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Review of TOC compensation information and claims processes

Review report

Prepared for:



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1. Introduction

Improving the information that is provided to rail passengers about their rights, and making it easier for them to claim compensation, are key areas of focus for the Office of Rail and Road (ORR). In February 2014, ORR published a research report that found that very few passengers (only 11%) say that they 'always' or 'usually' claim compensation when they are delayed. The reasons given for this low level of take-up included a lack of clarity about the arrangements, complicated and time consuming claims processes, and that compensation is paid in vouchers¹.

ORR believes that to help passengers exercise their rights and claim compensation, it is important that all relevant information can be easily located, is easy to understand, and that the claims process is as quick and simple as possible. For this reason, train operator companies' (TOC) websites, as one of the primary information channels that passengers rely on, have been a key area of interest for ORR since it published its research. ORR's main action has been to encourage TOCs to ensure their websites assist passengers as best they can, by ensuring that:

- it is easy for passengers to navigate to the appropriate area of the website – with clear signalling, using terms that they can readily identify and understand;
- the information about the arrangements themselves is written in a way that it is easy to follow; and
- the most is made of the technology to simplify the claims process – such as the use of 'passenger accounts', automation and/or online completion and submission of claims.

In autumn 2015, ORR subsequently conducted its own review of all TOC websites to assess how they were performing against these principles. ORR then wrote to each TOC on 17th December 2015 asking for a response to the findings of this review and explanation of what further plans it has in place to refine or improve how passengers can navigate its website, understand the information provided and easily claim for compensation that they may be due.

Which? then submitted a super-complaint to ORR on the 21st December 2015 which contended that:

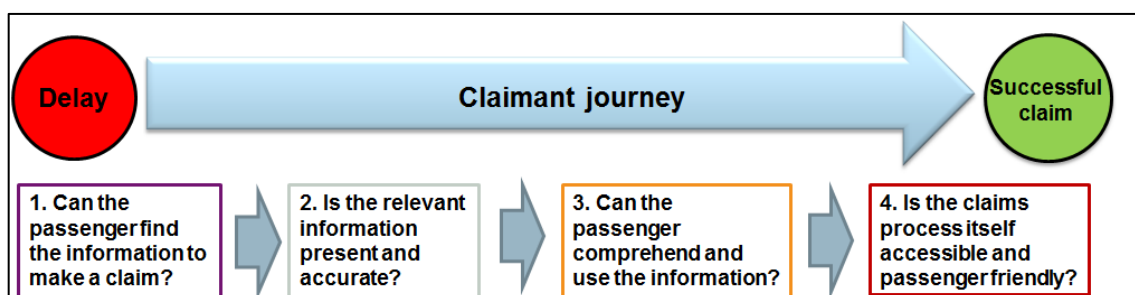
- TOCs do not take sufficient steps to make passengers aware of their compensation rights when they have been delayed;

¹ The National Rail Conditions of Carriage (NRCoC) were updated in July 2015 to clarify passengers' refund rights, including their rights to a cash payment. This is set out in section H (42) of the NRCoC which can be found here <http://www.nationalrail.co.uk/static/documents/content/NRCOC.pdf>

TOCs' online compensation information and claims processes

- The information made available to passengers about their compensation rights is often unnecessarily complex or unclear; and
- The processes for claiming and receiving compensation are often onerous or complicated and so can act as barriers to access, where customers do not understand how to proceed or are deterred from taking forward their claim.

Having reflected on the TOCs' response to its letter, and the points raised in the super-complaint by Which?, ORR decided to re-run and extend its analysis of the compensation-related information provided on TOC websites, as well as their claims processes, in February 2016. This was to assess the progress that had been made since its last assessment and to investigate the experience of a potential claimant at each stage of the claimant journey more deeply.



This work was conducted both by ORR internally and by the Plain English Campaign. The review addressed four specific questions:

1. **Can the passenger find information on making a claim?** This includes how easily information on compensation can be found on each TOC's website, the ease of navigation and general accessibility. *This analysis was primarily conducted by the Plain English Campaign.*
2. **Is all the necessary information provided?** This includes whether the webpages and links (such as to Passenger Charters)² contain all information needed to take forward a claim and whether this information complies with regulatory requirements. *This analysis was conducted by ORR.*
3. **Can the passenger comprehend the information?** This includes whether the information is written in a clear, instructive and actionable way. *This analysis was primarily conducted by the Plain English Campaign.*

² We also reviewed other communications materials, such as posters or flyers, where these were made available but most TOCs did not provide these.

