



## Consumer Expert Panel

### 2 July 2024 Microsoft Teams Meeting Notes

Name	Organisation
Anne Heal	Chair, Non-Executive Director, ORR
Sarah Chambers	Consumer Expert Panel Member
Kate Denham	Consumer Expert Panel Member
Ralitsa Hiteva	Consumer Expert Panel Member
Claudio Pollack	Consumer Expert Panel Member
Marie Pye	Consumer Expert Panel Member
Andrew Williams-Fry	Consumer Expert Panel Member
Helen Parker	Consumer Expert Panel Member
Lewis Shand-Smith (Apologies, Item 3)	Consumer Expert Panel Member
James Walker	Consumer Expert Panel Member
Mike Hewitson	Transport Focus
David Kimball	ORR
Jacqui Russell	ORR
Laura Walkerdine (Item 2 only)	ORR
Matt Westlake (Item 3 only)	ORR

Item	Speaker	Time
Welcome	Anne Heal	10.00
1. Update on work of Consumer Team	Jacqui Russell	10.05
2. Third party retailers and Rail Ombudsman	Laura Walkerdine	10.20
3. Accessible Travel Policy Compliance Benchmarking	Matt Westlake	11.05
Closing remarks and AOB	Anne Heal	11.50

### Chair's Welcome

1. Anne Heal welcomed the Panel and noted that Lewis Shand-Smith was unable to be present for Item 3.

### Item 1: Consumer Team Update

2. **Jacqui Russell** provided an update on the outcomes of [ORR's investigation of Network Rail's Wales & Western region's compliance with the network licence](#). A consultation had recently closed on an order requiring Network Rail to produce by 31 August 2024 a robust and evidenced plan identifying those further activities that it will undertake to secure compliance with condition 1 of the network licence. If, by 31 October 2024, ORR is satisfied that Network Rail has failed to produce the plan in accordance with the final order, Network Rail will be required to pay the reasonable sum of £3 million.
3. The ORR Board was considering its next steps.
4. Jacqui also provided an overview of the [final report of ORR's market study of the railway station catering market](#). It outlines a series of recommendations, including:
  - a greater focus on passengers' satisfaction and requirements of catering,
  - a presumption in favour of competitive tendering of outlets for leases which are due to expire;
  - simplifying and standardising contracts to make it easier for new entrants to the market; and
  - a greater degree of strategic direction and support to station operators by public funders.

5. ORR had called on all parties to whom recommendations are addressed to submit a response to the report. ORR was looking to the Rail Delivery Group to drive change in these areas.
6. In April, ORR had published a [report](#) on disabled people's experience of the complaints process in the rail sector. This highlighted that disabled passengers would be more likely to complain if they felt it was a worthwhile use of their time and energy and that it would lead to change. ORR had therefore held a workshop for train companies on continuous improvement. ORR had also followed up on issues of non-compliance with specific accessibility requirements in the Complaints Code of Practice and the Accessible Travel Policy Guidance that are designed to secure passenger awareness and ensure that complaints processes are accessible to all disabled people. All operators have also been asked to specifically look at complaints from disabled passengers and demonstrate what they have done to rectify the issues. These should be included in their respective annual reports on how insights from complaints have informed improvements, which is a formal requirement.
7. **David Kimball** provided an update on work to improve the experience of passengers on stranded trains. We recently asked Network Rail and train operators to jointly set out for us how they plan and prepare for stranded train incidents.

## Item 2: Rail Ombudsman and Third Party Retailers

8. **Laura Walkerdine** introduced a paper exploring options for Third Party Retailers (TPRs) to be included within the scope of complaints escalated to the Rail Ombudsman. This was an issue first raised at the time of the procurement of the current provider, and something which was now at the initial stages of discussion with the Rail Delivery Group and the Ombudsman. **Mike Hewitson** added that complaints about TPRs are currently escalated to Transport Focus and that TPRs are keen to offer the same level of retail service as train companies (including delay compensation).
9. **James Walker** noted his conflict of interest as a member of the board of Dispute Resolution Ombudsman, which operates the Rail Ombudsman scheme. **Lewis Shand-Smith** noted his role in the formation of the previous Rail Ombudsman.
10. This item prompted a wide-ranging discussion, which covered the following issues:
  - the need to be clear about what outcomes ORR is looking to achieve (for both consumers and retailers);

- the evidence from the communications sector that membership of Alternative Dispute Resolution schemes does not drive competition between service providers, nor clarity over their rights;
- whether a market investigation was required to establish the harm to consumers of TPRs being currently excluded from the Ombudsman's scope, or whether the additional regulatory burden is already justified from a consumer rights perspective;
- the nature of the relationship between TPRs and passengers, including the extent of any contractual relationship;
- Whether there are competition issues raised by train companies' mandatory membership of the Ombudsman, given they are also ticket retailers;
- the need for clear signposting for passengers to be able to escalate complaints quickly and easily;
- the accessibility of TPR services, including for older and digitally excluded people;
- the need for decision-making to be driven by data on the experience of users and non-users and insights into the services provided by TPRs,
- the financial and energy sectors as useful comparators (viz. claims management companies and the scope of the Financial Ombudsman, heat network providers and energy consultants and membership of the Energy Ombudsman)

11. Laura thanked the Panel for the useful discussion and indicated ORR would consider the issues raised. Jacqui added that the discussion had prompted wider consideration of the regulation of TPRs.

### **Item 3: Accessible Travel Policy Compliance Benchmarking**

12. **Matt Westlake** provided a short summary of his paper on comparative benchmarking to drive improvements in accessibility through reputational incentives and to raise awareness of ORR's work in this area. Matt was keen not to drive perverse incentives. He was interested in the Panel's views on:

- The merits of consolidated vs disaggregated and qualitative vs quantitative measures; and
- How best to rank performance and present findings; and

- The risks of differing approaches.

13. In response, the Panel made the following observations:

- ORR should first identify what matters most to passengers and the key barriers to travel, as train companies will focus improvements on what is measured;
- ORR should measure passenger outcomes and experiences as well as train companies' self-reporting of accessibility measures e.g. via passenger satisfaction surveys that can identify disabled passengers;
- Qualitative data should focus on the impact of improvements made by train companies;
- Performance over time should be considered alongside performance at a single point in time;
- The extent to which accessibility is embedded within the culture of train companies is an important measure;
- Consolidation of measures should only follow the results of more disaggregated findings, once these tell a coherent story;
- The BREEAM framework used to specify and measure the sustainability performance of buildings, Ofsted and the Equality Standard for Sport may offer relevant examples of performance ranking frameworks; ORR could also look at the work of the Behavioural Insights Unit.

14. Matt thanked the Panel for their advice and clarified that the current scope of compliance benchmarking proposals were not intended to reflect the entirety of disabled passengers' experiences; ORR had taken into account its other monitoring and compliance activities, ORR's ability to add to these, as well as the scope of train companies' responsibilities. The Panel suggested this other work is well signposted when publicising the results of comparative benchmarking.

## **AOB**

15. Following prompts from Panel members, Jacqui agreed to consider whether other areas of ORR work (safety, decarbonisation and net zero) might be discussed at the Panel.
16. David confirmed the arrangements for meeting in person at the next meeting in October.

17. The Panel also explored the extent to which a useful discussion in the impact of the election on the role and work of ORR might take place at the next meeting.
18. Anne thanked attendees and brought the meeting to a close.