

Contents

| | |
|---|----|
| Impact of Covid-19 | 1 |
| 1. Executive summary | 2 |
| Key interventions to protect passengers | 2 |
| Forward work programme for 2020/21 | 6 |
| 2. Introduction | 12 |
| 3. Our passenger work | 15 |
| 3.1 Ticket retailing | 15 |
| 3.2 Passenger Information | 20 |
| 3.3 Assisted Travel | 27 |
| 3.4 Complaints and redress | 42 |
| 4. Network Rail | 56 |
| Annex A Findings by train company | 62 |
| Glossary of terms | 63 |

Impact of Covid-19

- 1 The railway industry felt the effects of Covid-19 from the latter part of March 2020 onwards. Whilst the focus of this report is April 2019 to March 2020, it is important to note the impact that Covid-19 has had on the industry and how we have responded to the pandemic in the consumer areas for which we are responsible.
- 2 Covid-19 has brought unparalleled challenges for train companies and has affected their ability to continue to meet regulatory requirements. Many have had to move staff from call centres to home working (or significantly reduce resource in call centres due to social distancing), all while facing an unprecedented and rapid increase in the number of claims for ticket refunds.
- 3 This has led to unforeseen challenges in working arrangements and significant reprioritisation of resources. New issues have arisen such as the requirements for key workers, changes to train timetables, how crowding and social distancing will work on trains and at stations, and requirements for face coverings.
- 4 While we are being reasonable and pragmatic during this time, we have also made it clear that companies must ensure that meeting passengers' needs remains at the forefront of their thinking. Our discussions on key consumer areas: accessibility, complaints handling, ticket retailing, and passenger information have been guided by this.
- 5 The **May timetable change** was a key focus, with a potential increase in the number of passengers travelling with social distancing measures in place. It remains vitally important for passengers to know how and when they can travel and that advice about their services is clear and up to date. During this period, we carried out daily reviews of train companies' websites, including the overriding message, prominence of information, frequency of updates and advice for passengers on, for example, assisted travel. We shared and discussed our assessment with companies, who were responsive and engaged in making improvements.
- 6 We have also published travel advice to passengers¹ regarding their journey as well as what they can do to get money back on their unused train tickets. We have kept this advice updated to ensure it remains current with government advice on using public transport and to show the extended time-period to 56 days (from 17 March or the latest travel date) for claiming season ticket refunds. And we have worked with third party retailers to ensure that their messaging to passengers on ticket refunds is equally clear and consistent.
- 7 We will continue to deliver our forward work programme being mindful of stakeholder capacity to engage, particularly working closely with companies to progress important improvements in passenger information as well as finalising our Accessible Travel Policy guidance regarding rail replacement services. We will continue to review how companies adapt to the challenges that have arisen because of Covid-19 and will work closely and collaboratively with government, the rail industry, consumer organisations and other stakeholders.
- 8 More detail on our approach during the pandemic is in our recent letter² to train companies.

¹ <https://orr.gov.uk/coronavirus-advice>

² https://orr.gov.uk/_data/assets/pdf_file/0006/42927/holding-train-companies-to-account-during-the-coronavirus-pandemic-2020-05-20.pdf

1. Executive summary

About this report

9 This report illustrates the breadth and depth of our consumer work. Throughout the year, we have continued to seek the views of our **Consumer Expert Panel**³ as we develop our policy work. We summarise our key activities designed to secure improvements to the service provided by train companies to their passengers, highlight where progress has been made and where action has been necessary, and compare performance across companies. We also provide summary tables of specific interventions with companies to protect the interests of passengers and, for each of our consumer areas, our forward work for 2020/21.

Key interventions to protect passengers

Ticket retailing

10 Our focus here is on ensuring information is clear to enable passengers to make informed purchasing decisions. This year, we have worked with Third Party Retailers and train companies to **improve the ticketing information for passengers on websites**. This includes improving the messaging available to passengers online in relation to ticket sales for where the timetable has yet to be confirmed, as well as where there may be rail replacement services⁴.

11 This year we put in place changes to licence arrangements⁵ and other industry arrangements to reflect the Rail Minister's decision not to renew the exemption for domestic services from the requirements of the **Rail Passengers' Rights Obligation Regulations (PRO)**. The PRO enhances and strengthens the existing rights of rail passengers particularly in the areas of information and ticket provision, compensation and assistance, and provides rights for disabled persons and persons with reduced mobility.



