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7 August 2019

Julian Edwards
Managing Director
East Midlands Railway

(By email)

Dear Julian,

Approval of Abellio East Midlands Limited (trading as East Midlands Railway) Complaints Handling Procedure (Condition 6 of the Station Licence and GB Statement of National Regulatory Conditions: Passenger)

Thank you for submitting East Midlands Railway's (EMR) draft Complaints Handling Procedure (CHP) for approval.

I confirm that we have reviewed EMR's CHP against the 2015 "*Guidance on complaints handling procedures for licence holders*" (the guidance). As part of our review process we have also sought views on the draft CHP from Transport Focus, and had several exchanges with EMR to clarify its commitments. We can now confirm that EMR's CHP meets the requirements of Condition 6 of your station licence and GB Statement of National Regulatory Conditions: Passenger (SNRP).

A copy of the approved CHP is attached to this letter, and will be published on our website along with a copy of this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'MC', written in a cursive style.

Marcus Clements



COMPLAINTS HANDLING PROCEDURE

Version 1 18 August 2019



EAST MIDLANDS RAILWAY

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1. Customer complaints handling procedure

Welcome to East Midlands Railway, the new operator of the East Midlands Franchise. Our complaints handling procedure is designed to provide you with information about the ways you can contact us and the steps we will take to try to resolve complaints.

East Midlands Railway will be delivering your daily train service over the next 8 years, we are delighted about the transformation we're planning to bring to your railway.

1.1. Introduction

Customers are at the heart of what we do. Sometimes things can and do go wrong and If you are not happy in any way, we will take your comments or complaints very seriously and do everything we can to put things right for you. This document describes the procedures that we will adopt when dealing with complaints.

A complaint is defined as "any expression of dissatisfaction by a customer or potential customer about service delivery or about company or industry policy".

The procedure is subject to approval by the Office of Rail and Road (ORR) in accordance with Section 6 of our GB Passenger SNRP and Station Licence. In accordance with this licence condition, we will consult with Transport Focus annually on the procedure and any amendments made subsequently.

We value customer feedback to improve our services and will provide Information to help you comment on our services and facilities. This complaints handling procedure is available on request from our Customer Service Centre or to download through the website eastmidlandsrailway.co.uk/complaints

If you require a copy of the policy in an alternative accessible format such as large print or in another language you can request it from the Customer Service Centre.

1.2. Principles

We will ensure that contacting us is easy and our details are well publicised.

We will reply to all complaints and claims in a timely and helpful way, addressing each substantive issue raised and acting to put problems right.

All complaints and claims will be dealt with in accordance with our Passenger's Charter which can be found on our website eastmidlandsrailway.co.uk/charter

We will ensure that all employees who come into daily contact with customers understand how to deal with customer complaints, acting wherever possible to resolve the complaint, referring complaints to our Customer Service Centre or to higher authority only when this is not possible.

2. How to contact us

We empower and encourage our staff to resolve any problems or complaints that you may have about our service immediately, so please do speak to our staff in the first instance. If they are unable to resolve the matter, the help of a manager or supervisor may be required. However, if they cannot fully resolve the issue, please contact our UK based Customer Service Centre, who can assist you 24 hours a day, 7 days a week (except 25 & 26 December).

2.1. Customer Service Centre

If you wish to comment or complain you are encouraged to speak to an employee whether at a station or on a train. Employees are trained to try to resolve problems immediately wherever possible. In some cases, our employees may need to refer you to a local supervisor or manager. If the customer-facing person is a contractor (e.g. a cleaner) they will provide you with the contact details of the Customer Service Centre.

The Customer Service Centre is responsible for handling all customer enquiries and complaints by email, telephone, letter or web form.

You can contact our team at the Customer Service Centre using the information provided below.

