

Marcus Clements
Head of Consumer Policy
Directorate of Economics, Markets & Strategy
Office of Rail and Road



Brandon Peat
Accessibility & Inclusion Manager
Avanti West Coast

24 February 2021

Dear Brandon,

Compliance with Condition 5 (Accessible Travel Policy) of your Station Licence and GB Statement of National Regulatory Provisions: Passenger

Thank you for your response to our letter dated 18 August 2020, regarding Avanti West Coast's licence and its activities in relation to its obligations under section A8 (Redress) of the Accessible Travel Policy (ATP). We note that Avanti West Coast's commitments under this section commenced at the time it began operating on the West Coast Mainline in December 2019.

It was helpful to understand the variety of reasons why the reported number of claims received for redress following booked assistance failure may differ from the reported number of times redress is actually provided. As cited in your response, we note Avanti West Coast is undertaking a programme of work to improve its internal recording processes. It is our expectation that the changes to current processes and increased internal monitoring of performance will improve the accuracy of Avanti West Coast's Core Data reporting in the future.

It is important to highlight the policy details for the provision of redress. The ATP Guidance requires that redress must be provided by the operator with whom the passenger travelled or was due to travel on, not by the station operator that in some cases may be carrying out the assistance on their behalf – with whom the passenger usually has no relationship. Likewise, a claim for redress cannot be transferred to another operator, with the exception of single multi-leg journeys where the bulk of the assistance failure took place when the passenger was travelling with another operator. Your approved and published ATP affirms this, setting out for passengers that, "When your assistance was booked for travel on one of our trains we will provide both the compensation and a response."



In your response you indicate that in some cases your policy for Delay Repay was followed as a way of providing compensation to passengers, in line with your approved and published ATP, which sets out that, "Where assistance has not been provided due to a delay, and both Delay Repay and Assisted Travel redress could apply, you will be entitled to whichever value is the highest but will not be able to claim both". It is important that where there is evidence of assistance failure that is unrelated to a delay in the service, your redress policy is also applied.

Your response appears to indicate you only record redress in cases where compensation is provided. However, redress should be determined on a case-by-case basis and whilst it may include a monetary refund, it may also be a gesture of goodwill. In all cases where assistance failures occur, it is important that an explanation is given to the passenger why assistance was not provided and what steps have been taken to ensure the failure does not reoccur.

We will continue to monitor the provision of redress and discuss this with you at our planned ATP quarterly meetings.

Please note that this letter and your previous response will be published on our website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marcus Clements', is positioned below the text 'Yours sincerely'.

Marcus Clements

**RE: Compliance with Condition 5 (Accessible Travel Policy) of your Station Licence and GB
Statement of National Regulatory Provisions: Passenger**

Avanti West Coast – Redress for failed passenger assistance

Thank you for getting in contact regarding passenger assistance at Avanti West Coast, specifically the performance regarding redress for failed assistance. This was a concerning statistic and one we have investigated fully and will put actions in place to correct any inconsistencies.

Your communication relates to the whole franchise year, from April 2019 until the end of March 2020. On 8th December 2019, Avanti West Coast started operating on the West Coast Mainline, taking over from Virgin Trains. As two separate entities with different owning groups, we will be unable to discuss any cases prior to the commencement of the new franchise.

Total Cases	69	%
Network Rail or other TOC	17	24.64%
Avanti West Coast	52	75.36%

69 customer complaints were received relating to booked assistance failures for the three periods 2010, 2011, 2013 (08/12/2019-31/03/2020):

- 69 cases* were reported on
 - 11 for “Booked assistance not provided on train”
 - 59 for “Booked assistance not provided at station”

*1 case falls into both categories

When investigated further, 17 (24.64%) of these booked assistance failures were due to Network Rail or related to other train operating companies (TOCs). 4 of these 17 were failures for different TOCs and details were passed on to the relevant TOC and this was communicated to the customer. In these situations, we would still address the customer’s experience as they booked with Avanti West Coast, but they would not be considered eligible for compensation for failed assistance. 1 case was a combination of failures by different TOCs including Avanti West Coast and the customer has been compensated for our failings.

