Comments and Complaints Handling Process ensures speedy handling within set time limits

- 3.1 Wherever possible, complaints are handled locally as in 2.1.
- 3.2 All comments and complaints are responded to as soon as practicable. We will acknowledge all comments and feedback within one working day and answer 95% within five working days. We will aim to respond to the rest within 10 working days as sometimes we need a little more time to investigate.
- 3.3 The response at 3.2 normally takes the form of a full reply. Where, for some reason, it is not possible to respond in full within 10 working days we will contact the customer again to provide an update.
- 3.4 The response time limit covers the period of time from the date a complaint is received by anyone within c2c.
- 3.5 We provide a customer contact telephone number as a service to the customer and this enables matters to be resolved over the phone, which will usually remove the need for customers to put their complaint or comment in writing.

- 3.6 All comments and complaints received by all methods of contact are entered onto our computer database which permits rapid retrieval of all information relating to any individual comment.
- 3.7 If a comment or part of a complaint relates to another Train Operating Company, or Network Rail, we will pass the complaint to them and advise the customer that we have done so, within 2 working days. If a joint complaint is received, which relates to c2c and any other part of the railway industry, we will at the same time address the customer complaint about c2c and forward the correspondence to the other train company within 3 working days.

4. The Comments and Complaints Handling Process will address all the points raised and ensure a full and fair investigation

- 4.1 Where a comment and/or complaint requires investigation this is undertaken by a member of the Customer Relationship Team. This will usually involve obtaining responses from:
- a) Appropriate c2c staff on incidents/occurrences.
 - b) Appropriate c2c Managers on matters of policy.
 - c) Appropriate Suppliers who provide goods or services to c2c.

The outcome of our investigation is normally included within our response and an apology or compensation offered where appropriate and in accordance with our Passenger's Charter. c2c may in instances of Personal Injury or for serious misconduct by a staff member, deal with the matter under the Woolfe Protocol (Civil Justice Reforms) as detailed in 9 below.

- 4.2 We carry out an independent review of the comment or complaint responses in a number of ways:
- a) The Senior Customer Relations Executive spot checks responses by all members of the Customer Relationship Team;
 - b) The Head of Customer Relationships also carries out complaint handling quality reviews.
 - c) Correspondence to the Passenger Panel is regularly reviewed for the quality of the response as well as for the actions taken to address any issues raised by
 - d) A system of customer satisfaction monitoring takes place each four weekly period. The computerised database randomly selects customers each four weekly period, who are sent a pro-forma to indicate how satisfied they were with the response to their comment. We monitor the resulting satisfaction rates and aim to achieve continual improvement in these areas;
 - e) Managers at all levels within c2c get personally involved with comments and complaints correspondence.
 - f) We are introducing a service quality management system which will ensure that the quality reviews are carried out in a systematic manner.

4.3 Where a correspondent is dissatisfied with the response to a comment or complaint, then the response and any compensation, if appropriate, is reviewed by the Customer Relationship Manager.

4.4 Where we have failed to deliver the services we will provide compensation as set out in our Passenger's Charter. The key commitments are summarised below -

- If a customer can show that we could have sold a cheaper ticket for their entire journey on our route, we will apologise refund twice the difference of the cost of their journey.
- If a customer has booked assistance and we failed to deliver the service, we will apologise and refund twice the cost of their journey.
- We will normally pay compensation as National Rail Travel Vouchers or by cash upon request.
- We offer the following compensation for delay repay -

Length of delay	Compensation from 9 November 2014
30 to 59 minutes' delay	50% of the cost of a single journey (or the appropriate percentage for season and return tickets)
60 to 119 minutes' delay	100% of the cost of a single journey (or the appropriate percentage for season and return tickets)
120 minutes' delay or longer	100% of the cost of the return journey (or the appropriate percentage for season tickets)

- We will provide extra compensation if you have a season ticket and we have performed poorly for a certain length of time. This becomes due if on eight or more days (out of the 20 working days in any 28-day rail-industry period) your journey is affected by a delay of more than 30 minutes.
- If you have a daily ticket and decide not to make your journey due to disruption, you will be entitled to a full refund by returning your ticket immediately to any National Rail ticket office or sending it to our Customer Relations team. You must make your claim within 28 days of the ticket no longer being valid
- From **31 December 2015** we are committed to introducing an even better compensation commitment for customers who use our Smartcards and also register with c2c Live. This will include compensation available for delays of between 2 and 29 minutes automatically credited to your Smartcard account.

