

ORR Consumer Expert Panel

11 December 2019, 11.00-15.00

25 Cabot Square, London



Agenda

Welcome & introductions	11.00 - 11.10
2019 Terms of reference	11.10 - 11.15
Consumer team update	11.15 - 11.30
Accessibility of rail replacement vehicles	11.30 - 12.15
ORR's assessments of Network Rail's stakeholder engagement (Year 1 – CP6)	12.30 - 13.15
Proposal for a licence condition, and codes of practice, on compensation.	13.15 - 14.00
Meeting dates and arrangements for 2020	14.00 - 14.15
Meeting summary & close	14.15 - close

Welcome & introductions

Anne Heal welcomed the panel and outlined the meeting agenda, no conflicts of interest were raised. Apologies were noted from Trisha McAuley.

2019 Terms of Reference

Following discussion in August and input from the panel by email, ORR provided the panel with a finalised version of the revised terms of reference. The revisions cement changes ORR has introduced since appointing Anne Heal as Chair. The terms of reference will be published on ORR's website in January 2020.

Consumer Team Update

Research on Passenger Information

Stephanie Tobyn advised the panel that ORR recruited an external consultancy company to assess how the industry sources, structures and provides information to passengers.

Findings from the research highlighted some of the good work being done but noted the need for the industry to do more as a whole to catch up with modern society. In response ORR have asked Network Rail and Train Operators (via Rail Delivery Group) to produce a joint Passenger Information Improvement Plan. We asked for a response by 13 January 2020 at which point we would then agree a date for submission of the Improvement Plan. ORR are also working with operators to develop metrics to help them assess and improve passenger information.

The panel felt that the industry still has more to do to meet consumer expectations but felt that a joint industry approach would help to empower consumers and provide more consistent information to passengers. The panel also highlighted that secondary measures from the research findings can influence the industry's mindset.

It was agreed that further discussion would be held on information provision in 2020.

Accessible Travel Policy approvals

David Kimball advised the panel that the majority of draft Accessible Travel Policies (ATPs) have been received; ORR are now undertaking an extensive approval process with each operator and, with the exception of Southeastern and Eurostar, expect to complete the process by the end of March 2020.

Accessibility of rail replacement vehicles

In July 2019, ORR published revised Accessible Travel Policy Guidance which included a requirement that train operators make reasonable endeavours to secure accessible vehicles for use during planned disruption. In August, a letter before action challenging this requirement was received. The letter argued that ORR should have considered making the use of accessible vehicles mandatory during planned disruption, centring on the applicability of the Public Service Vehicle Accessibility Regulations (PSVAR) to buses and coaches used on rail replacement services.

In response ORR obtained legal advice on the question of whether (and to what extent) the PSVAR applies to rail replacement services and planned to re-consult on the requirements of the ATP Guidance in relation to the accessibility of rail replacement buses and coaches before the end of 2019 (the consultation was published on 20 December). The Panel was presented with a summary of the data analysis, policy consideration and draft proposals set out in that consultation.

The panel felt strongly that train operators should all be reminded of their legal obligations and as the enforcing authority, the Driver and Vehicle Standards Agency (DVSA) should be taking responsibility for ensuring compliance.

The panel agreed that incentivising coach operators to produce accessible rail replacement vehicles – given that for many such operators the focus is on leisure travel, for which PSVAR is not applicable – will be challenging. The panel were also conscious of further challenges by industry and bus/coach operators and suggested that research could be conducted to better understand the transport preferences and experiences of disabled passengers during disruption, akin to the research undertaken in the past by Transport Focus during specific engineering works.

Assessing Network Rail's stakeholder engagement (Year 1 – CP6)

As part of its PR18 Final Determination, published in October 2018, the ORR committed to undertaking an annual assessment of the quality of Network Rail's

stakeholder engagement during CP6. The first such assessment will take place during spring / summer 2020. The ORR sought input from the panel on its proposed assessment plan, particularly in respect of gathering and incorporating stakeholders' own views about the quality of engagement.

The panel urged ORR to consider more than one method of obtaining stakeholder views, and said that telephone surveys / interviews would be a particularly effective and efficient method of assessment. It suggested they could be supported by either a short online survey or roundtable discussion with key stakeholders. The panel also encouraged ORR to ensure they gather feedback from a sufficiently large number of stakeholders, and that a wide range of different stakeholder groups are included.

More broadly, the panel recommended that carrying out individual assessments of Network Rail's regions will provide more in-depth information, and will allow ORR to understand region-specific issues and undertake valuable comparisons about the quality of regions' engagement.

It was agreed that further discussions will be held with the panel in 2020.

[Proposal for a licence condition, and codes of practice, on compensation](#)

In order to reduce the 'compensation gap' ORR are taking forward the short-term recommendations on passenger delay compensation in its response to the Williams Rail review which included launching a consultation, in spring/summer 2020, on the introduction of a new delay compensation licence condition. The team shared some early thinking with regards to the content of this condition, and the relevant requirements. Potential requirements included an obligation for train operators to:

- comply with a new cross-industry 'Compensation Code of Practice' setting out a baseline for performance;
- provide information to passengers about delay compensation entitlement during and at the end of the journey;
- publish delay compensation performance data;
- process claims for delay compensation within 20 working days; and
- accept claims from third-party intermediaries (TPIs), including online ticket retailers, who operate to a new self-regulatory 'TPI Code of Conduct.

The panel noted the importance of on-board information and highlighted the need to ensure information on delays is addressed and appropriately provided.

The claims process was seen by the panel as confusing and noted the need for a quick and efficient process. The panel also highlighted that some passengers may not value delay compensation and may be unwillingness to make a claim for lower monetary values. In mitigation the panel suggested that highlighting approval rates and values of redress would improve passengers trust and increase claim rates in the future.

It was agreed that the team would keep the panel updated on progress, and seek their input as appropriate on issues.

Meeting dates and arrangements for 2020

ORR provided the panel with proposed meeting dates for 2020 and requested availability by email after the meeting.

Meeting summary and close

More generally the panel noted their satisfaction with the meetings carried out in 2019 but repeated their desire for a forward plan and suggested a horizon scanning session at the first meeting in 2020. ORR agreed and advised that work is being done internally to draw up a forward plan and raise the panel's profile.

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