4. **Is the claims process itself accessible and user-friendly?** This includes examining whether the process is easy to use or presents unnecessary barriers that could discourage claims. *This analysis was primarily conducted by ORR.*

This report summarises the findings with respect to each of these four strands of investigation. It has been independently authored by Monique Rotik from Collaborate Research drawing on analysis conducted by the ORR and Plain English Campaign. A total of 23 TOCs were subject to the review and these are listed in the Appendix, along with details of the minimum standards of compensation that all TOCs in Great Britain are required to provide.

2. Executive summary

ORR had a number of key questions that it wished to address, drawing on the analysis conducted across the four stages of the claimant journey as referenced in the previous chapter. Evidence provided from the analysis conducted by ORR and the Plain English Campaign suggest the following answers to these:

1. Do TOCs provide compensation information on their website and how easy is it to find this?

Information on compensation is provided on TOC websites, and it is mainly easy to find, but there is scope for increasing the prominence of where the initial link to relevant information is positioned on some TOCs' home pages, as well as ensuring that the labelling of the initial link is clear and easy to understand (potentially using standardised terminology). In addition, the information would be easier for passengers to access if more TOCs were able to house this on one page rather than spread over multiple pages.

2. What information do they provide?

TOCs routinely provide information on their provisions for delays to single and return journeys but in some instances more clarity could be given on required length of delay to be eligible for compensation, and the amounts payable for different lengths of delay. In addition, some TOCs could provide more information on the provisions for season ticket holders, the exemptions to provisions, the time limits for making claims and the different methods available for paying compensation (see also point 7). A further area where there is a gap in information supplied to passengers relates to where TOCs provide additional compensation (beyond statutory requirements) or support.

3. Is the information clear and easy to understand?

Some TOCs are better than others on this aspect but some common recommendations have been made including for more concise content, more use of everyday language and the inclusion of more specific instructions to assist claimants.

4. Is the information accurate and does it give passengers everything they need to make a claim?

It could be argued that some of the omissions referred to above (in point 2) risk creating misunderstanding among passengers about what the compensation provisions are and/or a lack of awareness of all that they need to do to take a claim forward.

5. How many TOCs have online processes?

There is general room for improvement in this area. Most but not all TOCs offer online functionality and not all enable their electronic forms also to be downloaded if the passenger prefers this. Relatively few allow for multiple journeys to be claimed for in a single claim or allow for alternative forms of proof of purchase to be provided apart from the travel ticket. Addressing each of these aspects would make the claims process significantly more user friendly.

6. Do any TOCs explain what will happen and how they can help if the passenger can't supply all the information required?

While general help is well sign-posted in the main, no information was found on any TOC website about specific types of help that could be provided e.g. in the event of not having all the information related to proof of purchase required (e.g. if the ticket was captured by the ticket barrier or was otherwise not retained by the passenger).

7. How well are the different ways compensation can be paid flagged to passengers and how easy is it for passengers to indicate their preference when making a claim?

Most TOCs provide information about the ability of passengers to request monetary compensation as an alternative to travel voucher/s. However, a few TOCs apparently do not currently offer monetary refunds based on the information provided to passengers. There are some others which we understand do provide this option but do not advise passengers of this possibility through the usual information channels, such as their website. In addition, some have set thresholds or put in place additional requirements to receive monetary compensation, which could make the process more onerous, for passengers and deter them from proceeding with their complaint.

Overall, the key issues that TOCs should be looking to address where these are not already in place are:

<p><i>To ensure that the passenger can find information on making a claim...</i></p>	<ul style="list-style-type: none"> • Make sure the initial link on the TOC's homepage is prominently positioned. • Label the initial link with easy to understand and potentially standardised terminology. • Provide of all key compensation information on a single webpage.
<p><i>To provide all necessary information...</i></p>	<ul style="list-style-type: none"> • Clarify the length of delay to be eligible for compensation, and the amounts payable for different lengths of delay. • Explain the provisions for season ticket holders.

