

Annette Egginton

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01 November 2016

Patrick Verwer
Managing Director
London Midland

Dear Patrick,

Approval of London and Birmingham Railway Limited (Trading as London Midland) Complaints Handling Procedure (Condition 6 of the Station Licence and GB Statement of National Regulatory Conditions: Passenger)

Thank you for submitting your draft Complaints Handling Procedure (CHP) for approval. A copy of your revised CHP is attached to this letter, and will be published on our website along with a copy of this letter.

I confirm that we have reviewed your CHP against the 2015 “*Guidance on complaints handling procedures for licence holders*” (the guidance), and can confirm that your revised CHP meets the requirements of Condition 6 of your station licence and GB Statement of National Regulatory Conditions: Passenger (SNRP). We also sought views on your draft CHP from Transport Focus and London TravelWatch.

We welcome your aim to provide a response to complaints within 10 working days, which we believe is likely to be positive for passengers.

You have confirmed that where a complaint has not been resolved and your internal procedures have been exhausted, you will provide information on Alternative Dispute Resolution (ADR) to the complainant, in accordance with the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015. This information will usually be highlighted to complainants in the second substantive response, when details of Transport Focus and London TravelWatch are also given. We understand that you will identify an approved ADR provider (in this case Ombudsman Services, trading as the Consumer Ombudsman) but that you do not plan to make use of this provider and instead complainants will be advised to contact the existing passenger bodies. Where a complainant does contact Ombudsman Services you have an arrangement in place whereby they will be referred to the relevant passenger body.

This approach appears to discharge the information requirements in the Regulations, however, we will be engaging with ATOC and the Department for Transport as to the application of the ADR regulations more generally and this may result in the need to revisit policies in due course. You will continue to be engaged with developing thinking through your representation at ATOC.



In the case of London Midland the relevant passenger bodies are Transport Focus and London TravelWatch. In line with the requirements of the guidance, licence holders must establish an appeals handling protocol where the passenger bodies require this. We understand that these protocols have now been finalised and we expect licence holders to abide by them in their handling of appeals.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Annette Egginton', with a stylized flourish at the end.

Annette Egginton

customer complaints handling procedure

OCTOBER 2016

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This guide can be downloaded from our website
www.londonmidland.com

If you would like this document in an alternative format
e.g. large print or audio CD, please contact our Customer
Relations team on 0344 811 0133 or 0121 634 2040
by mobile phone or e-mail us at comments@londonmidland.com

1 introduction

We aim to provide a simple, high quality service whenever you travel with us. We recognise that occasionally things may go wrong and when they do we are always pleased to hear your views as they are crucial in helping us to understand what we can do better. Our Complaints Handling Procedure explains what you can expect from us if you need to make a complaint or provide feedback.

A complaint can be described as “any expression of dissatisfaction by a customer or potential customer about service delivery or company or industry policy”.

This procedure sets out how we:

- resolve individual complaints promptly and fairly, taking account of the reasonable interests of the complainant, including providing compensation as appropriate; and
- how we ensure the feedback we receive leads to continuous improvement, so that the root causes of complaints are addressed and systemic solutions are put in place.

We appreciate that sometimes you will just want to tell us something about our services, staff or facilities, or you may wish to praise us. The procedures set out below apply equally to these types of correspondence as they do to complaints.

2 our commitment

We want your journey to be simple. This means delivering great service not just when things are running smoothly, but also on those occasions when things go wrong.

Our complaint handling procedure will:

- be easily accessible and well publicised;
- be simple to understand;
- be based on what you tell us and focused on service improvements;
- ensure each complaint is fully and fairly investigated;
- ensure our response addresses all of the points raised;
- ensure responses are provided within publicised targets; and
- respect an individual's right to confidentiality.

3 contact information

If you want to contact us about our services you can speak to any member of London Midland staff who will do their best to assist you immediately. Our staff are empowered to make decisions to reduce any unnecessary inconvenience to you. If they are unable to resolve your issue they will direct you to our customer relations team.