Website: eastmidlandsrailway.co.uk/contact

Email: contact@eastmidlandsrailway.co.uk

Post:

- Delay repay claims – **Freepost EMR DELAY REPAY**
- Complaints and enquiries – **Freepost EMR CUSTOMER SERVICE CENTRE**

Phone:

- General enquiries: **03457 125678**
- Passenger Assist bookings: **08000 11 33 23**
- Tynetalk: 18001 followed by the number you need

Textphone users will not be charged additionally for using the Tynetalk service and standard call rates will still apply to any Textphone calls.

Customers should note that all calls to our 0345 number are charged at the same rate irrespective of your call being from a landline or mobile telephone.

You can also use the App to contact us, available at:

- Google Play: eastmidlandsrailway.co.uk/app
- iOS App Store: eastmidlandsrailway.co.uk/app

2.2. Social media

Our social media team can provide information and updates 24 hours a day (apart from Christmas Day and Boxing Day).

Twitter: [@eastmidrailway](https://twitter.com/eastmidrailway)

Instagram: [@eastmidsrailway](https://www.instagram.com/eastmidsrailway)

Facebook: [@eastmidlandsrailway](https://www.facebook.com/eastmidlandsrailway)

We know that social media is used by customers to seek a response to issues that are seen to require a quicker response. Our social media teams are trained to assess these issues quickly and provide you with an appropriate mechanism in which to resolve problems as quickly as possible. For complaints our social media team may send a link so you can get in touch with the Customer Service Centre for a more detailed and personal response.

3. Accessibility and reach

This complaints handling procedure is designed to be simple to understand and easy to use. We aim to make it easy to contact us. We publish our contact details around the network:

- On 'Station Information' posters displayed at all stations managed by us which give the address and telephone numbers of the Customer Service Centre.
- At stations managed by us or other train operators the contact details of all train operators will be displayed.
- On posters in every carriage of each train of our train fleet which will provide the address and telephone number of the Customer Service Centre.

We also publish our contact details on the website eastmidlandsrailway.co.uk and in our Passenger's Charter eastmidlandsrailway.co.uk/charter. The complaints page eastmidlandsrailway.co.uk/complaints is accessible within 2 clicks of our home page and contains full contact details as well as this complaints handling procedure and complaint handling service quality standards.

3.1. How we will handle your complaint

If you are dissatisfied or further investigation is required, then our employees will either tell you how to contact the Customer Service Centre or help you complete a comments/complaints form, which will then be forwarded to our Customer Service Centre.

At stations which are not managed by East Midlands Railway, you may approach any Train Operating Company employee to comment or complain. If the nature of the complaint or comment makes it necessary, a process of referral to us has been agreed with other train operators.

Providing us with key information helps us resolve matters more promptly and bring matters to a conclusion more swiftly. When you get in touch please let us know the date you travelled, the time of travel, the stations used and any other relevant information you may have.

3.2. Direct and indirect contact in writing or by telephone

You can make direct contact with us by using our website or by writing or phoning our Customer Service Centre. You can also contact us using the webform available on the website. Correspondence received by the Customer Service Centre will be registered on the database and dealt with in the order in which it is received.

3.3. Customer comments/complaints forms

Customer comments/complaints forms are available on request from all our ticket offices as well as other train operating company ticket offices within the area where we operate. Staff on train can also provide you with a form or you can complete this form online eastmidlandsrailway.co.uk/complaints.

The form can be handed in at any of our station ticket offices or can be posted to the Customer Service Centre at the Freepost address shown on the reverse of the form.

3.4. Customers with additional needs or whose first language is not English

We understand some people have specific requirements or their first language is not English and they may have difficulty communicating with us. We handle these cases sensitively and give our responses in an appropriate format. We make provisions for customers who are visually impaired or hard of hearing. For customers who use Textphone or Minicom services, please prefix your call through to our main advertised number with 18001 to communicate with Typetalk services.

We will be happy to accept complaints or feedback from guardians, carers or support workers on your behalf (with your permission or authority).

We are happy to correspond with you through your preferred means of communication (such as telephone, letter, email).

