

# Guidance on Complaints Handling Procedure

Strategic Rail Authority

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## Introduction

1. Passenger train and station operators are required to have complaint handling procedures, approved by the Rail Regulator (before 1 February 2001) or by the Authority (after 1 February 2001), in place from commencement of licensed operations.
2. Operators may propose whatever procedures best suit the needs and expectations of their customers and the requirements of their businesses. However, this guidance document sets out fundamental principles which the Authority will expect to see reflected in any complaint handling procedure submitted to it for approval and the way in which those principles should be incorporated into operators' procedures. Whilst this guidance document imposes no absolute requirements upon licensed operators, the Strategic Rail Authority will, as far as possible, measure complaint handling procedures proposed by operators against the contents of this guidance.

## Principles

3. A complaint handling system should:
  - Be easily accessible and well publicised;
  - Be simple to understand and use;
  - Allow speedy handling, with established time limits for action, and keep people informed of progress;
  - Ensure a full and fair investigation;
  - Respect people's desire for confidentiality;
  - Address all the points at issue and provide an effective response and appropriate redress;
  - Be regularly monitored and audited, to ensure that it is effective and to allow improvements to be made;
  - Provide information to management so that services can be improved; and
  - Observe the Passenger's Charter on matters relating to service performance and ensure consistency in standards between the Charter and the Complaints Handling Procedure.

## Accessibility and publicity

4. The guiding principle is that operators should make it easy for passengers to complain and to find out to whom a complaint should be addressed. Information about how to make a complaint should be advertised in all major publications such as timetables and Passenger's Charters and provided on the operator's website. In addition, the telephone number for customer service departments should be included in local telephone directories. The Authority also requires that a notice should be posted in each carriage of every train, as well as at stations. In cases where rolling stock is regularly shared between more than one train operator, the notice should say either:
  - That passengers should consult a notice at their destination station for the name and address to which complaints should be sent; or
  - That passengers can get a complaint/comment/Passenger's Charter form from the guard or conductor (in the case of staffed trains).
5. Comment/complaint forms should be available on-train wherever trains carry guards or conductors as well as at each staffed station. At unstaffed stations, a notice should be displayed saying where comment/complaint forms can be obtained. Posters should be prominently displayed at all stations. At multi-operator stations, posters should make clear the different contact points for complaints about different services. An important point is that all material publicising the complaint handling procedure, including posters, should display the address and telephone number of the relevant Rail Passengers' Committee(s) (RPC) and/or the London Transport Users' Committee (LTUC). Passengers should be able to pass completed comment forms to railway staff on trains and at stations. Where they do, operators should ensure that robust mechanisms are in place so that any customer comment forms are passed promptly to customer service departments.
6. Operators must be able to receive complaints by letter, by telephone, by fax, by email or in person. Appropriate provision must be made to accept complaints by these routes. In particular, operators must ensure that they publish and adhere to minimum opening hours for their customer service departments, during which hours passengers must be able to speak to a member of staff by telephone. Operators must, as a minimum, accept telephone complaints between the hours of 9am and 5pm Monday to Friday and a message recording system should be in use outside these hours. Operators must reply

to all messages received no later than the next working day. Passengers should only have to pay local telephone rates for making complaints by telephone and operators must ensure that sufficient capacity is provided so that all callers are able to contact them by telephone and that their calls are answered promptly.

- 7.** Operators must ensure that they make appropriate provision for people with special needs to have access to and be able to use their complaints handling procedure. They must ensure that their procedures accord with the provisions of the Disability Discrimination Act (DDA).
- 8.** Operators should also make provision for people whose first language is not English by committing to translate letters into languages other than English where this is necessary to communicate with a passenger.
- 9.** Operators must provide passengers with a full explanation of their complaints handling procedure so that they understand the process and their rights within that process. The Authority expects each operator to provide a clear statement of its procedure either in its Passenger's Charter or in a dedicated leaflet that will be made readily available to passengers, including those with special needs.

### Simplicity of understanding and use

- 10.** All customer facing rail staff, including sub-contracted staff such as on-train catering staff and security guards should be trained to receive and pass on complaints. The customer should not have to find the 'right' person unless they particularly want to. In addition, passengers may not know to which operator to address a complaint. In dealing with complaints sent to the wrong operator, or which involve more than one operator, operators must comply with Annex B to this guidance, 'Principles for handling complaints involving two or more train operators'. In line with these principles, passengers should only have to write one initial letter of complaint. Where appropriate, operators must co-ordinate a single response or forward the complaint to the correct operator. Operators should also be prepared to co-operate with other transport providers where a complaint involves both a rail operator and another transport operator.
- 11.** Operators should have clear internal complaint handling processes, of which all relevant staff are made aware. These processes should ensure compliance with operators' approved Complaint Handling Procedures. They should also provide a clear definition of

the term 'complaint' to ensure consistency of recording and handling of complaints. The Authority would like a standard definition across the whole of the rail industry and recommends the following: 'A complaint is any expression of dissatisfaction by a customer or potential customer about service delivery or about company or industry policy'. The Authority expects operators to include within such a definition complaints made against sub-contracted parties such as on-train catering companies, security companies and companies managing station car parks.

