

ORR Consumer Expert Panel

17 September 2020, 11.00-15.00

Held virtually via MS Teams.



Agenda

Agenda Item	Presenter	Time
Welcome	Anne Heal	11:00 – 11:05
Consumer Team Update	Marcus Clements	11:05 – 11:15
NRPS	David Greeno	11:15 – 11:45
ORR's Assessment of HE's performance across the first 5 year investment period, culminating in Covid response	Harry Garnham and Iain Ritchie	11:45– 12:15
Comfort Break	N/A	12:15 – 12:25
Compensation Consultation	Matt Westlake	12:25 – 13:15
Lunch		13:15 – 13:45
Complaints Handling Procedure Review	Sarah Robinson	13:45 – 14:45
Meeting Summary & AOB	Anne Heal	14:45 – 15:00

Welcome & introductions

Anne Heal welcomed the panel and outlined the meeting agenda. Trisha McAuley noted her recent appointment as the Scottish Board Member of Transport Focus. No conflicts of interest were raised. Apologies were noted from Mike Hewitson and Susan James with David Greeno and Trevor Rosenberg attending in their absence. Stephanie Tobyn also gave her apologies with Marcus Clements stepping in.

Consumer Team Update

Marcus advised the panel that the Consumer Team had published revised guidance for Accessible Travel Policies after a considerable period of evidence gathering and legal advice. Alongside, the team had published the handover protocol for train operators designed to improve the fulfilment of passenger assistance.

Additionally, the team had published its response to the passenger information improvement plan put forward by the industry. This work dates back to last year where research commissioned by ORR which identified the areas in which passenger information needs to improve.

On the subject of passenger information, Marcus advised the panel that the team will be writing to all the train operators shortly about the informed traveller timescales (T-12). This is in light of the current situation which has led to issues confirming the timetable and the impact this has on the ability of passengers to plan their journey with a reasonable degree of assurance.

Finally, Marcus noted that the team is continuing its work with the Rail Ombudsman following the review undertaken by Red Quadrant. The team had presented the results of the review and next steps to the Scheme Council.

The panel observed that the team had undertaken a lot of work but it was not always sighted on the published documents. The panel asked that it be provided with a regular roundup of the publications that go out from the Consumer Team.

Action Point arising from this item:

The panel secretariat to provide a roundup of Consumer Team publications each month/quarter.

National Rail Passenger Survey (NRPS)

David Greeno, Senior Insight Advisor at Transport Focus updated the panel on the National Rail Passenger Survey (NRPS). He outlined the background and purpose of NRPS, how it has changed and gave examples of how NRPS data is used. David also looked at the impact of the Coronavirus on the survey in 2020 and what the future might look like for the survey.

The panel discussed the value the survey provides and noted that it may be worth exploring if the data could be used to conduct trend analysis in various areas. The panel also observed that the number of passengers completing the survey using pen and paper rather than digitally was far greater than in other sectors.

In noting that there will be a re-tendering process for NRPS, the panel expressed an interest in sharing its expertise in this process. David acknowledged this and advised that before any tender process takes place, research is undertaken to gather views from a wide range of stakeholders and this can definitely include the Consumer Expert Panel.

The panel asked whether there was scope to survey the passenger's complete journey for example when they used multiple train operators. David commented that an online survey which would capture the journey from origin to destination was being trialled.

Action Point arising from this item:

Transport Focus to proactively seek the views of the Consumer Expert Panel when re-tendering NRPS.

ORR's Assessment of HE's performance across the first 5 year investment period, culminating in Covid response

In response to a request from the panel at a previous meeting, Harry Garnham, Head of Performance within ORR's Highways department discussed ORR's view of how Highways England has performed over the first road period and subsequently during Covid-19.

Harry noted that while initial travel figures during the early stages of Covid-19 saw 30% of normal traffic volumes, it is now back up to around 90% of what might normally be seen. With that reduction during the Covid-19 peak period, there was a reduction in the number of people killed or seriously injured on the Highways England's roads.

Harry outlined the work being done during the Covid-19 period by Highways England but noted that like in the rail industry, there is not much data available about passenger experience/user satisfaction due to the difficulties of surveying users.