12 (17.4%) of these 17 booked assistance failures were due to Network Rail failings at stations that they run. We are currently investigating these again and looking at ways to improve this service with Network Rail. In the meantime, we will communicate with these customers and provide compensation where necessary.



Failed assistance - Avanti responsibility	52 (of 69)	75.36%
Mis-categorisation	5	7.25%
Duplicates	6	8.70%
Compensation issued	32	46.38%
Insufficient information	3	4.35%
No compensation offered	6	8.70%

An investigation into the 52 cases where responsibility lies with Avanti West Coast has shown that 5 cases were incorrectly categorised and do not relate to failures of booked assistance. In these cases, the customer has been contacted and an appropriate resolution has been put in place. A further 6 cases were duplicates for the same experience and have been closed. Correctly categorising cases and the need to cancel duplicate cases has been fed back internally to improve our processes.

After removing these 11 cases, there are 41 cases where compensation may be appropriate for failed assistance and are the responsibility of Avanti West Coast.

Of these 32 (46.38% of all cases and 61.5% when AWC are directly responsible) were offered compensation, 24 of which were directly awarded for the booked assistance failure with the remainder being covered through related policies such as Delay Repay (decided depending on the bigger expense) or for additional costs incurred.

This leaves 9 cases where no compensation was issued in a situation where it may have been appropriate. In 3 (4.35%) of these cases, insufficient information was provided, and no further information was given when the customer was contacted. In 6 (8.7%) of these cases, the specific circumstances have led to the decision of no compensation being offered. These will continue to be reviewed internally and improvements made where appropriate.

Going forward, we are making improvements to passenger assistance. As part of our changes in the new franchise, we are currently in the process of changing how we review and resolve with all our customer contact, including passenger assistance. This will allow for increased bespoke monitoring and reporting of all statistics relating to customer contact and an improved service for our passengers. Reports and Statistics will be presented to our inclusion council for comment and direction on a regularly basis.

Kind regards,

Brandon Peat

Accessibility & Inclusion Manager | Avanti West Coast

Marcus Clements
Head of Consumer Policy
Directorate of Economics, Markets & Strategy
Office of Rail and Road



Brandon Peat
Accessibility & Inclusion Manager
Avanti West Coast

18 August 2020

Dear Brandon,

Compliance with Condition 5 (Accessible Travel Policy) of your Station Licence and GB Statement of National Regulatory Provisions: Passenger

I refer to Condition 5 of Avanti West Coast's licence and its activities in relation to its obligations under section A8 (**Redress**) of the Accessible Travel Policy (ATP).

As you will be aware, one of the principal ways the Office of Rail and Road (ORR) monitors licence holders' compliance with their ATP obligations is via their routine core data submissions. Our review of Avanti West Coast's activities in relation to the provision of redress to passengers following a booked assistance failure shows that between rail periods 1-13 in 2019/20, Avanti West Coast received 386 claims for redress; of these, 156 were approved and redress was provided. This indicates that around only 40% of all claims from passengers due to booked assistance failure have been approved by Avanti West Coast, an approval rate which is lower than most other operators.

This is a new performance measure and we are keen to ensure that it is operating as envisaged. It is our expectation that passengers should be able to receive appropriate redress when they do not receive the assistance they have booked. Where they do not, it is important that we understand why this is the case.

Next steps

I shall be grateful if you will provide a detailed response setting out the reasons for the high proportion of rejected claims for redress following booked assistance failure. Please include any supporting material, where relevant, together with any action you have taken or propose to take to ensure that passengers who have not received the assistance they booked can receive the redress to which they are entitled.



I look forward to receiving your reply by **Friday 11 September 2020**.

Please send your response to: Denise.Brown@orr.gov.uk

This letter and your reply will be published on our website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marcus Clements', is positioned below the text 'Yours sincerely'.

Marcus Clements