	<ul style="list-style-type: none"> • Clearly set out any exemptions to provisions. • Supply clear information about the ability of passengers to request monetary compensation as an alternative to travel voucher/s. • Provide details of any additional compensation or support available.
<p><i>To enable the passenger to comprehend the information...</i></p>	<ul style="list-style-type: none"> • Ensure the content is phrased concisely and that everyday language is used. • Include specific technical instructions on how to submit a claim (e.g. how to scan and upload tickets) to assist claimants.
<p><i>To provide a claims process that is accessible and user-friendly...</i></p>	<ul style="list-style-type: none"> • Offer an online claims process as standard. • Enable claims forms to be accessed online and also downloadable/printable. • Allow for multiple delayed journeys to be added to a single claim. • Permit alternative forms of proof of purchase to be provided apart from the travel ticket. • Provide information about specific types of help that could be provided e.g. in the event of not having all the information related to proof of purchase required. • Ensure that it is easy to receive monetary compensation if the passenger prefers this.

3. Findings in more detail

3.1 Can the passenger find the information on making a claim?

This section focuses on the compensation-related information contained on TOC websites, with a specific focus on:

- Whether or not there is compensation-related information available on each TOC's website.
- How easy it is to find in terms of the initial signposting, the navigation pathway.
- Whether the information is presented in an accessible way.

3.1.1 Is the information is available on each TOC's website?

It is possible to access compensation-related information on the websites of almost all TOCs. This information could not be found on one TOC website and on another website it was necessary to open the PDF Passenger Charter document in order to access this information. It is likely in this case that many passengers would not know to look there for compensation information and some may also be put off by the need to navigate through a relatively lengthy document to find the relevant information (which is located on pages 14-15).

3.1.2 How well is the information on the website signposted?

ORR's preference is that information required to make a compensation claim is clearly signposted, or present, on the TOC's homepage.

All TOCs have links on their homepages that can be followed to access compensation information. However, there is a great deal of variation between TOCs in where the relevant links to compensation information are located there. For six TOCs, the link sits under 'Contact Us', while for others it is in 'About Us' (n=3), 'Customer Service' (n=3) or 'Information' (n=2). The remainder of TOCs have housed this link under another section of the homepage (these include 'Assistance', 'Company and Site Information', 'Help', 'More', 'Onboard', 'Tickets and Passes' and 'Your Journey').

The positioning may not always be clear to passengers and they may have some trial and error in where they choose to look. On the other hand, in one case the information is directly referenced on the homepage as 'Submit a Delay Repay Form' and this is an example of good practice in terms of signposting.

In addition, on two TOCs' websites the links to relevant information do not appear in the main menus or site navigation but can only be located on the secondary tabs at the bottom of the homepage. In these cases, the links to relevant information are likely to be less obvious to passengers.

There is also some variability in how the links to compensation-related information have been labelled. Nine of the fifteen TOCs which offer Delay Repay have labelled the link using this term or a variant of it (including 'Delay Repay Compensation', 'Delay Repay Form'). The remainder have chosen an alternative label which includes 'Claiming Compensation for a Delay', 'Compensation Claim Form', 'Compensation Form', 'Delay Compensation', 'Refunds', 'Refunds and Compensation' and, in one case, 'Passenger Charter'. There is a case for greater standardisation of terminology to make it clearer to passengers where they need to go to access relevant information.

3.1.3 How clear is the navigation pathway?

In most cases, there is a relatively clear pathway to find compensation-related information where this information is provided on the TOC's website. There are a couple of TOCs that have been particularly highlighted for good practice here. For example, one of them has a website that displays items and information in a style that is less cluttered than most other websites and is therefore particularly easy to navigate. The other was commended for having more than one path to compensation information, thereby increasing the chances of someone finding it when navigating through the site.

The Plain English Campaign regards it as good practice for website users to be able to access relevant information within three clicks from the homepage. All TOCs also meet this guideline. However, as mentioned above, ambiguity in where the initial link appears in some cases could mean that passengers are initially be unclear how to proceed to access compensation information.

3.1.4 How accessibly is the relevant information presented?

All information required to take forward a claim should be provided on a single webpage. In its own analysis ORR found this not to be the case on most TOC websites. The effect of this is that it demands additional effort on behalf of the passenger to navigate to different areas of the website in order to find all the information they need. TOCs should therefore endeavour to ensure that all information is provided in a single, easy-to-find location on the website.

3.2 Is all the necessary information provided?

This section evaluates whether the information provided by TOCs on compensation provisions:

- Is sufficiently comprehensive to enable passengers to judge whether they are eligible to make a claim.
- Is accurate in terms of complying with the regulatory requirements of the scheme operated by each TOC.
- Includes specific information such as on the rights of passengers to claim monetary compensation and on any additional compensation measures or support provided.