5. The Comments and Complaints Handling Process will respect the need for confidentiality as appropriate

We will respect people's confidentiality at all times. Our Customer Relationship Team and Manager will always ensure that financial, personal details etc. are not made known to anyone outside c2c except Passenger Focus and/or London TravelWatch in order to facilitate the performance of their statutory duty and, where absolutely necessary, in the investigation of a criminal proceedings. Our data base is not for sale, hire, or shared with any third parties unless we have been received the customers written permission to do so.

6. The Comments and Complaints Handling Process will address all points at issue and provide an effective response and appropriate redress

- 6.1 A full response to comments and complaints is given in writing or by telephone, (with confirmation in writing at the customer's request).
- 6.2 If a correspondent is dissatisfied with the response received, this is then dealt with in the manner outlined in Section 2.3.

- 6.3 Appropriate levels of redress will always be considered in accordance with the terms of our Passenger's Charter and guidelines periodically advised by the Head of Customer Relationships. We aim to be generous in our redress, appropriate to the complaint.
- 6.4 Forms of redress will normally be either travel vouchers for payment towards a future journey or upon request, a cheque or free ticket(s) for a future journey.
- 6.5 We seek the views of people who do not necessarily complain, but who may be dissatisfied with some aspect of our service, by the following means:
- a) continuous market research to measure passenger satisfaction;
 - b) "Meet the Manager" sessions where local and senior Managers are available at certain times at station, publicised in advance on our website and posters, where we invite customers to comment on issues that affect their journey experience when using our services.
 - c) Focus groups to gain customer feedback that helps us co-create new services or improve existing ones.
- 6.6 We measure people's level of satisfaction with the way in which we deal with their comments and complaints from a specific question included in our Customer Satisfaction Surveys.

7. The Comments and Complaints Handling Process will provide management information to ensure service improvement

- 7.1 The analysis of the comments and complaints received is a vital means of identifying areas where service improvement is required.
- 7.2. The companies Executive Directors and Senior Managers c2c Rail Limited receive a Comment and Complaint summary not less than once per month.
- 7.3 Delivery, Commercial and our Fleet Directorates receive comments and complaints details for their areas of responsibility.
- 7.4 Comments and complaints about contractors are passed to the Manager responsible for managing the contract.
- 7.5 Performance targets for handling public comments and complaints are constantly monitored and improved processes sought.
- 7.6 We will provide information in the format and at intervals required by the Department for Transport and Office of the Rail Regulator on the number of comments and complaints that we receive, and our performance in dealing with them to Passenger Focus and London TravelWatch.

8. This Comments and Complaints Handling Procedure incorporate the handling of claims against c2c Rail Limited under the Civil Justice Reforms (The Claims Handling Procedure).

- 8.1 This revised procedure relates to all claims under the Civil Justice Reforms where our insurers or Claims Handlers require the claim to be registered with and determined in conjunction with them these include:
- Personal Injury Claims
 - Employee Liability Claims
 - Claims arising from serious misconduct by C2C employees

8.2 The Woolfe Protocol

In 1999 the Woolfe report set up a protocol (under the Civil Justice Reforms) upon companies relating to the handling of claims, namely:

“When a claim is made on the company, c2c are required to respond within three weeks of receipt of the claim, to the claimant, giving details of our insurers, insurance advisors and claims handlers. Failure to do so gives the right to the claimant to take the company to court where we may lose the right to a defence of the case, if the court so rules”. The claim may be submitted by the claimant or a solicitor or person acting on their behalf.

The initial response above may take the form of an acknowledgement of receipt and need not confirm or deny liability. The company has a period of 3 months from date of receipt in which to accept or deny liability to the claimant or his agent.

9 **The Claims Handling Procedure**

9.1 A claim may be delivered by a claimant to any of c2c's offices, stations or sites. Upon receipt at any location they must be appropriately recorded as below and forwarded immediately to:

The Claims Manager
Customer Relations
FREEPOST ADM3968
Southend SS1 1ZS

Telephone: 03457 44 44 222
Fax: 01603 214517

9.2 If the claim or accident report is verbal, the receiving member of staff must record full details on either an Accident Report Form or on a Comment Form including a record of the names of any member of staff involved, together with the names of witnesses etc. in a manner which enables follow up investigation.

9.3 Personal Accident Forms should be forwarded to the Safety Section at Cutlers Court as per accident reporting procedure and any remedial action taken as per safety procedures.

10 **When a Claim is Received by Customer Relations**

10.1 When a claim from a third party is received by the Customer Relations Department either directly from the claimant or via a department or station.