³ <https://orr.gov.uk/about-orr/how-we-work/expert-advisors/consumer-expert-panel>

⁴ <https://orr.gov.uk/rail/consumers/consumer-law> (expand 'publications and updates')

⁵ <https://orr.gov.uk/rail/publications/access-and-licensing-publications/consultation-on-changes-to-operator-licences>

Passenger information

12 We want passengers to have the information they need to help them to plan their journey, including when there is disruption. This year we asked⁶ the industry to come together to set out how it will make tangible and enduring network-wide improvements to the provision of passenger information, including during disruption, through the delivery of a **Passenger Information Improvement Plan**. We also asked it to work with ORR to develop a **Customer Information Measure (CIM)**, an assessment tool to help the industry drive continuous improvement in the delivery of customer information. The industry has responded⁷ positively, with the Rail Delivery Group committing to develop a plan alongside the CIM, both of which will work to enable passengers and staff alike to have better access to timely, accurate and complete information.

Assisted travel

13 Our focus in this area is on the services for passengers who require assistance to make their journey. This year we published our new **Accessible Travel Policy (ATP) Guidance to replace the existing Disabled People's Protection Policy (DPPP)**. This guidance sets out how train companies should write their ATPs to set out their arrangements for providing assisted travel to passengers. The new guidance is the culmination of detailed research and extensive consultation and engagement undertaken over a number of years, and we are already approving train companies policies against these new requirements. The new ATP Guidance will improve how passengers receive assistance to travel through:

- increasing the reliability of assistance for disabled passengers;
- strengthening train and station companies' staff training in disability awareness;
- improving accessible journey planning;
- reducing the notice period for booking assistance;
- improving the ability for passengers to receive redress if things do go wrong;
- standardising and improving information for passengers on the assistance available; and
- involving disabled people in a meaningful way in the development and review of company policies and training.

⁶ https://orr.gov.uk/_data/assets/pdf_file/0017/42434/passenger-information-during-disruption-letter-to-industry-2019-11-15.pdf

⁷ https://orr.gov.uk/_data/assets/pdf_file/0016/42433/passenger-information-during-disruption-industry-response-2020-01-08.pdf

Industry trial to improve the reliability of assisted travel

- 14 This year we commenced a trial involving Network Rail and a number of train companies to test our proposed safeguard measures designed to improve the reliability of Assisted Travel. The initial findings have been positive, both in terms of improving the reliability of information transfer between staff and the experience of staff in providing better assistance to passengers.
- 15 The initial trial intends to test that the improvements we have set out in the ATP Guidance are one method through which the industry can improve the reliability of assistance provision for those passengers that book in advance of travel, and deliver subsequent benefits for those passengers that choose to travel spontaneously.

Complaints and redress

- 16 We want to ensure that train companies provide an effective service for handling complaints and redress. This year, we revised our methodology for our survey of **passenger satisfaction with train companies' complaints handling**. We have had a substantial response with passengers completing almost **55,000 surveys**. This has enabled us to publish comparative information between train companies. This insight will enable us to look at the differences in complaints handling between the best and weakest performing train companies and challenge those companies who are not performing well, to improve the service that they are providing to passengers in this area.



The Rail Ombudsman

17 This year we undertook an **independent review of the Rail Ombudsman scheme after 12 months of its commencement**. The purpose of this research is to ensure that the Rail Ombudsman continues to provide a timely and effective means of redress for consumers with unresolved complaints. The review has identified a number of areas where the ombudsman arrangements can be enhanced around governance and accountability, operations, and impact and influence. Through this independent review we will set out a plan to address these challenges, strengthen the scheme, and enable its success.

Delay compensation

18 This year we submitted **advice⁸ to the Williams Rail Review⁹** setting out a number of potential reforms targeted at improving passenger awareness of their entitlement to delay compensation, improve the process for claiming compensation and increase incentives on companies to promote delay compensation. These reforms will better protect the interests of passengers as well as promoting positive behaviours amongst train companies.

19 Over the last year, **train companies closed 6.3m claims for delay compensation**. We collect data on the percentage of claims that are processed in line with the industry requirement to do so within one month, together with the percentage of claims that are approved and rejected.

20 This insight has informed the development of our work to consult on the introduction of **a new licence condition on delay compensation**, something we said we would do in our response to the Williams Review. The licence condition will require adherence to a delay compensation code of practice, which will set a common baseline for all train companies designed to improve the experience of passengers in this key service area.

Specific interventions involving train and station companies and ticket retailers

21 Much of our work is intended to benefit all consumers, such as our current emphasis on improving passenger information across the industry as a whole. Other interventions target specific concerns that arise from the data and insight that we collect - and have set out throughout this report - ad hoc monitoring or surveillance and specific issues brought to our attention by passengers themselves or key stakeholders such as Transport Focus.

22 This year we have identified and responded to almost 40 cases where the conduct of the company concerned was potentially harming passenger interests. In **Table one** we set out some examples of these specific interventions with companies to protect the interest of rail passengers.

23 This area of work provides tangible improvement and protection for passengers at a local level. It can address weaknesses in processes, operational practices, staff training or understanding and implementation of regulatory and legal requirements. Delivering behavioural change through engaging with companies in this way is a key priority for us in ensuring that we use our resources effectively and deliver the greatest benefit for passengers.