We can also provide documentation in printed copy, large print and audio formats within 7 working days of your request. For any other alternative formats, please contact our team at the Customer Service Centre who will be at hand to help.

3.5. Confidentiality

We will respect confidentiality in line with the General Data Protection Regulations (GDPR). If you contact us but your complaint relates to the goods or services of another train operating company then we will send your complaint on to them in a timely manner. We will let you know when we send it on and supply contact details for the train operator concerned.

Your details may also be forwarded to the Customer Service Centre by other train operating companies, and by National Rail Enquiries in order for us to fulfil our obligation to respond to you. This may happen if a journey involves more than one train operator or if your case is escalated to Transport Focus.

Your personal details, or details about your complaint, will not be shared with third parties unless we have your consent in writing or it is necessary to fulfil our own obligations. These obligations may be to Members of Parliament, the Department for Transport, other train operators, Transport Focus or the Office of Rail and Road. This includes other bodies carrying out statutory duties such as the police.

We will only use the information you provide as permitted by the General Data Protection Regulations (GDPR), and we will only share or disclose your information in accordance with the DPL 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 and can keep your data secure. Full details are provided in our Privacy Policy, which can be found on our website [eastmidlandsrailway.co.uk/privacy](https://www.eastmidlandsrailway.co.uk/privacy)

4. Putting things right

We will answer 95% of comments and complaints within 20 working days and set a target of 90% to be answered in 10 working days. You will be provided with a unique reference number to log, monitor and track the resolution of the complaint. In accordance with our Passenger's Charter (eastmidlandsrailway.co.uk/charter), if a complaint cannot be resolved at the time and has entered the formal system, then an acknowledgement will be sent to you within five working days. We will make reasonable endeavours to ensure we meet our response times even when there is an unexpected increase in the volume of complaints received. However, if there are exceptional circumstances, such as a period of major disruption, we may increase these response times. We will work closely with Transport Focus and the Department of Transport if our response times are extended. We will also ensure we advise the ORR when we anticipate an increase to response rates. We will notify you via our website and direct correspondence if this is the case, whilst making every effort to respond to you as soon as we can.

Our objectives are:

- To provide a response which is easy to understand.
- To fully investigate all complaints in a sympathetic, fair, timely and courteous manner.
- To provide consistency in approach throughout the company when responding to customers.
- To use the feedback received from customers in a positive way to help improve the service offered.

We will only consider a complaint as resolved when we have no outstanding actions to perform.

4.1. Complaint escalation procedure

Please give us the opportunity to try to resolve your complaint. If you are unhappy with the response you receive, you have the right to appeal to the Rail Ombudsman. The Rail Ombudsman is there to help resolve unresolved complaints/disputes. It's free to use their services and they are independent of the rail industry. They don't take sides, but just look at the evidence available. They will help us both to try to reach an agreement, but if this doesn't happen, they will make a decision based on the evidence they've received. If you agree with their decision, then we have to act on what they say.

You can appeal to the Rail Ombudsman if:

- You're unhappy with our final response to your complaint which will be contained in a letter or email (sometimes called a 'deadlock letter'); or
- We haven't resolved your complaint within 40 working days of receiving it; and
- No more than 12 months have passed since we sent you our final response.

There are some complaints that the Rail Ombudsman won't be able to look into, for example if it's about the way one of our services has been designed, industry policy, or if your complaint relates to an event which took place before the Rail Ombudsman service was established in 2018. If possible, they will transfer your complaint to another organisation that may be able to help you further, such as Transport Focus or London TravelWatch – the independent consumer watchdogs for the rail industry. They will independently review your complaint and where appropriate, follow things up on your behalf.

Website/online chat: railombudsman.org

Telephone: 0330 094 0362*

Textphone: 0330 094 0363*

Email: info@railombudsman.org

Twitter: @RailOmbudsman

Post: FREEPOST – RAIL OMBUDSMAN

*The Ombudsman Contact Centre is available: Monday to Friday 0800-2000; Saturdays and Bank Holidays 0800-1300 (excluding Christmas Day).

