

## ORR Consumer Expert Panel

24 June 2020, 11.30-15.00

Meeting held on Skype.



## Agenda

Agenda Item	Presenter	Time
Welcome	Anne Heal	11:30 – 11:40
Consumer Team – Covid-19 work	Stephanie Tobyn	11:40 – 12:00
Accessibility – rail replacement proposals	David Kimball	12:00 - 12:45
Covid-19 Information Regulations	Nick Layt	12:45 – 13:30
Lunch		13:30 – 14:00
Project on handling passenger safety concerns	Martin Jones and Marcus Dacre	14:00 – 15:00
Panel expenses discussion	All	15:00 – 15:15
Meeting summary & AOB	Anne Heal	15:15 – 15:30

### Welcome & introductions

Anne Heal welcomed the panel and outlined the meeting agenda, no conflicts of interest were raised.

### Consumer Team – Covid-19 work

Stephanie Tobyn noted that the Consumer Team had put in place a programme of contacts with train operators to understand how they are coping. However, ORR recognised that no business continuity plans could have foreseen the impact of Covid-19 on transport.

It was noted that work on the rail network has continued, with Network Rail using the opportunity presented by the reduced timetable to carry out operational and maintenance work at this time.

One of the most significant issues for consumers has been the process of claiming season and advanced ticket refunds. In the past, refunds were largely a low volume activity managed by ticket office staff but with the closure of ticket offices, train operators have had to put in place online claims processes.

The panel acknowledged this work noting the importance of informing people what the processing times for refunds are, and that the clarity of this messaging had definitely improved over time. Mike Hewitson described the work that Transport Focus had undertaken to highlight the rules on refunding rail season tickets to ensure that consumers were aware of their rights in this important area.

It was noted that some people had waited six weeks (or at times longer) for a refund but that these timescales were reducing with most train operators stating clearly on their websites that processing is within 28 days.

The safety work that ORR had been undertaking was highlighted. In particular, that Ian Prosser, Chief Inspector of Railways and Director, Railway Safety has been significantly involved in working with the industry and trade unions regarding amended working practices as a result of Covid-19.

The panel was given an update on upcoming publications by the Consumer Team, namely the Annual Rail Consumer Report, and the consultation on introducing a new licence condition regarding delay compensation, both of which are due to be published in July. The consultation will propose changes to ensure that more rail passengers know when they are eligible to claim delay compensation and that the claims process is as easy as possible. Importantly, it will also look at the process for claiming via third party retailers such as Trainline for example.

### Accessible Travel Policy Guidance – rail replacement proposals

David Kimball of ORR led a panel discussion regarding the ORR's work to revise its Accessible Travel Policy (ATP) Guidance to improve the availability of accessible vehicles for use by disabled passengers during rail disruption, and to ensure passengers know where accessible buses and coaches will be operated.

The December 2019 consultation had proposed:

- Mandatory tendering for accessible buses and coaches in rail replacement contracts, to incentivise investment in the supply chain and increase the availability of accessible vehicles;
- Encouraging earlier procurement and greater use of accessible vehicles at times of planned disruption;
- Proactive provision of information to passengers on the accessibility of rail replacement services, and any available alternatives that may be more appropriate; and
- Working with industry partners to improve the provision of accessible coaches during large-scale engineering works.

The consultation closed in February 2020 and ORR had received a good level of response from a variety of stakeholders, with the proposals being welcomed. Work was underway to review the consultation responses, engage with key stakeholders, and develop important changes to the ATP Guidance, which it was hoped would be published in late summer.

The panel welcomed this update, recognising the importance of this work to disabled passengers and noting the recent interventions from the Minister of State for Transport, Chris Heaton-Harris, allowing coach and bus operators, to apply for time-limited authorisations for the use of non-compliant coaches and buses for rail replacement services. The panel recognised the complexity of this issue but were supportive of ORR's ongoing work to reach a positive outcome for passengers.

### Covid-19 – Public Health Information Regulations

Nick Layt discussed with the panel the new regulations which had come into force in early June, which gave ORR enforcement responsibility regarding the public health information provided to individuals travelling into England by train (i.e. travelling via Eurostar or EuroTunnel).

There was a distinction to be drawn in that the regulations concerned the information provided to passengers, not the procedures in place for individuals that required to quarantine.

Under the rules, passengers have to be given the required information at three stages:

- 1) at the booking stage;
- 2) at the check-in stage; and
- 3) on-board the train.

Recent communications with each of the companies concerned and ORR's planned approach to ongoing monitoring in this area were described. The panel discussed how ORR may obtain consumer insight without a physical presence on-board or in the absence of mystery shopping. For example, one suggestion was for consumers to be invited on social media to comment on the information they had received.

It was noted that ORR had used various techniques to gather consumer insight where feedback was deemed to be required (e.g. in relation to complaint handling) but it was also recognised that the information regulations are a temporary measure and may change at short-notice as government policy on Covid-19 develops.

#### [Rail Safety and Standards Board project on handling passenger safety concerns](#)

This project originated as a way of identifying learning opportunities following the Croydon tram derailment in 2016. In particular, the Rail Accident Investigation Branch recommendation to improve processes, and where necessary, equipment used for following up both public and employee comments which indicate a possible safety risk.

Marcus Dacre from the Rail Safety and Standards Board (RSSB) and Martin Jones of ORR joined the panel to discuss this work. Interviews had taken place with train operators and other industry stakeholders to understand and assess current practice but this was not yet complete. The immediate priority was to finish this phase of work, followed by a workshop, after which a report could be published summarising the findings of the project.

The panel noted the value of ensuring processes are rigidly in place so that when a risk is reported, everyone within that organisation knows what steps to take. This is especially important because members of the public may not direct the feedback to the person with direct responsibility for the issue so a clear line of internal communication is key.

The panel asked if the "See it, Say it, Sorted" campaign had been evaluated as part of this work, and were advised that the British Transport Police had been included on the list of organisations to speak with as the "See it, Say it, Sorted" campaign was perceived as being very successful.

The panel noted that in relation to security, the industry realises that passengers are understood to be its 'eyes and ears'; the challenge is to make the industry understand the same in relation to safety. It was further noted that a lot of this work depends on the organisational culture that is in place. There needs to be a real willingness from everyone inside an organisation to value and act on information given by members of the public.

The panel was asked if it was aware of any other organisations who may have dealt with similar issues in a particularly good way. In response, the panel noted that there might be something from the "near miss" policies adopted in aviation and water.

Finally, the panel asked to what extent the contact handling processes and systems could be improved to quickly identify and escalate safety related issues if this was not already in place. Stephanie Tobyn noted that this may be something for the consumer team to consider further when it conducts its review of the guidance given to train operators and Network Rail on complaint handling.

### Panel expenses discussion

ORR concluded the meeting with a discussion on the timing of future meetings, and the process for claiming expenses, booking travel and where necessary accommodation.

### AOB:

The panel asked for an update on how ORR feels Highways England have performed during the lockdown.

**It was agreed that an update would be provided to the panel at its next meeting.**

### Meeting summary and close

Panel chair Anne Heal thanked all members for their attendance and noted the next meeting was scheduled to take place on 9 September 2020.

**END**