⁸ https://orr.gov.uk/_data/assets/pdf_file/0005/41396/orr-advice-to-the-williams-rail-review-july-2019.pdf

⁹ <https://www.gov.uk/government/collections/the-williams-rail-review>

Forward work programme for 2020/21

- 24 Monitoring already forms a key part of our work to protect the interests of consumers. This report sets out the outcome of this monitoring and the significant progress that we have made across all of the key consumer areas over which we have responsibility.
- 25 In the coming year we intend to continue and, where necessary, enhance this monitoring to enable us to understand how companies are meeting the needs of rail passengers. In **Table two** we set out the key activities that we will undertake in the coming year to build on successful work to date with the industry, including completing our plans to improve the travel assistance it provides to passengers who need it. We will also continue our new cross industry initiative to improve the information provided to all passengers and engage in new activities – for example in relation to the new Health Protection (Coronavirus, Public Health Information for Passengers Travelling to England) Regulations 2020 – where required.

Table one: Examples of specific interventions with companies to protect the interest of rail passengers

| Area – Ticketing Retailing | | |
|--|-----------------------------|---|
| Issue | Company/ Retailer | Action/outcome & impacts |
| Lack of prominent information about sleeper ticket refund policy on the website. | Great Western Railway (GWR) | We raised this omission with GWR. In response, it improved the information for passengers on its website so that these terms and conditions are more prominent. |
| Insufficient information on the website about when railcard discounts can be used on ticket purchases. | Stansted Express | We contacted Stansted Express. It reviewed and improved the information available to passengers about discounts on its website. |
| Insufficient material information during retailing process for consumers about known disruption. | Trainline - retailer | We wrote to Trainline to ask it to improve its information provision. As a result, it made improvements to its website and arranged to notify those passengers who have already bought tickets of relevant changes to train services. |
| Insufficient information about peak/off-peak car park ticket restrictions. | Chiltern Railways | We contacted Chiltern Railways to ask that it make improvements. It worked with its parking provider to change the website to provide clear information to passengers about when the peak/off-peak restrictions apply. |

| Area - Passenger information | | |
|--|--------------|---|
| Issue | Company | Action/outcome & impacts |
| Information where Transport for London (TFL) is taking over GWR services e.g. at Langley. The GWR website link was not to the appropriate part of the TFL website. TFL timetables did not show the full service operating at the stations that still have a GWR service. | GWR TFL | <p>We contacted both companies to raise our concerns about the information available to passengers.</p> <p>GWR revised its website to include a link to the correct TFL Rail page. TFL changed its online timetable to include GWR services. Passengers now have information to all services calling at these stations.</p> |
| “Stand clear - through train approaching” message displayed in the wrong format on some screens at Greenwich. This meant that the full safety message was not displayed when a train that did not stop at the station was approaching. | Southeastern | <p>We contacted Southeastern to ask that they resolve this matter urgently. It identified that this was also an issue at other stations with similar screens.</p> <p>Southeastern made changes so that the full safety message is displayed correctly on all screens for passengers.</p> |
| Delays to opening Worcestershire Parkway station not communicated clearly which resulted in tickets being sold for a period before the station opened to passengers and an inconsistent message about refunds. | GWR | <p>We contacted GWR to ask that the information about the station closure needed to be clearer, ticket sales suspended when opening was delayed, and text about refunds amended. GWR resolved the issue. We also shared our information with Transport Focus to avoid duplication as it had raised similar concerns.</p> |
| Issues with platform information screens at Warrington West new station – trains disappearing from the screens before arrival. | Northern | <p>We shared our monitoring with Northern who immediately escalated to their supplier. This was resolved and passengers now have the information they need on the screen.</p> |

| Area - Assisted Travel | | |
|--|--------------------------------------|---|
| Issue | Company | Action/outcome & impacts |
| Potential gaps in the process for both the provision of assistance and the ease of transition for passengers connecting between GTR's Gatwick Express service and continuing their journey at Gatwick Airport. | Govia Thameslink Railway (GTR) | ORR contacted GTR to seek assurances about the provision of assistance. GTR and Gatwick airport staff have agreed a communication protocol to ensure this is delivered, even where there are staff shortages. This will ensure that passengers receive seamless assistance from station to airport. |
| A key worker was allegedly refused assistance by the train company due to physical distancing rules during Covid-19. | Southeastern | ORR asked for details and sought assurances that assistance was still being delivered by Southeastern to passengers. Southeastern confirmed there was an isolated incident, provided details of their internal staff briefings and updated their external communications. |
| A passenger was unable to alight at their destination station even though staff had been informed assistance was required. | South Western Railway (SWR) | ORR requested details of the incident reported via social media. SWR provided information and updated its internal communications procedures to ensure requests for assistance via social media are handled correctly for the benefit of passengers. |
| Ticket office closures resulting in reduction of station staff, and the impact on passengers who rely on this resource for boarding and alighting the train. | c2c | ORR sought assurances that passengers are still able to receive boarding and alighting assistance at every accessible station following planned reductions in ticket office opening hours. c2c set out its planned mitigations using mobile customer service staff, details of which are communicated to passengers at stations and will be in its forthcoming ATP. |