5. Acting fairly and proportionately

When reviewing complaints we will form a fair and unbiased view about what you should have expected and what happened in practice. Some complaints can be resolved easily and quickly. However, for more complicated or serious complaints we will investigate fully the issues raised. This will include:

- Analysis of the complaint
- Evidence gathering
- Analysis of evidence
- Determining what should have happened
- Identifying the cause of the failure
- Response and lessons learned

5.1. Investigation

The Customer Service Centre will arrange a full and fair investigation of your complaint wherever necessary. We will investigate complaints thoroughly, seeking clarification from you when necessary.

Please 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
- All relevant facts to help us understand the problem and investigate.

Once we understand the key issues, we will identify facts that need to be checked. We will collect evidence and interview employees if required. Our objective analysis will include a review of all relevant policies and procedures. We will form a fair and unbiased view about what you should have expected and what happened in practice.

We will give you a full explanation and, where appropriate, an apology. The explanation will be provided in plain English and free from jargon.

If your complaint includes more than one issue, we will deal with each one this way. We log every complaint with a unique reference number on our database. This means that we can keep track of our progress in dealing with your complaint and check that we're keeping to our targets for response time. We will also ensure that the right people within our business investigate to help us resolve a complaint and to make sure that we work to prevent a reoccurrence in the future.

If detailed investigations are required, we will let you know if there is a delay and keep you updated but will endeavour to adhere to our normal timing commitments wherever possible.

5.2. Redress/compensation

Individual claims for recompense will be dealt with in line with the National Rail Conditions of Travel and our Passenger's Charter, considering such factors as the nature of the complaint, the fare paid and any other extenuating circumstances. The National Rail Conditions of Travel can be found on our website eastmidlandsrailway.co.uk/nct. When we get back in touch with you, we will let you know if you have an entitlement to compensation and ensure that this is paid to you.

If you are travelling as a consumer, the Consumer Rights Act (2015) provides you with certain rights and remedies where a train company is at fault, including the right to a price reduction where a service has not been carried out with reasonable care and skill.

We will always comply with the Consumer Rights Act 2015. In line with the National Rail Conditions of Travel, we will consider all additional compensation claims for any losses or extra costs caused by the cancellation or delay to our services. This does not affect your legal rights to make claims under the Consumer Act 2015. You must not seek to recover the same money twice for example both under our claims process and the Consumer Rights Act 2015. However, claiming compensation using our claims process does not affect any additional statutory rights you may have.

5.3. Delay Repay

Where a complaint relates to a delay we will ensure that our response provides details of compensation arrangements and how to claim. You can claim compensation for delays of 15 minutes or more to your (whole) journey, no matter what the reason. The compensation you are entitled to will depend on the fare you paid and how long the delay was:

Length of delay	Compensation if you have a single ticket	Compensation if you have a return ticket
15 to 29 minutes	25% of your ticket cost	12.5% of your ticket cost
30 to 59 minutes	50% of your ticket cost	25% of your ticket cost
60 to 119 minutes	100% of your ticket cost	50% of your ticket cost
120 minutes or longer	100% of your ticket cost	100% of your ticket cost

At the time of the delay, where possible, we will tweet links to the automated Delay Repay service while the station and on-train team will make announcements, hand out forms and advise you of the claims process. We also have leaflets and posters at stations explaining how to make a compensation claim.

Our claim processes are swift and simple. We clearly publicise how you can make compensation claims on our website, via a homepage link called 'Delay Repay' (eastmidlandsrailway.co.uk/delay). Once you have input all your ticket and travel details, the system will confirm whether you have a payment due and the amount.

