

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



Hannah Cotton-Diederich
Access and Inclusion Manager
East Midlands Railway

23 February 2021

Dear Hannah,

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 East Midlands Railway's (EMR) activities in relation to its obligations under section A8 (Redress) of the Accessible Travel Policy (ATP) Guidance. I am grateful to you also for submitting revised 2019-20 Core Data report-Section I.

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. We note your intention to provide further training in complaint resolution for all staff, and to review complaints to ensure that claims for redress are handled in accordance with the ATP.

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 provided 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 discuss the provision of redress with you at our planned ATP quarterly meetings.

Please note that this letter and your previous 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

Second Floor, St Andrews
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Street, London, EC4A 3AG

eastmidlandsrailway.co.uk

Marcus Clements
Head of Consumer Policy
Office of Road and Rail

11th September 2020

Dear Marcus,

Compliance with Condition 5 (Accessible Travel Policy)

Thank you for your letter dated 18 August 2020. I have reviewed the data which you refer to, that we supplied in the East Midlands Railway core data submission.

In December 2019 we notified the ORR of an issue with our reporting systems and as a result cases had been mis-classified, an extensive piece of work was carried out to review the data and where necessary update cases. Of the data that had already been uploaded into the portal we were not able to upload a revision of this data following the data review. It is also worth noting, when we report to the ORR, the data is accurate at the time of reporting, there are occasions where this data may then subsequently change. This can occur because of a change of classification or a case being processed, and redress paid in a following period.

I have attached a copy of the revised data. The data shows that we have paid redress in 68% of complaints where passenger assistance has failed.

In most cases where no redress was indicated, further information was required from the customer to be able to provide redress, these cases would show as not paying any redress until the customer is able to supply the information relevant to the claim. Of the complaints where no redress has been paid, 11% were rejected. I am working with our Customer Service Centre to improve this outcome for our customers, ensuring that we have proactive customer contact in place, and provide training to all staff to make certain customer complaints are resolved and in accordance with our customer promises and policies. I will be monitoring and reviewing complaints on a frequent basis to ensure the actions we have applied produce improvements.

We are working hard to improve services for disabled customers through projects including, a quarterly inclusivity panel, passenger survey and staff training. We have also rolled out the Sunflower Scheme to support customers with hidden disabilities and this will be followed in the future with JAM (Just a Minute) cards.

I hope this clarifies the data and our forward actions, if you would like to discuss any of the above, I would welcome any discussions.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'H.C. Diederich', with a long horizontal flourish extending to the right.

Hannah Cotton-Diederich
Access & Inclusion Manager

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



Hannah Cotton-Diederich
Customer Service Centre Manager
East Midlands Railway

18 August 2020

Dear Hannah,

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 East Midlands Railway's (EMR) 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 EMR'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, EMR received 114 claims for redress; of these, 53 were approved and redress was provided. This indicates that only around 46% of all claims from passengers for redress due to booked assistance failure have been approved by EMR, an approval rate which is lower than many 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 'M. Clements', is positioned below the text 'Yours sincerely'.

Marcus Clements