| Area – Complaints handling | | |
|---|-------------------------------------|--|
| Issue | Company | Action/outcome & impacts |
| Responding to 95% of complaints within 20 working days. | c2c | ORR contacted c2c following a period of non-compliance. c2c explained that IT system implementation issues had resulted in an increased number of complaints. ORR initiated enhanced monitoring and sought a detailed recovery plan against which progress was monitored. Where progress was demonstrated to be slow, ORR sought a revised recovery plan with a challenging date to meet compliance. c2c returned to compliance. |
| Responding to 95% of complaints within 20 working days. | West Midlands Railway (WMR) | WMR proactively informed ORR about an increase in its complaint volumes largely resulting from its timetable change. ORR initiated enhanced monitoring and sought a detailed recovery plan against which progress was monitored. There was steady progress toward compliance prior to the impact of Covid-19. |
| Responding to 95% of complaints within 20 working days. | Hull Trains | Hull Trains proactively informed ORR about an increase, albeit low, in complaint volumes due to fleet reliability, extreme weather conditions, and power blackout in the summer. ORR initiated enhanced monitoring and sought a detailed recovery plan against which progress was monitored. Hull Trains returned to compliance. |
| Responding to 95% of complaints within 20 working days. | London North Eastern Railway (LNER) | LNER proactively informed ORR about an increase in complaint volumes due to a number of incidents on their network. LNER asked to meet with ORR to discuss its plans for compliance. Following this meeting, ORR placed LNER on enhanced monitoring and monitored progress against its recovery plan. LNER returned to compliance. |

Table two: Forward work programme for 2020/21

| Consumer area | ORR next steps | Timing |
|-----------------------|--|---------|
| Ticket retailing | Continue our awareness campaign by releasing topic-based information through social media, and continue to feed the research findings into any future updates to the National Rail Conditions of Travel. | Ongoing |
| Ticket retailing | Monitor, and follow up where necessary, the provision of information by train company and third party rail retailers for passengers on their rights, particularly where these have changed because of Covid-19. | Ongoing |
| Ticket retailing | Monitor adherence to the requirements of the Passenger Rights Obligation Regulations and ensure that train companies publish the required service quality reports. | Autumn |
| Ticket retailing | Embed our new consumer powers from the Consumer Protection Cooperation Regulations into our enforcement policy and processes, and explain their meaning to train companies. | Autumn |
| Passenger information | Review the industry Passenger Information Improvement Plan developed in response to our research, and continue to work with Network Rail, train companies and stakeholders to ensure that the industry delivers its commitments in this area. | Autumn |
| Passenger information | Work with the industry to finalise the Customer Information Measure to assess train company processes and practices in delivering passenger information, and use it as an assessment tool to improve performance. | Autumn |
| Passenger information | Update the regulatory statement to recognise the creation of a separate licence condition for compensation and changes to regulatory processes following adoption of the Passenger Information Improvement Plan . | Spring |
| Passenger information | Work with Transport Focus, Rail Delivery Group and third party retailers to ensure that tickets are not sold in advance of 12 weeks where the period will be affected by planned engineering works. | Autumn |
| Passenger information | Monitor and where possible test the information provided by train companies to ensure that appropriate accessibility information for vehicles with time-limited dispensations is given to passengers. | Ongoing |

| | | |
|-----------------------|---|---------|
| Passenger information | Monitor relevant companies' compliance with requirements to provide information to passengers travelling to England by rail about Covid-19. | Ongoing |
| Assisted travel | Complete the ATP approval process for all rail companies, including the approval of individual guides for each station managed by Network Rail. | Ongoing |
| Assisted travel | Publish revised ATP Guidance with revised requirements for the accessibility of rail replacement services . | Summer |
| Assisted travel | Complete additional trials of passenger assistance safeguarding measures and publish a handover protocol for use by rail company staff. | Autumn |
| Assisted travel | Publish a consultation on ATP Guidance for bespoke companies . | Autumn |
| Assisted Travel | Analyse cases under the design code to identify areas of weakness to ensure that accessibility is considered in accordance with the Code. | Autumn |
| Complaint handling | Conduct a review of the ORR Complaints Handling Guidance to ensure it remains fit for purpose. | Spring |
| Complaint handling | Look at the differences in passenger satisfaction with complaint handling between the best and weakest performing train companies to identify and improve performance where necessary. | Autumn |
| Redress | Publish our Rail Ombudsman Review research report together with a plan for taking forward its recommendations. | Summer |
| Redress | Publish the results of our consultation on a delay compensation licence condition , and take the steps necessary to ensure its introduction. | Autumn |

2. Introduction

26 This is our fifth Annual Rail Consumer Report, which, as in previous years, focuses on ensuring that we have a good understanding of the rail passenger experience in the consumer areas for which we have regulatory responsibility; can recognise success and good practice so that it can be shared more widely, and take prompt and effective action to improve the service that passengers receive where it is required. In particular, we focus on the four main areas of our passenger facing work.

