Annual Report and Accounts 2023 to 2024

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, awareness of the compensation process 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 also carry out unplanned work into infrequent but significant issues that impact on passengers where they span our regulatory responsibilities. This year we have carried out research into the experience of passengers on stranded trains. We will publish our findings shortly and use this to increase focus on the safety and wellbeing of passengers when significant incidents occur.

Our consumer expert panel provides independent advice and challenge and plays a key role in bringing a consumer perspective to our policy and regulatory decisions.

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. We also regulate access to the network for passenger services and freight companies, ensuring fair play and supporting greater competition where we consider it will benefit customers.

Passenger accessibility

Accessibility to the rail network and services for all customers, and particularly those with disabilities, continued to be a priority area for ORR in 2023-24.

ORR research suggests that satisfaction levels with booked assistance are high (over 90% in 2022-23) but when assistance fails it can significantly affect the wellbeing of passengers and their overall travel experience. As set out in our business plan, we carried out targeted audits into how five train operators were meeting regulatory requirements related to the delivery of assistance. Our report in March identified key areas of focus from the audits that would improve this and which are of relevance to the entire industry: wider adoption of the passenger assist staff app; clearer communication between departure and destination stations; effective procedures for onboard staff delivering assistance; and operators intensifying their work through the Rail Delivery Group to ensure industry-wide systems are robust and up to date. ORR is now taking forward actions that address the findings.

In March we published a review of the reliability of lifts at stations on the GB rail network, and the information provided to passengers regarding lift faults. We published baseline data on lift performance and will report on this regularly. We identified concerns with lift performance and launched a review of Network Rail's monitoring and management processes to ensure it is taking appropriate measures to plan and carry out maintenance and repairs. We found that there has been progress on lift availability information, with live data publicly accessible by passengers and staff for most lifts and are continuing to monitor progress.

Passenger information and ticketing

We continued to hold operators to account on better quality passenger information, with a particular focus on information provision during periods of disruption and monitored companies' performance against their customer information pledges. We secured implementation and improved clarity of operators' automated notifications where there are changes to booked trains

more than two days ahead of travel, and asked operators to review their policies on ticket flexibility. In November, we published a report on the usefulness of passenger information on rail replacement services where there are planned engineering works, highlighting where improvements are needed, and are now following up with operators on how they are addressing the issues we raised. We continued to engage with the rail industry on its 'smarter information, smarter journey' programme, which has enabled important improvements in passenger information.

A key piece of work delivered in the past year was our review of fees charged and incentives offered by ticket retailers. We identified concerns with 'drip pricing', which is when consumers are shown an initial price for a product or service before additional fees are revealed later in the purchase process. We secured commitments that addressed our concerns from all seven retailers we engaged with. We will monitor progress and hold the companies to account for prompt implementation of planned changes, to improve clarity and fairness for consumers during the ticket purchasing process.

Complaints handling and redress

At the start of the business year, a new Code of Practice on complaints handling came into force and we supported its implementation and compliance by operators. We carried out a focussed review of the experience of disabled passengers in making complaints when things go wrong, including their access to redress. The findings were published in April 2024. We also continued to monitor companies' compliance with the new Code of Practice on delay repay, helping to ensure it is easier for passengers to exercise their rights for compensation.

In November we took over sponsorship of the Rail Ombudsman from the Rail Delivery Group, fulfilling a commitment in the government's Plan for Rail. The Rail Ombudsman offers a free, expert service to passengers to help sort out unresolved customer complaints. This is an important new role for ORR, allowing us to hold the provider (Dispute Resolution Ombudsman (DRO), appointed by us in May 2023) to account for the independent and impartial delivery of the service. In taking over sponsorship, ORR has also updated aspects of how the Rail Ombudsman operates to improve passenger experience. Changes include new arrangements to make the service more accessible, such as enhanced Ombudsman staff training on disability and vulnerability awareness, improved case handling response times for some case types, new passenger contact channels and process upgrades.

In July we published our annual consumer report, highlighting the work that we had undertaken in the previous year to protect the interests of rail passengers. With passenger numbers continuing to recover and significant disruption to train services, we welcomed the efforts train and station operators had made to overcome challenges and set out our key interventions to secure improvements across the consumer areas that we regulate.

Access (capacity use including timetabling) and licensing

We continued to provide independent expert advice and guidance to government to support its plans to transform railways in Great Britain, based on our experience of holding train operators and Network Rail to account in the areas of accessibility, passenger information, complaints handling and consumer law. We provided wide-ranging advice on access and licensing policy and worked closely with the GBR transition team to respond to a commission from the Secretary of State for Transport to identify simplifications and efficiencies in the regulatory framework, which reported in October.