As well as training our own staff to receive and pass on complaints, we also brief other staff who work for London Midland under contract, such as cleaners, and regular suppliers, so that they can direct you to the London Midland customer relations team.

Our in-house, dedicated customer relations team are fully trained to help with any queries or complaints received. Our team are available from 0700 to 1900 Monday to Friday and from 0800 to 1600 weekends and Bank Holidays, with the exception of Christmas Day and Boxing Day when we are closed.

There are a number of ways to contact the customer relations team. These details can also be found on our website, on all major publications and on posters at our stations.

online

You can contact us by completing our online comments form at **www.londonmidland.com/contactus**

by email

You can email us at **comments@londonmidland.com**

by telephone

During business hours you can call us on **0344 811 0133** (option 5) or **0121 634 2040** (option 5) from a mobile. Out of hours your call will be directed to National Rail Enquiries.

by post

You can complete a 'comments' form, available at every staffed station on request and send it directly to our customer relations team in the freepost envelope provided. Alternatively, you can write us a letter and send it to the address below:

London Midland customer relations, PO BOX 4323, Birmingham B2 4JB

via social media

You can contact us on Twitter. We try to respond to all tweets directed at us as quickly as possible. Please note comments on Twitter are not considered formal complaints. If you wish to make a formal complaint we will send you a link to **comments@londonmidland.com** so that it can be registered and responded to appropriately.

Please note that in line with our current social media policy our Facebook page is not monitored for complaints, so we recommend using one of the other channels above.

Meet the Manager events

Our Meet the Manager events enable our Senior Managers to go out to stations and directly engage with you. This allows you to share your thoughts with us, and to receive an instant response.

complaints sent directly to staff or directors

Please note that any complaints sent directly to individual employees of London Midland will be sent directly to **comments@londonmidland.com** so that they can be logged and responded to in line with our internal processes.

4 dealing with your complaint

We will carry out a full and fair investigation to each complaint we receive. While the nature of an investigation will depend on the specifics of the complaint we will usually;

- identify the key elements of the complaint and any facts to be checked;
- gather evidence: service records, relevant policies and procedures and the identification of any gaps in evidence;
- carry out objective analysis of all evidence and arrange for the staff involved to be interviewed if required;
- form our view of what did happen versus what should have happened;
- identify the cause of the failings, if any;
- work with other departments to take corrective action where possible; and
- develop a response or resolution to communicate to the customer.

To help us with our investigation, we ask that you include as much information in your complaint as you can, for example;

- your contact details;
- date and time of your journey;
- copy of your ticket or proof of travel (where applicable); and
- any other relevant information that you can provide.

If you are not happy with the way we have resolved your complaint we will review or escalate your complaint and write to you again. In our second substantive response we will include details of either Transport Focus or London TravelWatch who are independent consumer watchdogs established by Parliament to protect and champion passengers' interests. We have included their contact details at the end of this document.

We have regular correspondence with Transport Focus and hold fortnightly meetings with them to review appeals and determine whether an alternative resolution is required. We have single points of contact for Transport Focus and London TravelWatch in order to request further information and discuss appeals. We aim to respond to all correspondence received from them within 10 working days.

Please note that in addition to this, the alternative dispute resolution for consumer disputes (Competent Authorities and Information Regulations 2015) requires us to advise you of an 'alternative dispute resolution' organisation for your complaint. In our case this is the Ombudsman Service (www.ombudsman-services.org). However, as Transport Focus and London TravelWatch already provide a mediation service for customers in the rail industry, we do not make use of the ADR process and correspondence to the Consumer Ombudsman will be redirected to Transport Focus or London TravelWatch as appropriate. Please note that this does not affect your statutory rights.

