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Competition and Consumer Policy
Office of Rail Regulation
One Kemble Street
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WC2B 4AN
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Consultation - draft guidance on complaints handling procedures

Thank you for your email dated 06 May in respect of the above. We appreciate the opportunity given to review and feedback on the proposed content and are keen to work alongside you to ensure that the information published adds value to all parties concerned.

In terms of the consultation documents provided, please see below our response to each question raised;

Question 1

Do you agree with our overall purpose and scope? In particular, do you think that the way that we have distinguished feedback from complaints is helpful?

CrossCountry are comfortable with this approach. We understand and recognise that the way passengers choose to communicate with us are ever changing and are happy to support this as much as is reasonably practical. The distinction between what is considered a complaint versus feedback mirrors the explanation within our existing document.

Question 2

Do you agree that the licence holder should coordinate responses relating to third party suppliers? Please indicate in your response what the current practice is and identify any challenges arising from this proposed requirement? Do you agree with our reasoning contained above? Are there any other categories of third party supply that you consider should be explicitly covered within this obligation?

This is something which CrossCountry already do in relation to handling complaints relating to a third party supplier. We request the relevant investigation or feedback directly from the supplier and ensure this is communicated in our response to the passenger. The only exception to this is when the complaint relates to specific issues solely within the third parties responsibility such as station staff, Network Rail or IRCAS. Any agent acting on behalf of the TOC (such as outsourced call centres or catering staff) would still be handled by us as the license holder.

For any complaint which refers to CrossCountry or a representative acting on our behalf (such as security or catering staff, or an outsourced contact centre agent), we would respond to all elements raised by the complainant following internal investigations by the necessary supplier. If however part of the complaint received relates to another licence holder then we would address all of the elements we are able to and then forward the correspondence onto the TOC or NR for them to address the issues which relate to them. Issuing a response on behalf of other TOC's would not only lead to delays in us resolving the complaint (thus impacting our days to close) but would also give the impression that the relevant operator had not taken ownership of their area of responsibility. It would also be wrong of us to make comments or apologies relating to another licence holders employee or facilities.

Question 3

Do you agree that the three core standards form a reasonable basis from which licence holders can develop complaint handling procedures? Please identify any areas, for example:

a. where you would prefer more detail or additional clarity; and/or

b. where you consider the standards do not meet our intention to draft at sufficiently high level for licence holders to develop procedures to suit their own business models and the needs of their passengers. In particular whether the balance between specified obligations and a focus on internal culture and arrangements appears consistent with our stated regulatory approach.

There are no significant concerns with this approach however the 'organisational culture' is one which is very subjective and one which is not easily measured. All other recommendations have already been included within our CHP and is part of our existing practices.

Our front-line teams are encouraged (and trained) to resolve enquiries, complaints and expressions of dissatisfaction at the time. The only time they would refer a passenger to Customer Relations is if the complaint or enquiry cannot be resolved during the journey. In terms of carrying comments forms on trains, we are focussed on our environmental impact and look for more effective and greener ways for our CR teams to be contacted. Therefore our on-board staff would provide the passenger with the contact details for Customer Relations verbally or by handing them one of our 'contact us' cards which include our email, telephone and postal address details as well as our social media handles.

Question 4

Is the guidance around Conducting a full and fair investigation and Effective response and resolution helpful and/or sufficiently clear?

CrossCountry already ensure that any complaint currently in progress but awaiting the outcome of an investigation, the passenger is regularly updated with our progress and an expected date of completion is provided where possible.

We are also confident that the recommendations made within this section are already existing practice and would be happy to continue doing this.

Question 5

Do you consider that a CHP should contain a requirement to have an appeal handling protocol with PF and LTW? Do you agree that we should specify some of the detail including recommended response times? Alternatively, is there other detail that you think should be included?

Our existing CHP already provides information regarding appeals with PF (now Transport Focus). An added comment may be that in the event PF (TF) are experiencing delays in responding, this be communicated to the passenger either by the TOC referring them or by PF upon receipt of the appeal. It also needs to be made clear that appeals relating to being issued UPFN's and Penalty Fares are to be sent to IRCAS as opposed to PF / LTW

Question 6

Are you content with the ORR's minded proposal to drop these two previous requirements? If not give reasons.

Yes, we have no concerns with this and believe this is a sensible approach.

Question 7

Do you believe our proposed monitoring activities will be effective in ensuring compliance with the obligations? Is there any additional evidence that you would like to see included as part of this process?

Clearer distinction is required for reason of dissatisfaction, for example 'Unhappy with Policy' versus 'Unhappy with response'. Some passengers will request their complaint is escalated for example because of response times or compensation level or method despite the award or response being within the published documentation (information as to what passengers can expect are clearly explained within each TOC's Passenger Charter). There needs to be a clearer understanding as to the reason behind the reason for appeal or escalation so that we can understand if it is a result of agent / TOC or policy.

Question 8

We ask for comments on our initial approach and its impact, including both any costs and benefits that we do not identify.

The majority of the recommendations made are already included within our existing CHP and are supportive of the approach. A point to note however is that our existing case management system only currently enables us to record and report on contacts received by method and reason using traditional contact methods. Any variation to this may be subject to cost approval and development work.

In summary, we are willing to support many of the recommendations proposed to ensure that the customer experience when registering a complaint is a seamless one. However we do ask that clearer definitions and clarity are provided to remove any unwanted confusion which may arise.

Yours sincerely



Andrew Cooper
Managing Director