We also advised government on applying the Retained EU Law Act, in relation to access and licensing activities, supporting opportunities to simplify processes, while ensuring that the regulatory framework continued to provide operators and customers with the right protections. In March we updated our access and licensing guidance for train operators, to ensure that everyone is clear about their legal obligations after revocation of several EU regulations led to minor changes to the rail framework.

Finally on policy, we carried out significant work with Treasury, DfT and industry stakeholders following a commission from ministers to reduce barriers to open access (i.e. for services independent of government funding). The initial findings were published in April 2024

During the year, we continued to perform our statutory role of reviewing, approving and where necessary directing alternative decisions taken by Network Rail on the use of network capacity (as well as station and depot assets). This enabled Network Rail and train operating companies to enter contracts to provide new or amended train services for the benefit of passenger and freight customers. Meeting all our service standards for access within our statutory timescales, we reviewed and approved 209 new and amended track access contracts for passenger (including open access) and freight operators; and reviewed and approved 515 access contracts for stations,

depots, freight terminals, other service facilities and connecting networks.

In March 2024 we approved a new service between London and Scotland, introducing competition on the West Coast Mainline for the first time and providing more choice to passengers, bringing private sector investment to the railway and increasing competition. Grand Union Trains will start the service in June 2025 between London Euston and Stirling stations. The decision means that ORR has now approved open access services on three of Britain's major routes.

Resilient and high-performing timetables are an essential part of providing a good service to passengers and freight customers. We listened carefully to the concerns of train operators and customers regarding the industry's proposal for a new timetable process and decided that it should not be implemented. Instead, we required Network Rail to follow the defined process, which results in a published timetable 12 weeks in advance. This requirement enables operators to sell tickets at this point allowing passengers and freight companies to plan their journeys with confidence. This piece of work provided useful learnings for industry about listening to stakeholders and passengers.

This year we enhanced our focus on the whole industry's delivery of allocation of access rights and better-quality timetabling. Our increased monitoring of access and timetabling has been shared with Network Rail and industry to improve the timeliness and efficiency of allocating capacity (to deliver new and amended services) and producing a robust timetable for the benefit of passengers and freight.

Our work on licences and land disposals protects the public interest by ensuring that operators of rail assets are fit and proper people and that Network Rail does not dispose of property that has a potential future railway use. During 2023-24, we issued 7 licences or licence exemptions for operators of railway assets, meeting our timescale commitments to industry in every case; and reviewed 4 land disposals proposed by Network Rail, giving consent in each case without pre-conditions. We also completed to time our annual audit of land disposals by Network Rail to safeguard continued operation and future development of the network.

ORR also has an important role in regulating access to other networks. We have been dealing with several prospective new entrants in the cross-Channel passenger market and the work we have done has been important in helping them pass due diligence to develop their proposals further, with the potential to bring competition on the route for the first time. In response to this, in March we introduced a new guidance document summarising the regulatory framework that relates to international operations, to help make that clearer and more transparent to people.

We conducted our annual reviews of network statements for Eurotunnel, HS1 and Core Valley Lines. Our activity in this area ensures that all operators, including new entrants to the market, are clear about the arrangements for getting access to these networks, improving the prospects of them introducing new services that will improve passenger choice.

Our performance against 2023-24 business plan deliverables

2023-24 Commitment	Status
Review the experience of disabled passengers in making complaints including access to redress, and publish findings and recommendations	Not met
Review the frequency and duration of lift faults and how passengers are informed when lifts are out of order, and publish findings and recommendations	Met
Review the operation of fees charged and incentives offered by third party ticket retailers, and publish findings and recommendations	Met
Assume sponsorship of the Rail Ombudsman	Met
Decide on approval of new timetable process	Met
Establish a long-term charging framework for Crossrail	Cancelled

2023-24 Commitment	Status
Conduct annual review of network statements for Eurotunnel, HS1 and Core Valley Lines	Met
Update our access and licensing guidance for train operators in response to any repeal of retained EU legislation	Met

The report on the experience of disabled passengers in making complaints was published in April 2024, to avoid too many publications in March.

We did not establish a long-term charging framework for Crossrail as it withdrew its application and does not have plans to resubmit at this time

Future plans

In our deliverables for 2024-25, we have committed to the following priorities: proposals to require operators to take passenger views into account when considering station staffing changes; the quality of passenger information for planned rail replacement services; a new approach to benchmarking operators' performance on provision of assistance; our review of the Retail Information Code of Practice; a review of our open access economic assessment methodology; compliance with sale of access and timetabling deadlines; and our annual review of network statements for Network Rail, Eurotunnel, HS1, the Heathrow Airport Link and Core Valley Lines.

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