- a) Record the item on the Customer Relations Database
- b) Register the matter with the companies claims handlers
- c) Register the matter with the companies insurance advisors
- d) Notify the claimant (irrespective of accepted liability) of details of:
 - c2c's insurers and policy number
 - c2c's insurance advisors
 - c2c's claims handlers
- e) Open a claims file for each claim (see 10.2) and proceed as per items 7 and 8 below.

10.2 The Claim File

The Claims Manager shall open a file for each claim and maintain full records including dates of the following:

- a) Details as submitted by the claimant
- b) Copies of reports from managers
- c) Copies of statements from staff, witnesses etc
- d) Notes of any discussions with claims advisors where ways forwarded or liability are determined
- e) Notes and dates of any verbal discussions with Claimants including offers made or actions agreed.

10.3 Calling for Reports

Where necessary the Claims Manager shall call for reports from the local manager or staff on site. In doing so they shall request any precise information which may be required in order to determine liability, a management report as in Section 3 above, or a general follow up report on the incident.

The Claims Manager shall follow up the request within 14 days if the information is not received.

10.4 Responding to the Claims Manager

Where requests are made under 10.3 below the local manager or staff on site will respond within 7 days.

11 **Claims alleging serious staff misconduct**

11.1 If the claim involves alleged misconduct by a member of staff then this should be reported to the local manager who should immediately instigate a follow up investigation. This should include the interview of the individual(s) concerned and any witnesses or persons who can provide corroborative evidence of the incident. Signed statements, should be taken which clearly detail all stages of an alleged incident and the employees detailed response to allegations.

11.2 The local manager should produce a report within 7 days of the investigation including details of any interviews conclusion reached, disciplinary action taken and copies of statements. A copy of this report should be forwarded to the Head of Customer Relationships and/or retained locally for reference.

12 **Determining and Recording Liability**

12.1 The Claims Manager shall within 3 months agree liability with the claims handlers and ensure that a response to the claimant has been agreed and forwarded. This response may be either from the claims handlers or the Claims Manager and details will be recorded on the claims file.

13 **Settling Claims**

13.1 Claims should be settled at the earliest opportunity as this represents good customer service.

14 Staff Briefing

14.1 All staff at c2c shall be briefed as to this revised procedure and the necessity to:

- a) Avoid claims upon the company through their actions
- b) Investigate incidents which arise in a timely manner
- c) Adequately record our response to incidents and claims
- d) Respond to requests for information from the Claims Manager

15 Confrontations between Staff and Customers (Immediate Follow Up)

15.1 Each station, Depot and RPI and Driver signing on point shall maintain a departmental log.

15.2 Where any member of c2c staff has a confrontation with a customer, which they feel may result in a complaint from that customer, they shall:

- i. Report the matter the matter to their supervisor/manager as soon as possible after the event.
- ii. The manager or member of staff shall record the item in the above log, noting the names of any other on duty staff and any witnesses.
- iii. In serious cases the manager shall take statements from staff and/or witnesses as at 10.1 above which will be retained for future reference.

15.3 It is important that investigations are commenced immediately, whilst items are fresh in the minds of individuals concerned and that reports or statements are detailed to show all stages of events.

16 Audit of Records Maintained and Process

16.1 The Internal Audit Department will periodically and not less than annually, test compliance with these procedures taking particular account of the need to retain appropriate records as per item 10 above. Their findings will be submitted to the Franchise Manager, c2c, who shall review this procedure in the light of any recommendations.

17 Review of Comments and Complaints Handling Process

17.1 This procedure will be reviewed annually or as required by the Office of the Rail Regulator by the Head of Customer Relationships, c2c and any proposed material changes will be consulted with Passenger Focus and London TravelWatch prior to implementation.

The role and independent status of Passenger Focus and London TravelWatch

We will always try to address your comments and concerns in a fair and reasonable way. However, if you are unhappy with our response you can contact either London TravelWatch or Passenger Focus (details below) who may be able to help. These organisations are independent consumer watchdogs, established to protect and promote passengers' interests:

For Upminster, Purfleet and stations between these and London contact:

London TravelWatch
Dexter House

**2 Royal Mint Court
London
EC3N 4QN**

Phone: (020 3176 2999)

Email: enquiries@londontravelwatch.org.uk

For West Horndon, Chafford Hundred, Ockenden, Grays and stations between these and Shoeburyness contact:

**web: www.passengerfocus.org.uk
email: advice@passengerfocus.org.uk
phone: 0300 123 2350**

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