complaints received from third parties

We understand that sometimes you may not wish to or be able to make a complaint yourself; therefore, we will accept complaints received from third parties made on your behalf. In order to be able to do this, particularly where personal data is involved, we will require explicit consent from you that the third party has the right to act on your behalf.

staff complaints

Whilst we would hope that you would never have cause to complain about a member of our staff, if you do this will be fully and fairly investigated in line with the above process. Please note that we will not comment on the outcome of any internal investigation concerning a specific member of staff. If you believe that a member of our staff has committed a criminal act this should be reported to the British Transport Police (phone 0800 405040 or text 61016) and we will cooperate with any investigation they undertake.

termination of correspondence

We reserve the right to terminate correspondence before a full resolution has been reached. This decision will only be considered where on-going correspondence could be interpreted as:

- abusive or offensive in content; or
- frivolous or vexatious.

The decision to terminate correspondence will be made by a senior manager. We will always tell you before we terminate correspondence with you, and advise the reason why we are taking this action. We will also advise you of the contact details for Transport Focus or London TravelWatch as appropriate and ADR.

ownership of complaints

Where your complaint is about a London Midland service, facility or member of staff this complaint is owned by us and we will respond to you.

If you make a complaint to us which relates solely to another train company we will forward the complaint to them on your behalf. We will inform you in writing and provide you with their contact details should you need to follow up the complaint with them directly.

If your complaint relates to London Midland and another train company we will work with the other train company to co-ordinate a single response. For more complex complaints, or where the majority of the issues relate to the other train company we will deal with our issues and advise you which issues will be addressed by the other train company.

If the complaint refers in part to another transport provider (for instance a bus operator), we will explain this in our reply and give you the correct address to complain to. If you ask us to do so, we will forward your complaint to them directly.

If the complaint refers to another non-transport organisation, we will explain this in our reply and endeavour to provide you with the correct address to complain to.

complaints relating to third party suppliers

If you make a complaint which relates to a third party supplier who is acting on behalf of London Midland, such as car park management, web support or suppliers of rail replacement services, we will work with the provider to investigate thoroughly the details of your complaint and co-ordinate a response accordingly.

Complaints relating to the independent penalty fares appeals service (IPFAS), revenue protection support services (RPSS), or British Transport Police will be handled by them directly; this is in accordance with their own complaints handling policies.

complaints relating to Network Rail

If your complaint relates to services or infrastructure operated by Network Rail, such as stations they manage or queries regarding non-operational infrastructure (for example, complaints regarding line-side fencing, boundary maintenance or level crossing concerns from road users or pedestrians) they will be acknowledged by us and forwarded to Network Rail on your behalf.

Any complaints which relate to Network Rail as a supplier (for example where a signal failure causes delay), will be investigated and responded to by us as the service provider.

5 response times

We will always reply to your complaint as quickly as we can. Our aim is to provide a response within 10 working days, although it may take up to 20 working days to provide a full reply when a detailed investigation is required. You can find the latest response times at www.londonmidland.com/response
Our target is to resolve 95% of all complaints within 20 working days.

If we are unable to provide a full response for any reason within 20 working days, we will acknowledge your complaint and keep you updated on progress until the case is resolved.

When it is particularly busy, we may sometimes miss our targets and in exceptional circumstances, may need to extend our response times. In these situations we would work closely with the Office of Rail and Road (ORR) and rail consumer bodies; Transport Focus and London TravelWatch.

In some circumstances for example, due to prolonged periods of disruption or significant one off incidents we may contact you outside our usual process in order to better inform, update or offer compensation.

When you telephone us you will reach our automated answering service almost immediately. You may then choose from the options on offer, or select option 5 to speak to a member of our customer relations team during business hours.

6 claims for losses, property damage or personal injury

If you have had an accident, or wish to request compensation for injury or damages, please write to our customer relations team giving as much detail as possible regarding the circumstances of your claim.

