



Transport for London
Rail and Underground

Palestra
London
SE1 8NJ

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

23rd July 2015

Dear Rosie,

Complaints Handling Procedures – Consultation on guidance

This letter sets out TfL's responses to the questions posed in the ORR's consultation on their Complaints Handling Procedures (CHPs). TfL is content for its responses to be published and shared with third parties.

TfL welcomes the opportunity to comment on this consultation. TfL strongly believes in making pro active use of customer feedback to improve the quality of service delivered, and looks forward to continuing this approach working in partnership with the ORR on the Overground and TfL Rail networks. It should be noted that TfL is already responsible for managing all customer complaints and feedback received for the TfL Rail operation; this will also be the case on the Overground from November 2016 onwards when the next Overground operating concession starts. The ORR will therefore need to deal with TfL directly on matters relating to customer complaints and feedback rather than the operators TfL procures to run its rail services. TfL was not featured in the list of parties consulted over the revised guidance; TfL considers that it should be consulted on such matters in future.

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?

TfL agrees with the overall purpose and scope proposed. Distinguishing between complaints and feedback is helpful as it ensures that operators are not penalised for encouraging customers to provide ideas and comments on how service quality could be improved. Complaints and feedback will need to be defined carefully to ensure that a distinction can be drawn between them on a reliable basis. Some communications received may need to be

categorised as both complaints and feedback to ensure that no suggestions are missed and an appropriate response is provided to the customer.

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?

TfL agrees that licence holders should coordinate responses relating to issues arising from third party suppliers. It is important that operators take responsibility for all complaints when they occur regardless of the supplier involved, to demonstrate to customers that they are being pro active about managing their business rather than making excuses for poor performance. TfL has always required operators to be accountable for the performance of their subcontractors and partners through the performance regimes that TfL runs; this approach has led to the delivery of a consistently high quality of service to customers.

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.**

TfL agrees that the three core standards proposed (feedback mechanisms and responses; people, processes & structure and organisational culture) are appropriate. It is important that complaints and feedback are used effectively within the business to drive performance improvements and deliver a better quality of service to the customer. The processes used should ensure that there is clarity concerning what comments have been received and how these have been addressed. The outcome of any comments received should be communicated back to the customer who made the comment.

Question 4:

Is the guidance around *Conducting a full and fair investigation and*

Effective response and resolution helpful and/or sufficiently clear?

The guidance offered is both helpful and clear. It is important that complainants are given full information about where they can escalate their complaint to if they are dissatisfied with the response given i.e. to Transport Focus (TF) or London Travelwatch (LTW).

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?

It is sensible for the guidance to include an appeal handling protocol with TF and LTW, as both these organisations play an important role in managing customer complaints and holding service operators to account. Recommended response times are important to customers who want to be reassured that their complaint will be dealt with in an efficient manner.

Question 6:

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

TfL is content with the ORR's proposal to drop the requirements for licence holders to formally review their CHP every year, and to seek ORR's consent where response times are lengthened in response to unforeseen and specific events. Licence holders and the ORR should work together to ensure that the guidance relating to CHPs remains relevant and up to date, requiring changes to CHPs when appropriate to address emerging trends and issues.

The ORR needs to be able to take effective enforcement action against licence holders if they are found to have lengthened response times in a manner that is not justified by unusual circumstances.

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?

TfL considers that the approach proposed is sensible and covers the key areas of interest. It is important that enforcement mechanisms are deployed in a proportionate and effective manner when breaches are identified.

Question 8:

We ask for comments on our initial approach and its impact, including

both any costs and benefits that we do not identify.

Operators should be encouraged to deliver higher standards than those proposed in the guidance, where this is practicable and affordable.

Yours sincerely,

**Alan Smart,
Principal Planner – Rail Development,
Rail and Underground Transport Planning, Transport for London.**