Annual report and accounts 2022 to 2023

Strategic objective 2: Better rail customer service

We have a key role to improve the rail passenger experience and take prompt and effective action to improve the service that passengers receive where it is required. In fulfilling our role, we primarily focus our efforts on the four areas where we have regulatory responsibility:

- The provision of assistance to passengers who require additional support to make their journey.
- The provision of passenger information, including when there is disruption.
- The provision of a complaints handling service, compensation where passengers are subject to delay, and independent resolution through an ombudsman where necessary.
- Ticket retailing, specifically the ease with which passengers can purchase tickets and, where necessary, receive a refund for their ticket.

We do not have regulatory responsibility for train performance (punctuality and reliability) or fares, although both are important aspects of the passenger experience. We do hold Network Rail to account for the quality of the rail infrastructure, which is a contributor to train performance, and provide transparency through publication of statistics.

Our business plan for 2022-23 outlined priority areas of work on customer service relating to passengers. These were: informing the Department for Transport's review of the Station Design Code for accessible railway stations and publishing outcomes of audits of train company websites with regard to accessibility; accepting companies' passenger information pledges as statutory requirements; and launching a statutory consultation on new arrangements for complaints handling.

Last year's business plan also set out deliverables on policy and regulatory areas related to wider

customer service in the industry. Priority areas were: regulating access to the networks; timetabling and revisions to the Network Code; HS2's proposal to levy an investment recovery charge; and a review of Eurotunnel's Network Statement, including assessing costs transparency.

Passenger accessibility

There was little progress during the year on DfT's review of the Station Design Code for accessible railway stations. We have continued to engage with the Department to inform their review and look forward to seeing their consultation in due course. Separately, we have engaged with Network Rail to understand how they ensure that station infrastructure works are compliant with the code, aiming to prevent the occurrence of non-compliant projects at the design stage.

In July 2022, as part of our Annual Consumer Report, we published the outcomes of our audits of train company websites. Many passengers rely on operators' websites to access the information they need to plan their journeys. We therefore commissioned a follow-up to our 2020 review of website accessibility, which included a technical audit, accessibility information audit and user testing by disabled people. We reported that many operators were now close to full compliance with the AA standard of the Web Content Accessibility Guidelines (WCAG) (2.0) and 13 operators met minimum requirements for the scope of accessibility information provided, compared to none in our previous review.

Overall, while we found scope for further improvement, we welcomed the progress that has been made. We committed to engaging with individual operators on their own performance with a focus on those that have most to do to reach compliance with the WCAG technical criteria: TfL, LNER, Northern Rail, SWR, Avanti West Coast and London Overground.

Separately, we decided to commission in-depth audits on the delivery of assistance, to be focused around the processes necessary for train operators to deliver assistance reliably. We will be undertaking these audits in 2023-24, focusing on a small number of train operators.

Passenger information

We welcomed the industry's commitment to better passenger information through the creation of new customer information pledges, developed under the governance of the industry's Smarter Information, Smarter Journeys programme (SISJ). The pledges set out good practice for what

information passengers can expect before, during and after their journey, and particularly during periods of disruption on the network, placing the focus firmly on the passenger perspective. We have worked with industry to ensure that lessons learned from previous activities were fully incorporated.

In April 2022, we issued updated regulatory guidance to support train operators in adopting these pledges to satisfy licence requirements. All mainline operators have now confirmed to us that they have adopted the pledges and we will, in turn, hold them to account for delivery. We scrutinised the self-assessment that each operator submitted to us, engaged with them where we identified opportunities for improvement, and will continue to monitor compliance with the pledges.

Complaints handling and redress

We want to drive a culture that sees operators actively using complaints as a source of insight to drive continuous improvement in passengers' experience of rail, and to incentivise both quality and timeliness in complaints handling.

We carried out a statutory consultation on proposals to bring new arrangements for complaints handling into train operating licences. Following the consultation, we made the necessary licence changes to introduce a new Code of Practice on complaints handling, with effect from April 2023.