## Speed of response

- 12.** Operators must provide clear timescales for acknowledging and providing full responses to complaints, which everyone understands, as well as a system for tracking and processing difficult cases. Operators must set themselves response targets; a defined level of full responses to be provided within the promised timescales. For written complaints, the Authority expects all operators to provide full responses to at least 90% of all complaints within their agreed timescale (where less than 20 working days) and to at least 95% of all complaints within 20 working days. Where operators receive a sudden and unexpected large increase in the volume of complaints, the above absolute standards may be replaced with an obligation to use reasonable endeavours to comply with them. This will only apply if the operator has asked for and obtained SRA consent to this.
- 13.** Operators may want to set different response times for responding to complaints received by email but must make clear what standards apply to email. The same response standards for written complaints will apply to email i.e. 90% to receive a full response within set response target and 95% within 20 working days. Where telephone complaints cannot be resolved immediately, the same response standards will apply as for written correspondence. The reference to working days in this paragraph means Monday to Friday excluding bank holidays.
- 14.** Where complaints cannot be answered fully within the agreed timescales, operators must provide regular updates to the complainants every ten working days after the target response time. These updates must provide meaningful information about progress being made on the passenger's complaint.

- 15.** Operators should consider giving discretion to certain customer facing staff to resolve certain types of complaint on the spot, without reference to senior management. Sensitive on the spot handling of difficult situations may help to avoid a large number of written complaints. Wherever possible, operators should capture information about the nature of complaints made and resolved on the spot.

## Confidentiality

- 16.** Operators' procedures must ensure that complainants' confidentiality is protected. Personal details, or details about their complaints must not be divulged to third parties except with the written consent of the complainant.
- 17.** However, operators may divulge a complainant's details to a third party without consent where it is necessary to fulfil its own obligations (this will include to bodies such as other TOCS (in line with Annex B to this document), RPC(s), LTUC, and insurers) or to the Authority or any such body in carrying out their statutory functions.
- 17a.** Where internal disciplinary action is taken towards any member of staff as a result of a complaint or complaints, operators may keep this information confidential and need not provide details to complainants.

## Full and fair investigation

- 18.** Operators' procedures must include a commitment to providing a full and fair investigation of passengers' complaints. This should be supported by good, clear internal procedures. Operators must ensure that their internal procedures are not biased towards anyone involved in the complaint; that the investigation of complaints is thorough, checking directly with those concerned all of the relevant facts; and ensuring that there is consistency in the way in which similar complaints are handled.
- 19.** At times, operators may wish to terminate correspondence with a particular complainant. This should be a decision of last resort, only taken if the operator believes a particular piece of correspondence to be frivolous or vexatious. Operators should clearly define the circumstances in which correspondence will be terminated and, in their internal procedures, provide guidance to staff on the authorisation required. Operators should

follow the principles set out in Annex A to this Guidance, 'Principles for dealing with 'frivolous and vexatious' complaints'.

## Effective response and appropriate redress

- 20.** Replies to complainants should address all points raised in their complaint, providing full and relevant explanations for the actions or policies being complained about. Replies should also, wherever possible, explain the actions being taken by the operator to remedy the source of the complaint and should offer appropriate redress. Operators will need to establish rules or guidance on the types of redress available and the level of authorisation needed. A clear statement of the circumstances in which compensation is offered to passengers for service failures should be included in each operator's formal procedure and also in the public version of that procedure.
- 21.** Replies to complaints should always mention the relevant RPC(s) or LTUC as the next port of call in the letter containing the operator's final offer, but never later than the second substantive reply to the complainant. The address and telephone number of the relevant RPC(s) or LTUC should also be given.
- 22.** Operators must include within their procedures an agreed procedure for dealing with appeal cases investigated by the RPCs and LTUC. This procedure must cover the speed of response to appeal cases and the point, and level of seniority, within each operator at which appeal cases will be dealt with.