5.4. Forms of recompense

Forms of recompense will normally be made using one of the following methods:

- BACS
- PayPal
- Donation to charity
- Amazon vouchers
- National Rail Travel Vouchers

The National Rail Conditions of Travel states 'Where the delay was caused by a fault of the Train Company, you are entitled to payment by the same means as your ticket was paid for unless you agree to another payment method'

5.5. Frivolous and vexatious complaints

We reserve the right to terminate any correspondence or communication that we reasonably deem to be abusive, bullying, repetitive, frivolous or vexatious, and which specifically diverts resources and affects the operation of the Customer Service Centre. This decision will be made by our Customer Service Centre Manager. We will consult with Transport Focus when considering whether to deem a complaint as frivolous or vexatious.

5.6. Claims for losses

Claims for losses, property damage or personal injury should be made in writing to our Customer Service Centre who will acknowledge it within five working days and ensure it is forwarded promptly to our claims team.

The rail industry has a statutory arrangement, called the Claims Allocation and Handling Agreement (CAHA). East Midlands Railway must comply with the CAHA and your claim will be dealt with in accordance with this agreement.

Under the CAHA, compensation should be dealt with by the companies for their own customers. If some or all responsibility is allocated to another party, the insurance companies balance payments without involving you. CAHA Registrar LTD, Eversholt Street, London, NW1 2DN

5.7. Lost property

There is nothing worse than leaving things behind. We want to reunite you with your lost or mislaid items as quickly as possible. If you think that you've left something on one of our trains or at one of our stations, contact us and we'll search all of the items handed in. To report a lost item use our online lost property contact form eastmidlandsrailway.co.uk/lost

When you report a piece of lost property, there are a few things that we will need to help us track down your things. The following details are therefore be really useful:

- Your departure and destination stations;
- The time of your journey;
- A good description of your lost item including size, colour, make and any distinguishing features;
- Where on the train you left the item;
- Your name and contact number

If you need to contact us about an item of property, please complete the Lost Property form on our website eastmidlandsrailway.co.uk/lost

5.8. Penalty Fares

If you have received a Penalty Fare notice, please refer to the appeals body detailed on the notice.

Appeals are dealt with independently of East Midlands Railway and all appeals will be considered on a case by case basis. Please send appeals directly to Penalty Services Ltd at the postal or email address shown on the reverse of the notice within 21 from the day after the date of issue. Appeals will not be heard over the telephone and late appeals will only be considered in exceptional circumstances.

You can find contact details and how to appeal or pay a notice at penaltyservices.co.uk or write to:

Penalty Services Ltd, 12 Deben Mill Business Centre, Old Maltings Approach, Melton, Woodbridge, Suffolk, IP12 1BL

Please ensure that you quote your reference number on all correspondence.

Full details of our penalty fare policy can be found on our website.

6. Ownership of complaints

We will respond directly to complaints made about the stations we manage and the train services we run (including being held accountable for any delays to these services and resulting disruption to onward journeys).

We will also deal with all complaints relating to ticket sales, when we have sold the ticket. If you have bought the ticket from a third party retailer you should direct your complaint to them in the first instance.

6.1. Complaints about other train companies

Complaints referring or relating to another train company will be acknowledged in the normal way. You will be advised that their comments have been sent on and a contact address will be given. The correspondence will be forwarded to the relevant company within five working days of receipt for them to respond directly.

If your complaint relates to other rail company's services or Network Rail managed stations, we will send your complaint to them and ask them to get in touch and we will let you know when we have done that.

If your complaint involves a journey that features more than one rail company, we will liaise with the other companies involved to ensure you receive a co-ordinated response.

6.2. Complaints about other transport providers

If complaints relate to other transport providers (e.g. a bus operator) we will explain this in our reply to you and provide the contact address you need. 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 also explain this in our reply and try to provide you with the contact address you need.

6.3. Complaints about our suppliers

If you make a complaint which relates to a third party supplier who is acting on behalf of us (eg car park management, security, cleaning staff or suppliers of rail replacement services) we will work with the provider to thoroughly investigate the details of your complaint and co-ordinate a response accordingly.

