

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



Chris Atkinson  
Head of Communications  
c2c

18 February 2021

Dear Chris

**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 in respect of c2c's licence and its activities in relation to its obligations under section A8 (**Redress**) of the Accessible Travel Policy (ATP) Guidance. I am grateful to you for setting out the results of the review undertaken as a result of our letter and the steps you have subsequently taken.

As part of your response you confirmed that an audit of your 2019-20 Core Data - Section I (Redress) submission has been conducted and as a result have subsequently revised the data provided to us. We welcome the additional quality assurance checks that c2c intended to put in place to improve the accuracy of its Core Data reports.

Your response appears to indicate you only record redress in cases where compensation is provided and not, for example, if compensation is refused by the passenger and only an apology 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. Such cases should also be recorded. In all cases where assistance failures occur, it is important to explain to the passenger why assistance was not provided and what steps have been taken to ensure the failure does not reoccur.

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 above the printed name.

**Marcus Clements**

CC. Alex Whybro

Marcus Clements  
Head of Consumer Policy  
Directorate of Economics, Markets & Strategy  
Office of Rail and Road  
25 Cabot Square,  
London E14 4QZ

Chris Atkinson  
Head of Communications  
Trenitalia c2c  
2<sup>nd</sup> Floor, Cutlers Court  
115 Houndsditch  
London EC3A 7BR

10 September 2020

Dear Marcus,

Thank you for your letter dated 18 August to Alex Whybro regarding c2c's compliance with Condition 5 of our Station Licence, and the redress we provide to customers regarding booked assistance failures. I am responding on c2c's behalf as I manage c2c's Customer Relations team, and am therefore responsible for the way c2c responds to customer complaints.

As you would expect, c2c prides itself on providing a high-quality and effective response to all customer complaints. Providing a reliable assisted travel service that customers can depend on is also of the utmost importance to the business, and we have a robust process in place to deliver this element of our service. In the event that we do fail to provide pre-booked assistance, we offer a "double-the-difference" promise to customers that we will repay them twice the cost of their original fare. These robust processes explain, in part at least, why the number of complaints c2c receives about failed assistance is so low, as identified in your letter.

Any event where a customer does complain about failure to provide pre-booked assistance is investigated fully. This process led by one of my team, with the close involvement of c2c's Head of Stations.

As highlighted in your letter, in c2c's Core Data period reports for 2019/20 28 customer complaints regarding failed assistance were reported, of which there were six cases where compensation was paid – a redress rate of 21%. I have undertaken a full review of all 28 complaints, and have identified four factors that explain the difference between these two figures:

1. **Multiple complaints are recorded relating to the same incidents.** The 28 separate complaints received relate to only 12 individual incidents where pre-booked assistance was not provided. However in five of these incidents we received more than one complaint, and as a result the number of claims has been over-reported. In several cases, the customer complained by phone and then followed up by email, automatically generating different case numbers, but our response to their complaint was managed under only one case number. Two incidents included complaints that were forwarded by other train operators and also received direct from the customer, again generating different case numbers for the same claim. In one incident, multiple complaints were received from members of the same family, but the compensation paid to the whole group was only registered under one case.

Annex A includes a breakdown of the 12 individual incidents, and the separate complaints that relate to each one.

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2. **Only compensation paid by voucher has been recorded in these statistics.** In one case, compensation was paid by cheque but this was not captured in the reports supplied. Since March 2019, c2c has used Salesforce CRM, and its reporting tool is used to generate the data for the Core Data reports. However, upon investigation I have discovered that only compensation paid by eVoucher or National Rail Travel Voucher is recorded in Salesforce, while compensation that is paid by cheque or by PTX bank transfer is not. As a result, the compensation paid has been slightly under-reported in the Core Data reports.
3. **Compensation has been offered to customers, but not accepted.** In three cases, customers were offered compensation by my team, who requested their ticket details to provide the appropriate “double-the-difference” compensation. This information was not received, and there was no further contact from the customer, so as a result compensation was not paid. In one further case, the customer refused the compensation offered because they only wanted an apology, and did not want any financial compensation.
4. **Following investigation, there was no failure to provide pre-booked assistance.** In one case, a customer complained because they felt they were “nearly” missed. Following a full investigation, my team found that the pre-booked service had been provided and there was no delay to the customer’s journey. Therefore an apology was provided to the customer, but they did not feel financial compensation was appropriate.

As a result of this in-depth review, I conclude that there were 12 incidents in 2019/20 which resulted in claims for compensation regarding pre-booked assistance failures. Compensation was paid or offered in 11 of these cases. This is an approval rate of 92%, which is a more accurate reflection of the effort c2c makes to ensure customers receive appropriate redress.

Now that the issues above have been identified, I have taken steps to improve the reporting process within c2c. Each period, when completing Section I of the Core Data report, an additional check will be made on the details of each individual case listed with two purposes:

- To identify whether there is any double-reporting of the same incident. If so, individual cases will be re-listed as duplicate cases if appropriate. This will improve the accuracy of Row 7 of Section I, the number of claims received for redress following booked assistance failure
- To identify if compensation has been paid by cheque or by PTX bank transfer, or listed under a different case number. This will improve the accuracy of Row 8 of Section I, the number of times redress is provided for booked assistance failures

More information will also be provided in the additional commentary for Section I when redress is not provided, whether because it was refused by the customer or because it was not offered by c2c.

I hope the information provided in this letter has been helpful and reassures you of the importance c2c places on providing appropriate redress when pre-booked assistance is not provided. If you would like any further information, please do not hesitate to get in contact.

With best wishes,



Chris Atkinson

Head of Communications, Trenitalia c2c

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



Alex Whybro  
Customer Experience Manager  
c2c

18 August 2020

Dear Alex,

**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 c2c's licence and its activities in relation to its obligations under section A8 (**Redress**) of the Accessible Travel Policy (ATP) Guidance.

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 c2c'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, c2c received 28 claims for redress; of these, six were approved and redress was provided. This indicates that only around 21% of all claims from passengers for redress due to booked assistance failure have been approved by c2c, an approval rate which is considerably lower than most other operators, although we recognise the small number of claims received.

This is a new performance measure and, in anticipation of the commitment to providing redress in your final approved ATP, 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](mailto: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**