- **Ticket retailing** – the provision of clear, accurate and complete information about fares and tickets, so that passengers can make informed decisions when choosing, buying and using rail products.
- **Passenger information** – the provision of appropriate, accurate and timely information about services, so that passengers can plan and make their journeys with a reasonable degree of assurance, including when there is disruption.
- **Assisted travel** – the ability for passengers who require assistance to make their journey easily and confidently, whether those journeys are made on a 'turn-up-and-go' basis or where assistance has been booked in advance.
- **Complaints and redress** – the provision of an easily accessible, effective and efficient complaints and redress service.

27 Our report is separated into two parts. In the first part, we summarise the work we have undertaken in each of our four main areas. We set out the results of our day-to-day monitoring and compliance activity, as well as our policy work designed to improve service quality and raise standards. Throughout our report we provide case studies as examples of our interventions, together with tables and graphs that show relative performance across a range of measures including satisfaction with assistance, speed of handling complaints, and percentage of delay compensation approved.

28 The second part of this report, published as a separate annex, provides information in the form of data sheets on each train company's individual performance across a range of key indicators, between April 2019 and March 2020.

29 We have created some interactive tools on our website to provide access to additional historical data where it is has not been possible to include it here. These can be found at: <http://orr.gov.uk/rail/consumers/annual-rail-consumer-report> and on our data portal: <https://dataportal.orr.gov.uk/>.

Background

Our role

- 30 The Office of Rail and Road (ORR) is the combined economic and health and safety regulator for GB's rail network and the economic monitor for England's strategic road network. With regard to rail passenger services, which are the subject of this report, the vast majority of these are provided by train companies under franchise agreements¹⁰ with governments. These agreements specify many of the obligations and service standards that train companies are required to deliver and are overseen by governments.
- 31 Our work derives from the licences we issue to train companies and Network Rail and from our powers and responsibilities under consumer and competition law. As a result, our passenger facing work is focused on four areas outlined above. Three of these, passenger information, assisted travel, and complaints handling, are the subject of conditions in the licences we issue, while our interest in ticket retailing stems from our consumer law powers.
- 32 We are not responsible for setting fares, awarding or monitoring franchises, or for setting the level of public subsidy in the railways – these are the responsibility of government. Nonetheless, we work closely with the Department for Transport (DfT), Transport Scotland, and the Welsh Government, as well as passenger and consumer bodies, such as Transport Focus and London TravelWatch.

Our approach

- 33 Our approach to regulation is based on a process of monitoring, analysis, and engagement, which enables us to identify issues and take appropriate and proportionate action where necessary. Key to this approach is the collection of data on key performance indicators. Over the last year we have continued to work with train companies to enhance the breadth, depth and quality of this data.
- 34 This year for example, following a thorough review of the survey methodology, we have been able to collect a sufficient number of responses to enable us to present a robust set of results for our survey of passenger satisfaction with train companies' complaints handling.
- 35 To support our monitoring activities we undertake purposeful and targeted consumer research. For example, we have continued our ongoing independent research to monitor train companies' performance with passengers who have booked assistance. Our research, and the collection and analysis of key data, helps to ensure that we have a clear and robust evidence base to identify issues and support our interventions. Publication of this data, particularly where it is possible to compare relative performance, also helps provide an incentive on companies to make improvements.

¹⁰ On 23rd March 2020, train operators on franchises let by DfT temporarily transitioned to Emergency Measures Agreements. Transport Scotland and Transport for Wales have established similar arrangements.

- 36 Where improvements are not forthcoming, or are not likely to be delivered in a timely manner, we take prompt and effective action. We have included examples of specific interventions with companies in table one in our Executive Summary of this report. We have a range of tools at our disposal, depending on the seriousness of the issue and what is proportionate in the circumstances. This generally involves engagement with the company or companies concerned and can also include targeted reporting, establishment of corrective actions plans, audits, and ultimately, enforcement action. Where appropriate we are transparent in the action we take, and there are a number of case studies throughout this report that reflect this approach.
- 37 To support our work we draw on the breadth of knowledge and experience provided by our independent Consumer Expert Panel.