This part of the review again focused primarily on TOC websites but it also considered their Passenger Charters and other information provided elsewhere by the TOC.

3.2.1 Is the information on compensation provisions sufficiently comprehensive?

All TOCs provide information on their website about the compensation provisions for passengers holding single or return tickets who have incurred delays. However, in two cases, further clarification should be provided on the provisions such as the amounts offered or the length of delays that are eligible for refund.

Six TOCs do not specify what provisions are available for season ticket holders who have incurred delays and how compensation is calculated for this group of passengers. One TOC does not offer delay compensation to season ticket holders of one month or more, but it says these passengers can be 'recompensed if performance falls below target'. This information is not phrased using straightforward language and does not specify what recompense would be provided.

There are also a total of 8 TOCs which do not specify any exemptions to their compensation provisions, either on their website or Passenger Charter. In some cases this may mean there are no exemptions but for four of these TOCs it is known that there are exemptions which therefore suggests that there is a gap in the information they have provided on their website.

3.2.2 Does the information provided meet regulatory requirements?

ORR's analysis examined whether the information TOCs provide to passengers is compliant with the compensation scheme applicable to that operator. The two main findings from this were:

- All TOCs' published compensation policies appeared to be consistent with the terms of the compensation scheme applicable to them. Of the 15 TOCs using

Delay Repay, all were considered to have compensation policies consistent with the minimum requirements of that scheme. Likewise, the seven TOCs using the National Rail Conditions of Carriage (NRCoC)/Charter scheme were found to have policies in line with its minimum requirements. However, some areas of ambiguity were found, such as a few TOCs which make reference to exemptions without saying what they explicitly are or in what cases they apply. This lack of clarity is not helpful to passengers when they are attempting to ascertain their eligibility to claim.

- No instances identified where a TOC was found to be providing contradictory information to passengers. ORR found that the information provided to passengers in the Passenger Charter or on its website was generally in line with the information it provided elsewhere. Nonetheless, there were several instances of inconsistency where there was helpful information included in the Passenger Charter that that was not provided on the website. For example, some Passenger Charters have important detail on restrictions around paying cash, or on where exemptions apply to paying compensation, but this information was not found on the website. This is inconsistent with ORR's view that it is best practice for all relevant compensation information to be provided in a single place on the website.

3.2.3 Is information included on the right of passengers to request compensation in money rather than vouchers?

It is now a statutory requirement for passengers to be able to request their compensation as money rather than National Rail vouchers.

Most TOCs appear to be complying with this requirement. Some are only offering one type of monetary refund (e.g. cash or cheque) while others offer a choice. Some are also enabling passengers to be paid via their original method of payment and making electronic/BACS refunds. However, there are a few TOCs that appear not to pay cash compensation according to how their information on payment methods is worded.

Some have also set limits or made the requirements for claiming cash more onerous than they could be, such as setting a minimum threshold for the refundable amount to be payable as money rather than as a voucher (e.g. for one TOC it was £30 and £50 for another). We also found a couple of instances of TOCs requiring passengers to attend a ticket office to exchange a voucher for cash.

In addition, we identified 4 TOCs that do pay monetary refunds upon passenger request but are not currently providing information on their website about passengers' rights to request monetary compensation.

3.2.4 Is information included on additional compensation measures and support available?

A number of TOCs set out in their Passenger Charter the additional support they provide in the event of a delay or service cancellation, including providing updates, help with re-planning journeys, alternative transport, refreshments and overnight accommodation in certain cases. However, in most instances there is no information on these provisions on the websites of those TOCs offering them.

Some TOCs also provide additional compensation, such as related to seat reservations, booked assistance, non-availability of facilities or sustained poor performance in the case of season ticket holders. Again, this information is mainly not included on the websites of those TOCs providing these measures.

3.3 Can the passenger comprehend the information?

The Plain English Campaign assessed each TOC's website, online claim form and/or printed claim form where available. This was to evaluate how easy they believe it is for passengers to comprehend the information provided based on the language used and design elements such as layout, fonts and colours.

One general observation is that almost half of TOCs currently provide a downloadable and printable form, or an online form, rather than both. The Plain English Campaign regards it as good practice for TOCs to provide both formats of form (as well as printed copies available at train stations) in order to accommodate the broadest range of passengers' individual circumstances and preferences (e.g. whether they are confident enough to submit an online form, have the necessary equipment to print a form, can easily visit a train station, etc.).