On delay compensation, we monitored operators' compliance with the licence condition and code of practice that came into effect in April 2022.

ORR has been given a new and important oversight role as sponsor of the Rail Ombudsman, providing greater confidence in the independence of the ombudsman as an arbiter between customers and companies. In preparation for this, we carried out and concluded a successful consultation on the ombudsman operating model and made the necessary changes to industry's licences to enable them to transition to the ORR-sponsored scheme. We have appointed a preferred provider through an open competition and preparations are under way for the scheme to go live in autumn 2023.

Compliance monitoring, consumer engagement and reporting

We continued our day-to-day monitoring of the passenger experience of using the railways and intervened where we identified poor performance. For example, we required improvement plans from Avanti on their timetabling processes and passenger information, from TransPennine Express on passenger information and from CrossCountry and Grand Central on their complaints handling processes. As a result, we expect all of these to return to providing an appropriate service to customers.

We continued to seek input from our Consumer Expert Panel on a range of issues including complaints handling, delay compensation and Network Rail stakeholder engagement, and appointed four new members to the panel.

In July 2022 we published our Annual Rail Consumer Report for 2021-22. This illustrates the breadth and depth of our work across the consumer areas for which we are responsible.

Access, licensing and capacity

ORR's work ensures that access to the rail network is fair to all customers who use it and that railway companies are fit to operate. Our role ensures that users and funders of the railway are not disadvantaged by the monopoly power of the networks we oversee. We continued to review and approve decisions taken between Network Rail and train operating companies about use of the network, and provided independent resolution where they couldn't agree.

During 2022-23, we met all our service standards for access and licensing casework. We:

- reviewed and approved 111 new and amended track access contracts for passenger and freight operators, within our statutory timescales.
- reviewed and approved 362 access contracts for stations, depots, freight terminals, other service facilities and connecting networks within our statutory timescales.
- issued 9 licences or licence exemptions for operators of railway assets, meeting our timescale commitments to industry in every case.
- reviewed 2 Network Rail-proposed land disposals, consenting to both of them.
- completed our annual audit of Network Rail's land disposals to time in November 2022. We

had no major concerns over Network Rail's internal sign-off procedures for land disposals and no sign of our general consent facility being used inappropriately. We found some instances where information was incomplete, and we have encouraged Network Rail to complete its review of how third party expressions of interest for land are used.

We continue to provide independent expert advice to government to help it achieve its policy objectives on rail reform. At the request of Ministers, we have had significant input into GBR Transition Team's commission from the Secretary of State to explore simplifications and efficiencies in managing the use of the rail network. This commission published some initial discussion papers in March 2023, including evolutions in our regulatory approach and processes.

We continued to monitor Network Rail's timetabling to drive improvements in quality and in July 2022 published our assessment of their delivery of the rail timetable, as part of our annual assessment of Network Rail's performance. Timetabling also formed a key part of our published letter to Network Rail in October 2022, calling for it to improve network performance. We have provided an update view on Network Rail's performance in our annual assessment published in July 2023.

In January 2023, subject to ORR's approval, the industry agreed some significant revisions to the Network Code to speed up timescales and processes for producing the rail timetable. In April 2023 we launched a public consultation to consider the potential impact of the revisions on passengers and what, if any, licence changes may be required were we to approve the change.

ORR also has an important role in regulating access on other networks, such as High Speed 2 (HS2). Following a consultation between March and May 2022, we determined that HS2 will be able to levy an investment recovery charge from its future operators for phase 1 of the infrastructure.

We conducted and concluded our annual review of Eurotunnel's Network Statement jointly with the French rail regulator and published our opinion in February 2023. As part of this, we found that while Eurotunnel has improved transparency about its long-term costs recovery, further work is needed by the company and both regulators to test the robustness of how it calculates these charges.

- ← Previous Strategic objective 1: A safer railway
- → Next Strategic objective 3: Value for money from the railway