Role and work of ORR's Consumer Expert Panel

The Panel operates in an advisory role to review and inform ORR's policy making and research. It provides cross-sectoral insight into consumer behaviour and economics and the application of this in a variety of regulated environments. In the last year the Panel has advised ORR's work in a wide variety of areas including: Accessible Travel Policy guidance for Bespoke Operators; accessibility of rail replacement vehicles; the assessment of the quality of Network Rail's stakeholder engagement, and proposals for a licence condition and code of practice on compensation.

- 38 This year, we also established an Accessible Travel Stakeholder Forum, which met for the first time in February 2020. The forum enables us to communicate transparently with key industry representatives about the work we are doing on accessibility issues, seek views on our approach and demonstrate how we are holding train companies to account on their compliance with their ATP.

3. Our passenger work

3.1 Ticket retailing

Introduction

39 It is important that passengers make informed choices when buying rail tickets and are also aware of their rights and obligations. Train companies and third party rail ticket retailers (TPRs), like companies in other sectors, are subject to consumer law which requires, among other things, that they provide passengers with the information they need to make informed decisions and do so in a way that is clear and timely.

Commitments from last year

40 In last year's report we set out a number of actions we intended to take during the course of this year. A summary of what we did in relation to these is set out below, and further information is within this chapter.

- We have worked with industry stakeholders to identify and implement ways in which the prominence, clarity and understanding of **key terms and conditions** can be improved.
- We took steps to raise **passenger awareness** via social media and ORR's website of key terms and conditions and passenger rights.
- We have worked with DFT following the decision not to renew the exemption to the **Rail Passengers' Rights and Obligations Regulation**, and taken forward changes to train and station operator licensing arrangements.

Impact of Covid-19

41 The coronavirus pandemic has seen a large number of passengers being unable to travel, including those who have bought tickets in advance and season tickets. In these circumstances, it is important that passengers are aware of their rights to a ticket refund.

42 We have been monitoring train companies' and TPR websites regularly to ensure that information for passengers about their contractual rights is clear, accurate, prominent and accessible, and that it accurately reflects the interim policies agreed between Government and the industry. This includes information in relation to refunds for rail season tickets, Advance tickets, and station car park season tickets. Where we have identified any issues, we have worked with stakeholders including the Rail Delivery Group (RDG), individual train companies, TPRs and DFT, in order to improve the information available as swiftly as possible.

43 We have collated and published key information for passengers on our website¹¹ regarding their ticket refund rights and how they should claim, and have used our social media channels to highlight this further.

¹¹ <https://orr.gov.uk/coronavirus-advice>, expand "Advice for rail passengers"

Key terms and conditions

44 In 2019, we published the findings from our research¹² into passengers' awareness and understanding of key terms and conditions, both in general when travelling by train on the national rail network and specific to ticket type and format. We have discussed the findings with other industry stakeholders and have also used them to inform our work on passenger rights and consumer protection throughout the year. The findings specifically fed into our passenger awareness work (see below) and also influenced our discussions with industry on updates to the National Rail Conditions of Travel (NRCoT).

Passenger awareness

45 This year, we launched an awareness campaign on social media to highlight key information to passengers about their ticket terms and conditions.¹³ This included a blog post on the ORR website which set out the key findings from our research, and infographics for each main ticket type (Anytime, Off-Peak, Advance). We used infographics to set out the key terms and conditions for each ticket type of which passengers should be aware, and which were identified in our research as being not well understood. These have been used on our social media channels to provide helpful information to passengers and help raise passenger awareness of relevant terms and conditions. We will build on this over the coming year by focussing on areas of lower awareness and/or understanding in the research findings, such as the NRCoT and refund rights.

Online ticket retailing

46 This year, we have worked with TPRs and train companies to improve the ticketing information for passengers on websites. This includes improving the messaging available to passengers online in relation to ticket sales for where the timetable has yet to be confirmed, as well as where there may be rail replacement services¹⁴. Our aim here is to help ensure that passengers are able to make an informed decision when planning their journey and purchasing their ticket, and we will continue this work over the coming year. We give an example¹⁵ of our intervention below.

¹² <https://orr.gov.uk/rail/consumers/what-we-do-for-consumers/passengers-awareness-of-terms-and-conditions>

¹³ <https://orr.gov.uk/news-and-blogs/orr-blog/2020/know-your-rail-rights-ticketing>

¹⁴ <https://orr.gov.uk/rail/consumers/consumer-law> (expand 'publications and updates')

¹⁵ <https://orr.gov.uk/rail/consumers/consumer-law> (expand 'publications and updates')

Improvements to website information for ticket retailing before timetables are confirmed

We identified that some TPRs, such as Trainline, sell tickets for services more than 12 weeks in advance (beyond which the timetable is unconfirmed), and displayed 'schedule timetable' details for periods where there is known planned engineering works, for example the August bank holiday weekend 2019.

