



ORR's Consumer Expert Panel

Themes and Issues

December 2017

This note sets out the main themes and issues discussed at the ORR consumer expert panel meeting of 6 December 2017.

This was the fourth, and final meeting of the calendar year, of ORR's consumer expert panel. The meeting was chaired by Stephanie Tobyn, Deputy Director, Consumers.

Attendees

Panel members:

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

Nominated members:

- Mike Hewitson – Transport Focus
- Tim Bellenger - London TravelWatch

ORR attendees:

- Stephanie Tobyn
- Bryan Little
- Scott Hamilton
- David Kimball
- Marcus Clements
- George Denham (observer)

Topics discussed:

Introductory message

1. Stephanie Tobyn welcomed the panel and introduced Steve Gooding who was attending his first panel meeting since being appointed to the panel in August 2017. Stephanie also introduced Tim Bellenger who was attending in place of Stephen Locke who retired as Chair of London TravelWatch after our last meeting.
2. Tim confirmed that LTW have appointed Arthur Leathley as their new Chair. Future attendance at panel meeting will be shared between Tim and Susan James.
3. Stephanie advised the panel of a slight change to the agenda. It was agreed prior to the meeting that the agenda item on road user satisfaction would be deferred to the next meeting in March 2018.

Assisted Travel Research Programme - Scott Hamilton

4. In addition to providing the panel with the research reports in advance of the meeting, Scott provided useful background information. The purpose of conducting the research was to identify areas of strength and weakness at industry and licensee level to inform the ORR's long term strategy on assisted travel.
5. Scott talked through the methodology and findings from each research project and sought input from the panel on how to raise awareness of passenger assist and improve the reliability of the service for its users.
6. The panel provided positive feedback on the research and highlighted the importance of sharing the findings and conclusions with industry and advocacy groups. It was also suggested that we discuss the research with other industries, such as the postal sector, to learn from the work regarding vulnerable consumers that is already being carried out in different sectors.
7. The panel also noted the work done in aviation and financial services and pointed out that other regulators have developed toolkits for analysing the impact of issues and policy upon vulnerable consumers that ORR can learn from.
8. The importance of clearly setting out passengers rights in this area was discussed, with the panel reaffirming the need for passengers to be made aware of their entitlements and not to feel like a burden when requesting assistance.
9. Finally, the panel were keen to understand ORR's responsibility in this area and discuss how they can help to achieve our objectives. Stephanie advised that the

panel can help to compare our work to that in other sectors and act as a critical friend as we take forward work on this important policy area in the coming year.

10. The panel asked if ORR intended to set targets for providing assistance across the industry but Scott confirmed we were unlikely to do so as there was no empirical basis for setting arbitrary targets on assistance volumes. ORR's main focus was to ensure the barriers to travelling were reduced and awareness of assisted travel was increased.

Improving Assisted Travel: a consultation - David Kimball

11. The panel were given the consultation document in advance of the meeting and were asked to provide views and input towards the 4 key areas of the consultation and where possible provide examples of best practice from other sectors.
12. David was made aware of the work done by the Financial Conduct Authority (FCA) in helping banks develop long term strategies on consumer vulnerability, and the engagement process that was used in implementing the Gatwick Airport policy¹ of introducing lanyards to help staff identify passengers with hidden disabilities.
13. The panel also advised that the Civil Aviation Agency (CAA) were currently developing a strategy for addressing consumer vulnerability.
14. In order to challenge the industry the panel felt the publication of league tables would enhance the reputational risks for poor performers and encourage more focus on work to meet the needs of passengers.
15. David thanked the panel for their input and advised he will explore next steps. He remains keen to keep the panel involved throughout.
16. In the meantime the panel suggested that they may provide a collaborative response to the consultation.

Update on Network Rail Stakeholder engagement for the CP6 Strategic Business Plan - Siobhan Carty & Mark Tettenborn

17. Siobhan and Mark provided an update to the panel since the last meeting in September and discussed the proposed options to assess the quality of Network Rail's stakeholder engagement.
18. At previous panel meetings it was suggested that a sub-group of the panel is created to help with the assessment process.

¹ <https://www.gatwickairport.com/at-the-airport/passenger-services/special-assistance/hidden-disabilities/>

19. ORR would like the sub-group to:
 - (i) comment on the quality of stakeholder engagement by the routes and the System Operator (SO) evidenced in their strategic business plans;
 - (ii) provide feedback on ORR's work in progress; and
 - (iii) give advice as requested by the ORR team.
20. The panel welcomed the intention for ORR to share the business plans with the sub-group and noted the positive step forward in thinking by establishing the sub-group to assist in this process.
21. ORR advised that additional sources of information would arrive later than the business plans and the panel were split on the impact this may have. Although it may result in different iterations and responses being formed it may also may help to provide an alternative view.
22. **ACTION:** The panel were asked to submit expressions of interest and details of their availability in January, February and March 2018.
23. **ACTION:** Siobhan and Mark will report back to the panel as a whole, likely to be in June 2018

Changes to ORR's Complaint Handling Guidance - Marcus Clements

24. The panel were given the consultation document in advance of the meeting and were asked to provide views and input towards three key areas; the timescale for signposting passengers to an ombudsman, the membership of the scheme and the interaction with existing obligations.
25. The panel collectively felt that 8 weeks is a long enough period of time for a rail operator to resolve a complaint before the passenger is signposted to an ombudsman. They commented that reducing the time at the outset of the scheme may stop operators from signing up the service. The panel suggested that the aspiration should be to reduce this period to 4 weeks.
26. The panel recognised the positive step taken by the industry in introducing the scheme but highlighted the possibility of increasing customer confusion by adding another step into the complaint process if the pathway to the ombudsman is not clear and straightforward. It is therefore crucial that the process is clearly outlined and explained to all customers.
27. Although ORR cannot prohibit the use of more than one scheme across the industry, the panel encouraged ORR to impose certain conditions within operating

licenses to provide consistency across all operators. This would also enable ORR to carry out effective compliance monitoring in this area.

28. With regards to membership of the scheme the panel were in agreement that for it to be most effective it should be mandatory, with a clear, unified process.
29. The panel agreed that the onus should be placed operators to be more proactive and resolve complaints within 20 working days. It was felt that complaints should receive a substantive response in 20 working days and if not fully resolved passengers should be signposted to the ombudsman scheme at 8 weeks.
30. The panel discussed the possibility of having an industry workshop to engage with operators and promote a more proactive approach to responding to complaints. Stephanie confirmed we would consider this and advised that we already work closely with operators on their complaints handling and encourage them to highlight issues or non-compliance at an early stage along with their plans for taking steps to improve performance as required.
31. Overall the panel urged ORR to be bold and ensure that operators understand the importance of performing well in this area. The panel also suggested that ORR look at work done by in other sectors to establish best practice.

Meeting Summary & AOB

32. The panel agreed that the meeting had gone well and noted the positive discussions that had taken place. However, they challenged ORR to rethink the use of slides and presentations to ensure that panel meetings can be focused on discussing the key issues rather than spending time on background presentations that may not be required. We agreed to take a different approach at future meetings with less reliance on PowerPoint presentations and greater emphasis on effective discussion on the day of the meeting.
32. Stephanie announced that Ray Kemp will represent the panel at an ORR staff briefing in early 2018.

End of meeting