## Monitoring, auditing and review

- 23.** For the system to continue to be effective, a means of regularly reviewing both complaint procedures and the handling of individual complaints is essential. Operators should ensure that there is a process for recording on their customer complaints database all complaints received by them, whether by letter, telephone or email. They should also ensure that there is a process for providing regular reports to management on the number and type of complaints received, the level of performance achieved in responding to complaints, and levels of customer satisfaction with the way in which their complaints were handled. The Authority will wish to see periodic statistics on complaint volumes, the handling of complaints and the way in which operators have made improvements to services in response to customer feedback as part of its regular



monitoring of compliance with consumer protection licence conditions. The Authority will also wish RPC(s) and LTUC to receive the same information as it receives.

24. Operators must formally review their complaint handling procedures each year, in consultation with their local RPC(s) and LTUC and, if relevant, local PTEs.

### Interface with insurance claim publicity and procedures

25. The Claims Allocation and Handling Agreement (CAHA) requires the approval of arrangements for publicising information on how to make an insurance claim against an operator. Operators will need to consider the options for dealing with on-train information on both complaints and insurance. One possibility is for two separate contact points to be publicised. Another is for one contact point to be identified but for there to be clear internal procedures for insurance claims to be passed on to the relevant handling contact as quickly as possible. Where claims are handled within customer service departments, operators must ensure that robust mechanisms are in place for identifying claims and for handling them in accordance with CAHA.

### Consultation

26. The Authority expects operators as a matter of course to consult their local RPC(s) and, as appropriate LTUC and PTEs and to take account of their comments before submitting their complaints handling procedures to it for approval. It also expects operators to inform relevant RPCs, LTUC and PTEs when they have reviewed their procedures but are not proposing to make any changes. It is a condition of the Passenger and Station Licences that the RPC(s), LTUC and PTEs are consulted on all proposed changes to approved procedures before these changes are submitted to the Authority for approval.
27. In order to meet the requirement to have complaints handling procedures, approved by the Authority, in place from commencement of licensed operations, operators should:
  - Begin their consultation with the RPC(s), LTUC and PTEs at least eight weeks before the start of licensed operations; and
  - Submit their proposed complaints handling procedure to the Authority at least three weeks before the start of licensed operations.

## Annex A:

### Principles for dealing with 'frivolous and vexatious' complaints

1. Operators should define frivolous and vexatious. Collins English Dictionary defines frivolous as '1. Not serious or sensible in content, attitude or behaviour; silly. 2. Unworthy of serious or sensible treatment; unimportant.' It defines vexatious as '1. Vexing or tending to vex. 2. Vexed. 3. Law. (of a legal action or proceeding) instituted without sufficient grounds, esp. so as to cause annoyance or embarrassment to the defendant.' These grounds, or seriously abusive behaviour or language, should be the only criteria for terminating correspondence with a passenger.
2. Having defined frivolous and vexatious, operators should prepare, and disseminate to staff dealing with customer complaints, criteria for determining whether individual complaints meet those definitions.
3. Only senior members of staff should be able to decide that an operator will treat a complaint as frivolous or vexatious. No member of staff who has previously had any dealings with an individual complaint shall be involved in deciding that complaint is frivolous or vexatious.
4. Once a complaint is determined to be frivolous or vexatious, an operator shall write to the complainant concerned explaining that their complaint has been classified as frivolous or vexatious, the reasons behind that decision, that the passenger has a right to take his complaint to the relevant RPC/LTUC and that future complaints from that individual will be dealt with as any other complaint.
5. It is an individual complaint, rather than a passenger, who is determined to be frivolous or vexatious. Future complaints from a passenger who has had a previous complaint determined to be frivolous or vexatious shall be considered on their own merits. An operator shall not determine a passenger to be frivolous or vexatious and refuse to correspond with that passenger on any future issue.

6. It is recommended that an operator should consult with the relevant RPC(s)/LTUC before determining a complaint to be frivolous or vexatious and to advise them when such a decision has been made.

## Annex B:

# Principles for Dealing with Complaints Involving Two or More Operators

1. The national rail system is an integrated network and it is important that network benefits are maintained for passengers. Passengers with a comment or complaint may not know which company to contact, or they may have a comment or complaint which involves more than one operator. In these circumstances, it is essential that the comment or complaint is handled in a coherent and co-ordinated manner.
2. All references to 'operator' in this annex refer to any Train Operating Company (TOC) providing passenger rail services and to Network Rail as station operator at Managed Stations. A reference to 'complaint' in this annex also refers to comments, suggestions or praise. A reference to 'letter' includes an email, fax or online comments form and may contain more than one complaint.