We wrote to Trainline to ask that it improve the information on its website and proactively contact passengers who had already bought tickets for this period. In response, Trainline implemented various measures to improve information to customers which may inform their purchasing decision - this includes a website banner highlighting that timetables are unconfirmed and engineering works are possible, a "yellow triangle" alert message, normally shown on National Rail Enquiries (NRE) on its website and app and the roll-out of automated notifications for affected customers who have already purchased tickets to inform them of subsequent timetable changes.

Trainline and other TPRs also raised concerns about the availability and reliability of industry timetabling information beyond the 12-week period. We continue to engage with the Network Rail System Operator and other industry stakeholders to try to improve the quality and timeliness of timetable information for TPRs. We provide further detail in the later chapter on Network Rail.

European Legislation

- 47 We have continued our role as National Enforcement Body for Regulation 1371/2007/EC (Rail Passengers' Rights and Obligations Regulation (PRO)).¹⁶ Prior to the EU Exit transition period commencing, we have provided comments on European institution proposals for the 'recast' of this legislation.
- 48 Following the Rail Minister's decision not to renew the exemption for domestic services, this exemption fell away in December 2019. The PRO Regulation enhances and strengthens the rights of rail passengers particularly in the areas of information and ticket provision, compensation and assistance, and provides rights for disabled persons and persons with reduced mobility. It applies to passenger operators, station managers, ticket vendors and tour companies.

¹⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007R1371&from=EN>

The key changes resulting from full implementation of PRO related to:

- a) transferability of tickets;
- b) the passenger's options for refund, journey continuation or re-routing, where there is a delay of more than 60 minutes;
- c) the provision of meals and refreshments where there is a delay of more than 60 minutes (when/where reasonable);
- d) designated meeting points for assistance;
- e) liability for the loss or damage to mobility equipment;
- f) publication of an annual performance report service quality, based on defined service quality standards; and
- g) the principle of force majeure in the context of the right to compensation for delays, missed connections and cancellations.

49 We worked closely with DfT and RDG to put in place changes to licence arrangements¹⁷ and other industry arrangements to reflect these changes in advance of the deadline. We worked with the industry to make the relevant changes to the NRCoT, and also provided input to DfT's updated guidance on the application of the PRO Regulation for train companies.

50 This year we also took on additional powers for investigation and enforcement of the Consumer Protection Cooperation (CPC) Regulation, via the implementation of Regulation (EU) 2017/2394 on cooperation between national authorities responsible for the enforcement of consumer protection laws¹⁸. This Regulation repeals the existing CPC Regulation (EC) 2006/2004 and lays down a cooperation framework to allow national authorities from all EEA countries to jointly address breaches of consumer rules when the trader and the consumer are established in different countries.

51 The CPC Regulation does not confer any additional obligations or requirements on the rail sector, but ORR is now able to investigate (and enforce) cross-border infringements of the PRO Regulation, either at the request of another authority or on our own initiative using these additional powers. These powers took effect on 2 June 2020 and we will be contacting train companies with further details about the CPC Regulations.

¹⁷ <https://orr.gov.uk/rail/publications/access-and-licensing-publications/consultation-on-changes-to-operator-licences>

¹⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R2394&from=EN>

Next steps

Next year, subject to any reprioritisation as a result of Covid-19, we intend to:

- continue our **awareness campaign** by releasing topic-based information for passengers on our social media, and continue to feed the research findings into any future updates to the NRCOT;
- continue to work with **TPRs** and the rail industry to improve the online information available to passengers about their planned journeys and ticket/fares information;
- monitor, and follow up where necessary, the **provision of information** for passengers on train companies and TPR websites on their rights, particularly where these are temporarily changed during the Covid-19 pandemic;
- monitor adherence to the requirements of the **PRO Regulations** and ensure that train companies publish the required service quality reports; and
- embed our new consumer powers from the **CPC Regulations** into our enforcement policy and processes, and explain their meaning to train companies.

3.2 Passenger Information

Introduction

- 52 One of the conditions in train company licences relates to passenger information. This requires companies to ensure the provision of appropriate, accurate and timely information to enable railway passengers and prospective passengers to plan and make their journeys with a reasonable degree of assurance, including when there is disruption.
- 53 We have continued to focus on the quality of information passengers receive about their rail service. The following section reports on activity in this area over the last year.

Commitments from last year

- 54 In last year's report we set out a number of actions we intended to take during the course of this year. A summary of what we did in relation to these is set out below.
- We said that we would **publish our industry research** into passenger information. This was published in January 2020 and is discussed in more detail later in this chapter.
 - We expected to **publish revised regulatory guidance** about informed traveller principles, but paused this work whilst the passenger information research was being considered so that any update to the guidance could include its results. We will consider whether any updates are necessary this year.
 - We said that we would work with RDG to ensure that the **industry code of practice**, which dates from October 2016, was updated. This work has been overtaken by the industry response to our research which is discussed in more detail later in this chapter.
 - We said that we would continue to work with train companies to ensure that **successes and innovations** are shared more widely. We have included examples of these in this chapter.