7. Our organisation dealing with complaints

The Customer Experience Directorate is responsible for handling complaints through the Customer Service Centre, managed by the Customer Service Centre Manager. If you make a complaint or provide feedback to us by any contact method, including third party intermediaries (e.g. Resolver), we will enter details, and a full record of any contact made, onto our confidential Customer Relations Management System.

The team of fully trained Customer Service Centre employees will review every contact to identify if the content is a complaint about our service. Details are then passed onto the appropriate management team for investigations as well as producing reports.

These are then analysed for service improvements and regulatory monitoring. Electronic forms of all our contact data are held for no longer than six years.

If you have provided a daytime telephone number, we may try and contact you by phone to resolve the issue, or obtain further information about your complaint, to assist in the investigation.

We will undertake a full and fair investigation into your comments and make every effort to provide answers or explanations to the issues you raise. Wherever possible, a complaint will be handled by an individual member of the team, from receipt to reply.

8. Training

We are committed to ensuring that all of our staff have the knowledge, skills and are empowered to deal with a complaint about our services. Customer Service training is embedded into our strategic training plans and we recruit individuals that have the skills to sympathetically deal with a complaint.

All employees receive ongoing Customer Service training based on real life complaints. These are reviewed, in detail, to see how the situation could have been handled in a more appropriate way and to ensure a better customer experience.

Customer Service Centre employees also receive specific training on our commitments in our Complaints Handling Procedure.

Ongoing training is also provided to ensure our staff handling complaints have the capabilities and competencies to deliver an excellent complaints handling service; this includes telephone/letter writing skills, complaints investigation and resolution skills.

9. Service standards

We use traditional and innovative channels to collect qualitative and quantitative data to drive customer-focused improvement. The data we gather from direct feedback, complaints, customer satisfaction research and surveys, National Rail Passenger Survey, stakeholder engagement, online communities and customer panels helps us truly understand what our customers need and how we can improve our services. These insights are used to inform strategy, make decisions and ensure continuous improvement.

This complaints handling procedure is designed to:

- resolve individual complaints promptly and fairly; and
- lead to continuous improvement, so that in the medium term the root causes of complaints are addressed and systemic solutions are put in place

10. Reporting and reviewing

Statistical feedback is taken from several sources, including 3rd Parties who provide services on our behalf (mystery shoppers and voice of the customer programmes). The information taken from all sources is shared with our Customer Experience Leadership Team and Customer Board on a periodic basis and is also reported in our Customer Report.

The statistical feedback is shared with and used by ORR, Transport Focus and Department for Transport so that we can be benchmarked against other operators and ensure we are dealing with complaints in a way that is fair and transparent.

We carry out regular reviews of our complaints handling procedure and update it as and when there are any changes to our systems or processes. Reviews will be carried out in consultation with Transport Focus and ORR. We will continue to actively monitor our CHP to make sure that it is effective and continues to comply with industry changes.

11. Organisational culture

Customer experience sits at the heart of our organisation's culture. Our Customer Experience Director is responsible for ensuring that customer feedback is used to improve our services.

We value complaints as they give insight into the performance of our business and complaint trends and volumes and underlying causes are regularly reviewed at Board level.

Our Customer and Stakeholder Engagement Strategy gives more information about the way we encourage feedback and how we use the results.

12. Other useful information

Assisted Travel Policy

You can find more information on our policies for supporting disabled customers and practical information on planning your journeys on our website on the 'Accessibility' page [eastmidlandsrailway.co.uk/accessibility](https://www.eastmidlandsrailway.co.uk/accessibility). Please contact our Customer Service Centre if you require these in alternative formats by post.

National Rail Conditions of Travel

These can be found on National Rail's website in a variety of formats at [nationalrail.co.uk](https://www.nationalrail.co.uk) or at [eastmidlandsrailway.co.uk/nct](https://www.eastmidlandsrailway.co.uk/nct)

13. Network map