Our customer relations team will escalate your correspondence to the appropriate department within the organisation and an acknowledgement will be sent to you. Your claim will be investigated and you will receive further correspondence as appropriate.

If you wish to make a legal claim for financial losses or property damage please follow the same process as above. Your claim will be reviewed within London Midland, however if a resolution cannot be reached and you wish to serve legal documentation on us it should be sent to: **London and Birmingham Railway Limited (trading as London Midland), 3rd Floor, 41-51 Grey Street, Newcastle-upon-Tyne NE1 6EE.**

7 compensation

We know that in many cases when we fail to meet expectations, an apology and assurances that we will work to rectify the problem is often enough. Compensation is awarded in line with the National Rail Conditions of Travel and the London Midland Passenger's Charter, which reflect the requirements of the Consumer Rights Act 2015.

Compensation for delays will usually be awarded under the terms of our Delay Repay scheme. Other complaints about the service received will be considered in line with your statutory rights. In other circumstances, at our discretion, we may offer a goodwill gesture. This will usually be awarded in cashable Rail Travel Vouchers

8 compliance with privacy regulations

information we may collect from you

We may collect and process information about you when you: travel on our services; visit our stations or car parks; use our website; buy a product from us or make a sales enquiry; contact customer relations or enter a competition.

how we use your information

We will only use the information you provide as permitted in strict compliance with the Data Protection Act (DPA) 1998. Depending on how you contact us, use our services, the consent you have given, or any legal obligations we have, we may use this information:

- to provide you with details of our services, information, newsletters, and details of promotions and offers which we feel may interest you;
- to notify you about our services and changes to these;
- to make and receive any payments necessary between us;
- to carry out our obligations arising from any contracts entered into between you and us;
- for customer service, administration and customer research;
- for your safety and security;
- for fraud and crime prevention;
- to enhance your experience of our website, as described in our cookie policy; and
- to inform you if you have won a competition you have entered.

sharing or disclosure of your information

We will only share or disclose your information where permitted by the Data Protection Act 1998 and will obtain your consent where we are required to do so. We will only use third parties to process information where we are satisfied that they comply with these standards.

We may share or disclose information for the following reasons:

- with our service providers where it is necessary for us to do so in order to fulfil a contract between us or to respond to requests for marketing and/or information from you;
- to respond to your complaints or administer requests you have made, either to us or another body such as ORR, IPFAS/RPSS, the Department for Transport; Transport Focus, London TravelWatch or other train operating companies;
- to process payment card transactions;
- to comply with requests from the police or other law enforcement agencies for the purposes of crime prevention or detection. These are dealt with on a case-by-case basis, under an overall Information Sharing Protocol, to ensure that any disclosure is lawful;
- to comply with other legal obligations for example, relating to crime and taxation purposes or regulatory activity;
- to protect our legitimate business interests; for example, for fraud prevention or revenue protection.

Full details of our Privacy Policy can be found here: London Midland Privacy Policy.
<http://www.londonmidland.com/p/privacy/>

9 diversity and equality

If you require a response in a different format, or in a language other than English, we will provide it upon request. Where we do not have any knowledge to provide this service, we will employ translators or seek the advice of disability groups.

10 monitoring and reporting

Regular KPIs are produced which monitor our performance against the objectives of this document. These are regularly monitored and audited. We use all the information from each complaint we receive to inform decisions about changes and improvements that we make to our services and facilities.

We produce internal reports every four weeks which help inform our Directors and other Managers so they can better understand the views of our customers. We are also obliged to provide performance information every four weeks to the Department for Transport and the ORR.

Where a significant volume of complaints about a subject are received or where a negative trend is identified this is escalated to Senior Management for action.