Another general comment is that, in some cases where both online and downloadable forms are available, there are differences in how the information is presented between these forms. TOCs should aim to make the two types of forms as consistent as possible to aid comprehension and usability.

Overall, the Plain English Campaign highlighted a number of TOCs (n=8) which they regard as having claim forms that are largely clear and easy to understand. They have also identified a few (n=4) which they believe are using overly formal language or terminology that does not adhere to Plain English guidelines. The remainder are felt to lie somewhere in-between, with room for improvement in certain areas. However, it is worth mentioning that even for those TOCs which have been positively highlighted, the Plain English Campaign has made some suggestions for changes that if feels would help to optimise user comprehension.

Some of the common issues identified with respect to the language used by TOCs include:

- Superfluous text which could be made more concise and to the point; but there were also some examples identified where the text was too brief and not sufficiently informative.
- Language that is too formal and could be replaced by everyday alternatives; but there were also some examples identified where the language was too colloquial.
- Areas where greater specificity about the process is needed (e.g. how to upload a scanned copy of a ticket).

In addition, some recommendations were made regarding the design elements of certain TOC websites:

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- Introducing clear answer spaces to replace individual character boxes (which people can have difficulty completing as they are not sure if are able to insert spaces, line breaks, punctuation, etc.).
- Making headings more concise, with better descriptions of the content that follows.
- Addressing some specific issues with individual TOC forms such as layout being cluttered, font sizes being too small, font being too light or blurry, unclear colours or style of fonts (such as block capitals or italics) being used.

More information is contained in the individual TOC reports compiled by the Plain English Campaign.

3.4 Is the claims process itself accessible and user-friendly?

This section examines whether the claims processes operated by TOC are easy to use or if they present unnecessary barriers that could discourage claims. We have looked at:

- Whether it is possible to claim online and if there is also a downloadable and printable version of the form.
- How many questions are contained in the forms and whether these are consistent between the online and downloadable versions.
- Specific aspects of the process including whether it is possible to claim for multiple journeys in the one claim and what proof of travel is required.
- What information has been provided to assist with the claims process, such as on the rights of passengers to request monetary compensation, the deadline for submission and contact details for the TOC's customer services team in case the claimant requires help.

3.4.1 Is it possible to claim online and is there a downloadable form?

While most TOCs enable passengers to claim for compensation online, we identified five TOCs that do not offer online functionality for making compensation claims. In addition, a couple have restrictions or limits on the online form. For example, one provides this option for annual, monthly or season ticket holders only. Another has a policy of only accepting the online form if it is submitted via email.

Half of TOCs do not currently provide a downloadable form on their website.

3.4.2 How many questions are there on the claim forms and are these consistent between the online and downloadable versions?

Most TOCs' forms contain 20 or fewer fields or questions to complete (along with an open 'other comments' box in some instances), but there are a few exceptions where there are more questions or requirements which indicates a more time-consuming process for passengers (*e.g. one TOC's has 24 fields to populate or questions to answer in the downloadable form; another has 22 in the downloadable form*). There are also some differences in length of form and questions asked by a couple of individual TOCs with both online and downloadable forms which is evidence of inconsistency.

3.4.3 Is it possible to include multiple journeys in a single claim?

Most TOCs do not have provisions for passengers to claim for multiple delayed journeys in a single claim. It can deter frequent travellers or commuters from claiming for all eligible delayed journeys if they cannot aggregate all their claims (for example, a passenger may feel five individual claims to claim a total of £15 is not worth the effort) and therefore this requirement is likely to be a barrier to claiming.

However, there are four TOCs who do allow for multiple journeys to be included on claims. For most, the allowance is up to 5 journeys but one allows up to 10.

3.4.4 What proof of purchase is required?

There are a couple of TOCs that allow a variety of forms of proof of purchase, such as the ticket, booking confirmation or ticket receipt. However, in most cases, the travel ticket is required. This could pose problems if the passenger is not made aware in advance of the need to retain their ticket. For example, the ticket barrier can often capture used tickets at the destination station.

Some TOCs allow for a photograph or scanned copy of the ticket to be submitted but we found six who will only accept the original. This again could make the process more onerous as it requires the ticket to be physically sent to the TOC.

Additional information on how to scan and upload tickets may be needed by some passengers and this is often not provided by the TOC. The absence of such instructions could be a deterrent to some less tech-savvy passengers. In addition, some TOCs require the original ticket to be cut in half or defaced, and further instruction on how to do this correctly could also be beneficial to some passengers. Finally, clarification about the differences in requirements for season tickets would be advisable where this has not been provided.

