

Annette Egginton
Competition and Consumer Policy
Office of Rail and Road
One Kemble Street
London

28 July 2015

Complaints handling procedures - consultation response

Dear Annette,

Thank you for the opportunity to respond on ORR's approach to the complaints handling procedures.

Govia is one of the leading rail operators in the UK and is a joint venture between the Go-Ahead Group (65%) and Keolis (35%). Govia has extensive experience running complex and challenging rail operations. Govia currently runs three major rail franchises: Govia Thameslink Railway (GTR), Southeastern and London Midland. Govia is the UK's busiest rail operator, currently providing around 35% of all passenger journeys. As a key provider of rail services, we welcome the opportunity to make representations regarding the ORR's complaints handling procedure consultation.

This response represents the views of the three Govia-owned Train Operating Companies (TOCs) – GTR, Southeastern and London Midland - as well as Go-Ahead Group plc and has been developed in collaboration with subject matter experts from each business.

Govia supports initiatives that enhance the customer experience. We are proactive in identifying initiatives that will further enhance our customers handling procedures. We have strong governance in place to ensure that our approach in dealing with customer issues is timely, transparent, and adds value to the customer relationship.

The responses to the specific consultation questions set out by the ORR are answered in **Annex A**.

If you would like to discuss this response in further detail please contact Richard Evans, Head of Rail Policy.

Yours sincerely



Charlie Hodgson
Managing Director - Rail Development

Annex A: Responses to consultation questions

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?

Govia supports the approach, the purpose and scope is sensible. The way that feedback and complaints has been distinguished is a positive step forward however we should consider the potential impact of the consultation on CHP data sets.

There are a few of areas, covered later in our response document that either requires clarification or some further thought.

It is worth noting that complaints constitute a small percentage of overall customer contact and to focus on just complaints can provide a distorted view.

All our TOC's use feedback to inform business improvements and drive change within the business. It is particularly important to use customer feedback as insight and we have had some significant successes over the years including feedback driving change in TVMs and improving station facilities as a direct result of customer feedback.

Govia do not consider social media platforms to be the right place to make a complaint and that we will continue to signpost all complainants to our customer services team, as per our social media policy.

We agree that it should be clear on Social Media channels how passengers can complain, but we will not encourage customers to use social media as the first point of contact for making a complaint.

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?

In principle, Govia believes that each TOC should be allowed to decide how best to provide a coordinated, prompt and full response to customer complaints regarding third party suppliers. Currently, some of our third party suppliers are contracted to respond directly to customer complaints e.g. car parking. Any changes to these arrangements could be complex and costly contractually and

potentially have implications for TUPE legislation. We therefore do not support any prescription in the future CHP in this area.

It is important to provide a co-ordinated response that involves minimal steps for the customer when third party suppliers are involved. In principal we agree that low customer effort should be needed in order to interface with our CHP procedures, therefore we would largely support the TOC taking responsibility for the complaint as a whole. However there are some notable exceptions where a third party will be better placed to deal with a response as opposed to the TOC. Examples of these would include specific questions relating to parking notices and fines, penalty fare appeals and all matters relating to RPSS, enquiries about retail outlets, conduct of staff other than those directly employed by the TOC. This also excludes forward-ons to other TOCs and Network Rail and web based retailers.

In addition to the ORRs current and proposed activity, it would be welcomed if a similar set of guidelines were extended to Network Rail. Whilst we would not expect them to respond on our behalf about everyday problems, there comes a point when a response from a specialist within NR would be more appropriate than the TOC responding without understanding the detail. The majority of delays on the network can be attributed to Network Rail and our responses can occasionally seem diluted as a result of a lack of input from the accountable party.

Our Customer Relations teams are not a qualified appeals service for either penalty fares or parking notices and it cannot be pre-supposed that a customer will wish to appeal in either circumstance.

We would ask that the ORR clarifies Paragraph 2.16.

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.

Govia agrees with the principles under each of the three core standards.

We are satisfied that our robust review processes provide our management teams with the oversight on the customer handling procedures. However, some areas can be more difficult to demonstrate in a policy document such as demonstrating that we are listening, responding and flexible to passengers' needs.

Question 4:

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

Govia agrees the licence holder should be able to use their judgement to resolve complaints.

In regard to 3.40: The passenger should be signposted to TF or LTW and ADR after they have received the first substantive response from the licence holder, even if the licence holder continues to engage with the complainant with the objective of resolving the complaint itself.

This paragraph (3.40) needs clarification. Does this mean signposting as part of the first substantive response or if the complainant comes back to the TOC after the first response? Currently our TOCs refer complainants on the second or third response and although we agree that it may be helpful and improve transparency to make this option clear for the customer at an earlier stage, we think this should be done after the first response.

Specifically for our GTR franchise, our new customer relations contract provides an opportunity to fundamentally change how our customer contacts are initially categorised which then drives how they will be responded to. In doing so we can be sure that those complaints of the highest severity will be handled in the most appropriate manner, taking into account what is reasonable and proportionate. This team will also work directly with the new Passenger Service Director's (PSD) to provide a conduit customer feedback and complaints, and conversely will allow positive messages to flow back from PSDs to the customer, closing the loop.

Vexatious and frivolous complaints

We have very few customers who have been identified as vexatious and frivolous, however we no longer think this is a helpful term and suggest that it should be broadened to include obsessive and abusive which tend to be more relevant terms.

Where there is evidence of systemic non-compliance the proposed monitoring activities are adequate. It should be considered by ORR as to whether feedback and research from other organisations is statistically significant and representative of the majority of customers.

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?

We agree that the CHP should contain an appeal handling protocol with Transport Focus and London Travel Watch and apply to both parties. The CHP obligations should apply to both the TOC and the Watchdog to handle complaints in agreed timeframes. Significant effort is placed on the TOCs response in this document which is not necessarily mirrored by the watchdog.

Specifically on 3.50 Speed of response - 3 working days injects an unnecessary level of administration and bureaucracy into the process if the documentation is required in 5 working days.

Govia propose 5 working days as standard to both bullets points.

Question 6:

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

Govia would support the dropping of these previous requirements.

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?

There is a clear differential between a poorly handled complaint and a customer relations team that are dealing with cases which are ultimately not solvable easily, which are destined to end in customer dissatisfaction – i.e. we cannot make it a positive one.

Question 8:

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



We trust ORR are working closely with the relevant funders (DfT) to ensure obligations and funding/requirements are aligned. System and staffing costs as a result of some of the requirements may not have been factored into the franchise cost model. Therefore, while a level of investment may be acceptable some of the additional requirements may be deemed excessive dependant on the current status of the franchisee and the remaining franchise term.

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