### Ownership of complaints

3. A complaint about a specific train, ticket office or station shall be owned by the operator responsible for that train, ticket office or station. A complaint about a delay shall be owned by the operator on whose train the passenger was travelling when the delay occurred. A complaint about a remote ticket sale shall be owned by the operator which sold the ticket.
4. If the ownership of a complaint is unclear, the complaint shall be owned by the operator whose train or station was principally involved in the events giving rise to the complaint. If it is not possible to establish or agree ownership, the complaint shall be owned by the Lead Operator responsible for the flow relevant to the passenger's journey, as shown in the National Fares Manual.
5. The operator which owns a complaint shall be responsible for responding to the passenger and for paying any compensation in respect of that complaint, in line with that operator's Complaint Handling Procedure. The operator which owns a complaint about a delay shall be responsible for the payment of any compensation under their Passenger's Charter for the passenger's late arrival at their final destination station.

## Complaints owned by another operator

- 6.** If an operator receives a complaint which is owned by another operator, it shall:
  - Forward the letter to the customer relations department of the owning operator within five working days;
  - Send a letter to the passenger within five working days, acknowledging receipt of the complaint and explaining that it has been forwarded to the owning operator. The letter must give the name and address of the customer relations department of the owning operator; and
  - Keep a record of the correspondence, but it should not include the complaint in its own complaint statistics.
- 7.** The operator which owns the complaint shall record and respond to the complaint in line with its own Complaint Handling Procedure.
- 8.** If a complaint owned by another operator is received by telephone, the passenger must be given the telephone number or contact details for the customer relations department of the relevant operator.
- 9.** A complaint should not normally be forwarded more than once. If there is disagreement about which TOC owns the complaint, paragraph 4 above shall apply.

## Complaints owned by two or more operators

- 10.** A letter from a passenger may contain more than one substantive complaint. If an operator receives a letter which contains substantive complaints owned by more than one operator (for example, a letter including a complaint about the station of one operator and a complaint about the train of another), then unless paragraph 11 below applies, the receiving operator must:
  - Forward the letter within five working days to each of the other operators, making it clear that they need to respond to the passenger in respect of the complaints about their services; and

- Reply to the passenger in respect of the complaint relating to its own services, in line with its own Complaints Handling Procedure. The reply must give the name and address of the customer relations department of each of other operators and must make it clear that these operators will respond separately to the complaints made about their own services.

For statistical purposes, each operator must record the complaint about their own services.

**11.** A letter may contain a substantive complaint owned by the receiving operator, and a minor complaint owned by another operator. In these circumstances, the receiving operator may:

- Reply to the passenger on behalf of all operators in line with its own Complaints Handling Procedure. The reply must make it clear that it is made on behalf of all operators, but that the other operator(s) will be made aware of the complaint(s) about their services; and
- Send a copy of the passenger's letter and the reply to each of the other operators, making it clear that the letter has been answered on behalf of all operators.

For statistical purposes, each operator must record the complaint about their own services.

**12.** A letter may contain a minor complaint owned by the receiving operator, but a substantive complaint owned by another operator. In these circumstances, the receiving operator must:

- Forward the letter to the customer relations department of the other operator(s) within five working days; and
- Send a letter to the passenger, responding to the minor complaint and explaining that the substantive complaint has been forward to the owning operator who will reply separately. The letter must give the name and address of the customer relations department of the owning operator.

For statistical purposes, each operator must record the complaint about their own services.

## Complaints involving Network Rail

Complaints about services provided by Network Rail at the stations which it operates shall be handled by the appropriate Network Rail customer relations department. Network Rail shall be considered as an operator for the purposes of this annex in respect of its role as station operator at Managed Stations.

Complaints about Network Rail as a supplier (for example, where a signal failure causes delay, where repairs at a station leased by a train operator is Network Rail's responsibility as lessor, or where a passenger complains about the ride quality experienced on a train) shall be handled by the relevant operator in line with their Complaints Handling Procedure.

Complaints about Network Rail as infrastructure operator but not as TOC supplier (for example, complaints from local residents about lineside fencing, or complaints from car users about a level crossing) shall be handled by the appropriate Network Rail customer relations department. A train operator receiving such a complaint must send an acknowledgement to the passenger within five working days, explaining that their complaint has been forwarded to Network Rail and quoting the appropriate address.

## Complaints involving Transport *for* London (TfL)

Complaints about services provided by Transport *for* London may be passed to the relevant part of TfL for a response. The receiving operator must send an acknowledgement to the passenger within five working days which explains that their complaint has been forwarded and gives the forwarding address.

## Complaints involving national ATOC-related issues such as Railcards

These shall be handled by the receiving operator in line with their own Complaints Handling Procedure.