3.4.5 What payment methods are offered on the claim forms?

Most TOCs' claims forms include information to advise passengers that they can receive compensation in money as an alternative to voucher/s if they request this. The majority also provide details of what levels of compensation are offered for different types of delays.

However, we identified 6 TOCs where this information has not been provided or is unclear. Failure to provide this key information, or providing it in an unclear or ambiguous way, may disempower or dissuade a potential claimant. This is because it does not furnish them with all the information they need to make an informed judgement as to whether it is worth making the claim in terms of the effort required relative to the value and type of recompense they will receive.

3.4.6 Other specific compensation provisions

One TOC offers automatic compensation to those incurring delays who have purchased Advance Tickets online or through their mobile app. This means that this group of passengers does not need to initiate a claim to receive compensation and is an example of good practice. Previous research by Transport Focus³ has shown that many passengers are in favour of this type of automation as it removes any imposition of time and effort on the claimant.

3.4.7 Is there information provided on the submission deadline?

When going through the steps to make an online claim, we observed that while the majority of TOCs include information on the time limit for claiming compensation (usually 28 days), either on the claim form or on the webpage, 9 do not.

3.4.8 Is there contact information provided in case additional help is required?

Almost all TOCs provide some type of contact information for their Customer Services team in or near their claims form on their website. Most have included direct links within the claim form while some others include the information on the page that passengers can access immediately prior to opening the form.

Some have also included links to their Passenger Charter, to the Contact Us section of their website and/or to their Online Comments section.

However, a couple of TOCs have less prominent or easy to access contact information than the rest. One only provides this information as a link to passengers who are ineligible to make a claim. The other provides this information on their home page but not on the Delay Repay page.

In addition, we could not find information on any TOC website about specific types of help that could be provided e.g. in the event of not having all the information related to proof of purchase required (e.g. if the ticket was captured by the ticket barrier or was otherwise not retained by the passenger).

³ Transport Focus research, Understanding rail passengers - delays and compensation, July 2013. Page 71. <http://www.transportfocus.org.uk/research/publications/understanding-rail-passengers-delays-and-compensation#>

Appendix A – Statutory compensation provisions

All TOCs in Great Britain are subject to one of two sets of statutory minimum standards of compensation for delayed services:

- National Rail Conditions of Carriage - For passengers holding a single ticket or return ticket with delays on both journeys, 50% of the price paid. For passengers holding a return ticket with a delay on either journey, 50% of the price paid for the relevant portion of the journey. For season tickets, compensation is as set out in the relevant TOC's Passenger Charter. Compensation is paid in rail travel vouchers or money at the passenger's request.
- Delay/Repay - The amount of compensation increases with the length of delay. For delays of less than an hour, passengers are entitled to at least 50% of the relevant price of a single ticket or either portion of a return ticket. For delays of between one and two hours, this rises to at least 100% of the price of a single ticket or either portion of a return ticket. For delays of more than two hours, compensation is at least 100% of the cost of a single or return ticket. Compensation is paid in rail travel vouchers or money at the passenger's request.

Approximately 65% of passenger journeys are now covered by Delay/Repay according to information contained in the Which? super-complaint. The Department for Transport is moving all franchises over to Delay/Repay by 2021. TOCs are able to offer higher levels of compensation than these if they so wish. Some TOCs, which are currently subject to National Rail Conditions of Carriage compensation, have voluntarily lowered the threshold for compensation to 30 minutes.



Appendix B - TOCs covered in this review

1. Abellio ScotRail
2. Abellio Greater Anglia (AGA)
3. Arriva Trains Wales
4. C2C
5. Chiltern
6. CrossCountry
7. East Midlands
8. First Hull Trains
9. First Trans Pennine Express
10. Grand Central
11. GTR (Govia Thameslink Railway - includes Southern, Great Northern, Thameslink & Gatwick Express)
12. GWR (Great Western Railways previously First Great Western – FGW)
13. Heathrow Express
14. London Midland
15. London Overground
16. MerseyRail
17. MTR CrossRail (currently operating as TfL Rail on the Liverpool St to Shenfield route)
18. Northern Rail (Abellio)
19. Serco Caledonian Sleeper
20. Southeastern
21. South West Trains
22. Virgin (West Coast)
23. Virgin (East Coast)