

Rosie Clayton  
Competition and Consumer Policy  
Office of Rail and Road  
One Kemble Street,  
London, W2B 4AN

**Our Ref:**  
**Your Ref:**

29<sup>th</sup> July 2015

Dear Rosie,

### **Complaints Handling Procedures – consultation on guidance**

Thank you for the opportunity to comment on this.

In general terms we welcome the opportunity to modernise how complaints are handled by train operators and how this is monitored by the regulator. We are concerned however, by the suggestion of the use of protocols between train operators and London TravelWatch / Transport Focus on how appeals should be handled. We do not believe that this carries sufficient weight to ensure that consumers are protected, and instead that these arrangements should be covered by licence conditions that would be easier to enforce against.

The answers to your specific questions are as below:-

#### ***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?***

The customer handling policies for licence holders do need updating so London TravelWatch cautiously agrees with the overall purpose. The document does not contain the detail required to allow for informed feedback.

Your draft guidance states the licence holders may propose a procedure which best suits their customers. However the needs and expectations will be similar for all passengers so it is therefore difficult to understand why procedures need to be different between the licence holders. In the London area, where multi modal travel is commonplace, the complaint procedures should be very similar across the industry, and allow easy transfer of a complaint to the appropriate bodies. It should not be the responsibility of the passenger to familiarise themselves with various complaint procedures for each individual licence holder.

London TravelWatch has concerns that without robust procedures in place, passenger complaints could easily be labelled as 'feedback' rather than a complaint, and consequently not be addressed and not responded to. Evaluation of the intended mechanisms for this procedure would have to be provided before feedback could be given.

### **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?***

It is the responsibility of the licence holders to manage and respond to any complaints from passengers for services which they provide regardless to whom they contract these out.

The current practice is sporadic with some licence holders refusing to pass complaints internally thereby forcing the passenger to write into a different department to get their issues resolved. This is not acceptable.

### **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.***

Core standards could possibly form a reasonable basis for developing complaint handling procedures but this high level approach would make the process open to interpretation by each licence holder. The passenger should not be required to navigate different complaint handling procedures depending on the licence holder contacted.

London TravelWatch would like passengers to receive standard responses to standard questions within three days. Timescales for responses given to the passenger should be measurable and accurate. Attention should be paid to those licence holders who consistently do not meet their response times. London TravelWatch would also like to see information on how this data will be captured.

Passengers asking additional questions or requesting clarity should not have to go the 'back of the queue' in order to get responses.

Contact details for the appropriate watchdog should be given in the first communication regardless of whether the licence holder believes that the complaint has been or will be resolved.

### **Question 4**

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

The guidance is clear but the terms are ambiguous. There is no information on how each licence holder will be monitored to ensure that this model is being followed.

### **Question 5**

***Do you consider that a Complaints Handling Policy should contain a requirement to have an appeal handling protocol with Transport Focus and London TravelWatch? 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?***

London TravelWatch does not agree with this approach. It should be a condition of a train operators licence issued by and monitored for compliance with, by the ORR that the operator must have a complaints handling policy which includes response times for appeals lodged with London TravelWatch and Transport Focus. The licence holder must also give their own internal escalation processes to London TravelWatch and Transport Focus for those times when appeals have not been handled appropriately or when the licence holder does not respond to appeals.

It concerns us that without being able to enforce through a licence condition that train operators could unilaterally decided to opt out of any protocol, particularly towards the end of a franchise, if they felt it was in their economic interests to do so i.e. reduction in costs or no requirement for investment or good will gestures to be honoured.

### **Question 6:**

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

London TravelWatch would not be content to drop the formal Complaints Handling Policy review without understanding how the ORR would be able to confirm that the licence holders had robust quality assurances in place. How will the ORR intervene? How quickly will this be managed?

Poorly handled passenger complaints should not be the only evidence used to bring awareness to poor quality processes.

Licence holders must advise the ORR and both watchdogs of any lengthening of timescales due to an unforeseen and specific event. Information on this must also be available on the home page of the licence holders' website with anticipated recovery timescales. London Midland is a good example of how a licence holder can provide correspondence timescales on the homepage of their website.

### **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?***

London TravelWatch welcomes the opportunity to carry out audits to confirm that obligational compliance is being met but is concerned that there will not be detailed reviews of the Complaints Handling Policies. By the time it is evidentially clear that there is an issue with a licence holders Complaints Handling Policy, many passengers would have already experienced poor or reduced complaint handling on top of the complaint they originally wished to make. The ORR has a responsibility to ensure that robust practices and procedures are in place to prevent further difficulty to complainants.

**Question 8**

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

London TravelWatch is very concerned that without clear procedural guidelines, compliance will be sporadic and dependant on the incumbent licence holder. Without these clear procedures outgoing licence holders may not look to achieve the standards required by the ORR as by the time any intervention takes place, a new licence holder will have taken over.

London TravelWatch and Transport Focus must have sight of all new policies surrounding the handling and management of complaints and feedback which has been sent to them via social media

If you have any queries on our response please do not hesitate to contact me.

Yours sincerely,

**Tim Bellenger**

Director – Policy and Investigation

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