



# ORR's Consumer Expert Panel

## Themes and Issues

September 2017

**This note sets out the main themes and issues discussed at the ORR consumer expert panel meeting of 27 September 2017.**

1. This was the third meeting of ORR's refreshed consumer expert panel. The meeting was chaired by Stephanie Tobyn, Deputy Director, Consumers

## Attendees

Panel members:

- Carol Brennan
- Ray Kemp
- Trisha McAuley
- Diane McCrea
- Rob Sheldon
- Claire Whyley

Nominated members:

- Mike Hewitson – Transport Focus
- Stephen Locke - London TravelWatch

ORR attendees:

- Stephanie Tobyn
- Bryan Little
- Gordon Cole
- Emily Bulman
- Marcus Clements

## Topics Discussed:

### Introductory message

1. Stephanie Tobyn welcomed the Panel. Apologies were sent from Diane McCrea and Anne Heal.
2. Stephen Locke confirmed that this would be his last meeting due to the impending end of his tenure as Chair of London Travelwatch. Stephanie thanked him for his valuable input to the Panel over his time as a member. London TravelWatch are still to appoint a replacement to the Consumer Expert Panel, this is likely to be decided in the near future following the appointment of a new Chair.

### Feedback from previous panel sessions

3. Stephanie shared some internal feedback from previous presenters and summarised the feedback received from the Panel since their initial meeting on March 2017. The common theme generated by the Panel was that the previous agendas were too ambitious and did not leave enough time for full discussions or summarising afterwards.
4. Stephanie shared examples of how staff had taken the advice of the Panel on board and incorporated their suggestions into their work.
5. The Panel were made aware that we need to strike a balance between what is shared for preparation and what is discussed at the meetings. It is hoped that new checklists for presenters will help focus the agenda and discussions on the key questions posed by each presenter.
6. Overall the Panel agreed that the amount of pre-reading is adequate. By providing pre-reading and key questions in advance the Panel felt they were more informed and focused going into each meeting.
7. The Panel also felt it would be useful for presenters to identify any confidentiality or particular sensitivity regarding their papers and also to give a clear understanding of the stage of development of their work prior to the meeting.
8. **ACTION:** ORR will send all pre-reading to the Panel electronically, and by post. ORR will also discuss internally the need for Panel members to sign non-disclosure agreements.

## **UK Rail Industry Financials**

9. Gordon Cole presented the industry financials publication to the Panel and sought their awareness of the report and also potential options for providing more useful industry financial analysis for consumers.
10. Although the Panel had limited awareness of the publication in the past they were very engaged and welcomed ORR's desire to bring greater transparency to this complicated area for all stakeholders.
11. An overriding comment was to avoid over-complicating the publication. Several Panel members found the publication rather confusing, and felt that consumers may still have problems understanding the context and suggested an easier to read version could be produced.
12. To be of real use to consumers, the Panel felt it would be good for the report to aspire to be more about whether consumers are getting value for money, though the panel recognised that may not be feasible.
13. However, there was a consistent view amongst the Panel that more comparative data would be useful alongside a more informative narrative. Suggestions included longer historic variances, comparisons to other countries, Franchises and possibly other sectors.

## **Network Rail stakeholder engagement for CP6 Strategic Business Plans**

14. Emily Bulman presented an update on Network Rail stakeholder engagement for the CP6 Strategic Business Plan with the focus of seeking advice on how to assess the quality of Network Rail routes/the system operator's stakeholder engagement and to discuss an approach for involving the Consumer Expert Panel in this work.
15. Emily provided background to route based regulation and the ORR consultation on what good engagement should look like.
16. The Panel agreed that encouraging Network Rail to directly engage with its stakeholders would lead to positive cultural change within the business.
17. The Panel felt that it is important that Network Rail has a plan for stakeholder engagement including identifying and distinguishing between different types of stakeholders and understand their influences before engaging. The Panel stressed that engagement should not be an isolated event and should have great influence in shaping each route's business plan. Examples of similar process were cited in the energy, water and aviation industries.

18. Emily advised that ORR would be seeking external support to review each route's business plan and wanted to seek expressions of interest from the Panel to form a sub-group to aid in the review process.
19. The Panel highlighted the complexities in the reviewing process, especially when key differences between Network Rail routes become more apparent, and expressed the importance of identifying if any judgements were based on processes or outputs.
20. The Panel agreed that a sub-group of the Panel could be formed to assist in reviewing the ITT's for external consultants and potentially to become more involved in the overall process if required. The importance of having governance in place was highlighted by the Panel as important at this stage.
21. **ACTION:** ORR to seek expressions of interest.

## Measuring Up Feedback

22. Measuring Up was shared with the Panel in July following its publication and Stephanie Tobyn wanted to get feedback from the Panel on the report and what changes could be made for 2018.
23. Stephanie reminded the Panel that while the audience for the report is intended to be industry and informed stakeholders (i.e. not consumers), it was intended to be written so as to be accessible to as many readers as possible
24. The Panel recognised that the advice they had given to Harriet Gamper in June was incorporated into the report and felt that overall the report was very accessible, extremely transparent and well written. However, it was felt that the language used was at times overly passive. The Panel suggested that the team should consider making the language more proactive and mirror some of the firmness expressed in some of the case study examples.
25. The frequency in which the report referred to compliance prompted the Panel to suggest ways in which the team could highlight more compliance issues and present them comparatively to show high performing train operators within each policy area.

## Raising Awareness & Future Agendas

26. Bryan Little and Stephanie Tobyn discussed what is being done to increase awareness of the Panel internally and to attract more presenters to future meetings.
27. The Panel suggested that ORR includes examples of how they have influenced change in our work on our website and intranet.
28. The Panel also suggested that a representative might attend a future staff briefing to discuss their role and to offer assistance and advice to all ORR staff.
29. **ACTION:** ORR to identify dates for upcoming staff briefings and seek attendance from a representative from the panel.

## Fees for Service Policy & Payment form

30. Emma Layzell attended briefly to discuss with the Panel a new electronic fees for service form and to answer any questions on the overall policy. The fees for service for each meeting were also discussed and it was accepted that this should be representative of the time the Panel have spent preparing for and attending each meeting. ORR agreed to discuss this further internally and report back at the next meeting.

## End of meeting