The panel asked if it could be updated at a future meeting on how consumers feel about their experiences on the roads. It was agreed that once data started to be collected again, this would be added as an agenda item.

The panel noted the impact Covid-19 has had on all areas of ORR's work and asked whether the cancellation or postponement of major improvement works originally intended to be commenced in Road Period 1 (RP1) is to be considered good performance, as ORR's annual report did not discuss this matter. Harry acknowledged there has been a reduction of Road Investment Strategy 1 (RIS1) major projects from 112 to 69. However, these changes were approved through government's formal change control mechanism and therefore, ORR had to monitor Highways England performing to the new agreed programme.

The panel also asked where ORR considers Highways England to be in terms of its asset knowledge and how this compares with Network Rail. Harry advised the panel that this very much depends on the asset type. However, Highways England now has an asset management policy in place and it is an area ORR is actively working with them on.

Finally, the panel queried if ORR had any insight into the views of the different segments of the road users. Harry advised that given the current landscape, getting data on how road users are finding Highways England's performance is challenging. However, there is dialogue with Highways England to ensure it communicates with the freight industry for example. Harry acknowledged the importance of the provision of information on road works to the haulage sector.

Action Point arising from this item:

The panel to be provided with information about the consumer experience at a future meeting when data collection recommences.

Compensation Consultation

Matt Westlake of the Consumer Policy Team came to the panel to discuss the delay compensation licence condition consultation. The draft licence condition, Code of Practice and Third Party Intermediary (TPI) Code consultation had recently closed, and an initial review had shown a largely positive response from industry and stakeholders.

Matt provided a brief overview of the consultation, and sought the panel's views on two specific questions: monitoring train operators' performance via passenger surveys on awareness and ease of process, and where a customer had used a TPI, who 'owned' the relationship with the customer (TPI or train operator). On the former, the panel noted that any passenger survey of performance should be proportionate and common and across all train operators, and that comparative data was a valuable tool in driving best practice. In terms of the latter, the panel indicated the importance of consumer choice, on the basis of sound and transparent information.

Complaints Handling Procedure Review

Sarah Robinson of the Consumer Policy Team discussed ORR's guidance on complaints handling procedures for licence holders, and sought the Panel's input on the current guidance.

During the discussion, the panel noted that the Scottish Public Service Ombudsman has produced model complaints handling procedures. The panel members recognised that this approach seems to have worked well based on their own experiences and suggested ORR might consider this as a possible model and as an alternative to the approval of individual CHPs.

Nonetheless, the panel was keen for the review not to discard the positive elements of the current guidance. The panel members noted the need to consider what works well and ensure this is taken forward while also benefitting from the best practice in other sectors.

The panel was invited to consider the recommendation from the recently published review of the Rail Ombudsman that the time limit for consumers to take a complaint to the ombudsman be reduced from the present 40 working days to 20 working days. The panel noted that it had previously been in favour of the reduction and panel members expressed their agreement with it being a good way forward. The panel also observed that in requiring a response within a certain time frame it was important that it should be a meaningful response.

The panel noted that where a complaint involves multiple train operators, there is the potential for this to lead to consumer detriment (if a complaint falls between two operators, for example), and that this may be an area to consider as part of the review. The current guidance might also be strengthened by reflecting on how complaint handling is a responsibility for every employee within a train operating company and how staff empowerment/front line resolution may bring higher levels of consumer satisfaction.

A final point made by the panel was that the term "frivolous and vexatious" in relation to complaints is not helpful. It was thought that while it is used by other regulators, it should not be mis-applied to complainants who may instead be vulnerable.

Meeting summary and close

The panel asked that a future meeting discuss the impact of the arrangements which replace the Emergency Measures Agreements (EMA) for train operators, in particular the steps taken to ensure the consumer voice is not diluted.

The panel noted its satisfaction with how the presenters had used the panel as well as the topics and timing of the discussion. The panel requested that the slides being presented were also sent to members so that they could move through them at their own pace.

Action points

Discuss the arrangements which replace EMA's when detailed information becomes available.

Send slides to panel members.

The next meeting of the Consumer Expert Panel is scheduled for 9 December 2020.

END