11 contact details

London Midland

- 🌐 londonmidland.com
- ✉️ comments@londonmidland.com
- ☎️ 0344 811 0133 or 0121 634 2040
- 🐦 @londonmidland
- ✉️ London Midland Customer Relations
PO BOX 4323
Birmingham
B2 4JB

Transport Focus

- 🌐 transportfocus.org.uk
- ✉️ advice@transportfocus.org.uk
- ☎️ 0300 123 2350
- 🐦 @TransportFocus
- ✉️ Freepost RTEH-XAGE-BYKZ
PO Box 4257
Southend On Sea
SS1 9PZ

London TravelWatch

- 🌐 londontravelwatch.org.uk
- ✉️ info@londontravelwatch.org.uk
- ☎️ 0203 176 2999
- 🐦 @LondonTravelWatch
- ✉️ London TravelWatch
169 Union Street
London
SE1 0LL

complaints handling procedure process

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This guide can be downloaded from our website
www.londonmidland.com

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e.g. large print or audio CD, please contact our Customer
Relations team on 0344 811 0133 or 0121 634 2040
by mobile phone or e-mail us at **comments@londonmidland.com**

1 introduction

At London Midland, we believe in continuing to improve our service based on the feedback provided by our customers and stakeholders, so it's important that the process does not stop at the customer response.

This document is designed to outline and briefly explain some of our internal processes that sit behind our customer complaints handling procedure (CHP).

2 responding to customers

Our customer relations team are responsible for providing fair, accurate and timely responses to customers. They follow a system driven process for recording and responding to all correspondence, including complaints. They use a system called TOCrM as their primary contact management system. Full records of all complaints and associated responses are kept electronically for a period of three years.

While the process varies slightly depending on the method of contact (post, email), it goes through the following steps:

- it is uploaded into the TOCrM system and assigned a unique case reference
- an email is sent to the customer containing the case reference and information on response times
- correspondence is triaged by the administrative team into "general" (including positive feedback) or "complex cases" and "enquiries" based on the definitions within the CHP
- if a customer contacts us via Twitter and wishes to make a formal or more detailed complaint, we provide them a link to our email address.

Telephone calls are slightly different, where the caller and complaint details are logged in the system by the customer relations advisors before verbally advising the customer of the case reference.

Please note that delay repay claims, both via our webform and through the post, are dealt with by a separate team under our delay repay process. As set out above, all correspondence received is recorded in the TOCrM system. From that point on:

- complaints are dealt with in line with our CHP
- feedback received is forwarded to the appropriate department and an acknowledgement sent to the customer.

All cases are dealt with in order of date received. To make it easier for the customer the same case reference number will be used for all correspondence relating to their original complaint. All points raised are captured and reported.

A case is only categorised as resolved once we feel we have responded fully and fairly to all points raised by the customer. In some instances, the customer may not agree that the complaint has been resolved to their satisfaction.

In our second substantive response, we will inform the customer of their rights and give them the contact details for Transport Focus or London TravelWatch and alternative dispute resolution as appropriate.

escalations

We make every attempt to resolve each complaint fully and fairly first time. If the customer remains dissatisfied and asks for the complaint to be escalated we will take the following action:

- a full review of the complaint will be undertaken by a customer relations supervisor including a review of the initial investigation where required
- to assess if the initial response addresses all of the points raised and any compensation awarded is in line with the National Rail Conditions of Travel and the London Midland Passenger's Charter
- where the customer relations supervisor considers our initial response to be full and fair they will write to the customer and confirm their findings
- where the customer relations supervisor identifies any failings in our initial response they will write to the customer addressing any outstanding issues – if a goodwill gesture is deemed appropriate this will be offered in our response
- when the customer relations supervisor responds, they will include the contact details for Transport Focus or London TravelWatch
- where cases are complex or specialist, the customer relations supervisor will liaise with the relevant person at London Midland and co-ordinate a response
- if it is clear that no resolution is possible, and our internal complaints handling procedure has been exhausted, we will again inform the customer of their rights and give them the contact details for Transport Focus or London TravelWatch and alternative dispute resolution as appropriate
- if the customer escalates their case to Transport Focus or London TravelWatch the Appeal will be dealt with by the Customer Relations Manager – in these cases, London Midland will still engage with the customer if requested to do so.

3 training

Following our company induction training, all of our employees, regardless of grade receive job-specific training in regards to dealing with customers and the public:

customer relations

In addition the customer relations team receive:

- basic training on Twitter guidelines and call-handling guidelines
- information on quality and quantity requirements and targets
- an overview and training on the systems required to effectively assess complaints and answer queries
- an overview and training on the documents required to effectively assess, process and resolve complaints, for example, the NRCOT, CHP and Passenger's Charter
- coaching to help them understand the different type of complaints, for example, to identify complaints that require internal investigation and/or feedback to the wider business
- training to enable them to provide suitable, plain English, responses to written correspondence, ensuring that all points are addressed
- coaching and feedback to improve judgement when providing the correct level of compensation and/or goodwill gesture where appropriate.

The responses drafted by new starters are reviewed prior to being sent to customers. This continues on a reducing scale during their first six months or until such time they are considered competent. Our advisors are then assigned to various groups dependent on their experience and the nature of the correspondence they are dealing with. As a general rule 30% of Complex complaints and 20% of General complaints are reviewed prior to being sent to customers. If issues are identified with the quality of an individual's response we will increase the level of monitoring for that team member.

staff development and quality monitoring

During their employment, employees are kept up to date on developments through one-off training sessions (for example, for new systems) or through briefings (for minor legislation or process changes).

Our TOCrm system allows us to check the quality and accuracy of responses prior to being sent to customers. We use this to continuously improve customer satisfaction, and drive first time resolution. We review whether our team are meeting our basic standards to meet our aim of 'effective response and resolution first-time', in particular:

- one Customer Relations Advisor has dealt with each complaint end-to-end
- a full and fair investigation has been carried out
- all points raised have been addressed
- we have met our response time target
- we have kept the customer informed where we have not met this target
- we have escalated appropriately where we believe there is a legal/safety implication, or where complaints are abusive or offensive in content or are of a frivolous or vexatious nature
- we have informed the customer about their external escalation rights at the appropriate point
- compensation or goodwill gestures have been awarded as appropriate.

front line employee training

Front line employee training consists of classroom based sessions, continuous on-job training and briefings. The key areas covered are:

- uniform and appearance
- passenger information during disruption (supporting customers during delays/disruption)
- behaviours and attitudes
- body language
- managing conflict
- dealing with suspicious items/behaviours
- PA announcing
- effective communication.

third parties working on our behalf

All third parties who we contract with, and who have contact with our customers or the public, are bound by contractual provisions to comply with relevant London Midland policies. This includes ensuring their employees are trained to the equivalent standard to our own employees, and compliance with policies such as the CHP, Data Protection Act (1998), etc. where appropriate.

London Midland and the Office of Rail and Road are conducting joint research into passenger satisfaction with complaint handling. If a customer has provided us with an email address they may be sent a link from Critical Research inviting them to complete a short online survey about how their complaint was handled. Our Privacy page has full details on the information we may collect and how it may be used. If they do not wish to be contacted for this research they should contact **comments@londonmidland.com** to opt out.

4 using feedback

Complaint data is regularly reviewed at Senior Management and Executive level within the Customer Relations report. Trends identified in types of complaint are monitored and action taken to resolve where appropriate. We also have a regular Customer Experience Board, through which representatives from all areas of the business review customer feedback and look for strategic improvements that can be made.

There is a formal review of processes, complaints received and responses given following major disruption. This allows us to understand how we could have better supported our customers during these times of disruption, and to make any required changes to processes or training.

5 reviewing our CHP

We undertake regular reviews of our CHP and the underlying guidance. We consult with Transport Focus and London TravelWatch prior to it being approved by the ORR. As a minimum this is done annually, but we will also review it when there is a key legislation, policy or procedural change.