Impact of Covid-19

- 55 The outbreak of Covid-19 resulted in a reduction in train services in March 2020. This provided generally a Sunday level of service with some peak time enhancements. With fewer passengers, many companies closed some ticket offices and reduced opening hours in others.
- 56 With only key workers or passengers making essential journeys travelling, the provision of information was more important than ever. Alongside their "do not travel" campaigns, companies included a Covid-19 page on websites with a message encouraging passengers to check before travelling. Research¹⁹ published by Transport Focus into the provision of information across all modes found that rail passengers were generally happy, with 80% saying that they had the information they needed to plan or make their journey. In the latest National Rail Passenger Survey (NRPS), nationally, 76% of passengers were satisfied with the provision of information.

¹⁹ <https://www.transportfocus.org.uk/research-publications/publications/coronavirus-travel-survey/>

- 57 Our work has focussed on making sure that passengers are aware of changes to their services such as the ticket office closures. In the run up to the 18 May 2020 timetable change, we reviewed on a daily basis the information being provided to passengers on train company websites, to ensure it was clear and current. We shared the daily results with the train companies, who were responsive and receptive to change.
- 58 We have also taken on the new Public Health Regulations which came into force from 8 June 2020. Both Eurostar and Eurotunnel will be subject to the regulations, which will require health information to be given to customers when booking, at check-in, and onboard the train. We are developing our approach to monitoring compliance with the regulations, and are speaking with both companies to discuss what arrangements they are putting in place to comply.



ORR research

- 59 We published the results of our research²⁰ into the provision of information to passengers, including during disruption in January 2020. This independent research showed that, whilst there have been improvements in recent years for example to passenger information systems, providing information, particularly during disruption, remains a challenge. In particular, there was a lack of a clear industry strategy for delivering improvements to providing passenger information, no agreed understanding of what good information looks like and an absence of customisation for the needs of different customer groups.

²⁰ https://orr.gov.uk/_data/assets/pdf_file/0018/42435/passenger-information-during-disruption-research-report-may-2019.pdf

- 60 We asked²¹ the industry to work together to provide a Passenger Information Improvement Plan to set out how it will make tangible and enduring network-wide improvements to the provision of passenger information, including during disruption, and to work with ORR to further develop a Customer Information Measure (CIM) which will allow performance in individual train companies to be assessed and progress monitored. In its response²², RDG committed to a strategy that will enable passengers and staff alike to have access to timely, accurate and complete information, as well as to the development of an industry plan and to the further development of the CIM.
- 61 We have remained in dialogue with the industry throughout the pandemic. We have agreed that the Passenger Information Improvement Plan can be developed over a longer timeframe and now expect to receive it shortly. We presented the CIM to the industry's new information governance group, and will continue to work with Network Rail and train companies to develop its components prior to rollout over the coming year.

Monitoring and insight

- 62 Over the course of the last year, we have continued to proactively monitor train company websites. Where we identify problems with incorrect, inaccurate, or unclear information we take prompt action, contacting working level contacts in the train company so that changes can be made quickly. We have also continued to conduct website checks of the information provided in advance of major planned disruption, such as the increased number of weekday "blockades" and work such as the King's Cross station closures to ensure that passengers are being made aware of changes and that relevant tickets are available.
- 63 Under the industry code of practice (the Code), all train companies that follow it are required to produce an annual local plan that sets out how it will deliver the Code. This year, we have reviewed all the local plans published by train companies and, where we have identified good practice, used this to inform our feedback processes for the benefit of the whole industry. We have also seen examples of initiatives undertaken by individual train companies to improve passenger information. We set out below examples of initiatives, and a particular initiative which ScotRail²³ has introduced.

²¹ https://orr.gov.uk/_data/assets/pdf_file/0017/42434/passenger-information-during-disruption-letter-to-industry-2019-11-15.pdf

²² https://orr.gov.uk/_data/assets/pdf_file/0016/42433/passenger-information-during-disruption-industry-response-2020-01-08.pdf

²³ For more details see [ScotRail tweet](#).

Examples of train company initiatives

- Improvements to Customer Information Screens (CIS) at **Southeastern** stations to give better automated information in disruption and automated delay replay messages.
- Providing real-time information about services to users of the onboard wifi on **Southeastern**.
- Introduction of “back on track” system to provide consistency to incident management on **Virgin Trains**.
- Warning of future delays on **GTR** CIS where the train is likely to be disrupted owing to an incident later on its journey.
- Introduction of “train last reported” information onto CIS at many train companies.
- Rollout of personalised travel messages using Facebook messenger via **NRE** and **LNER** amongst others.
- Introduction of personal message service using WhatsApp to supplement Twitter as a means of contacting train company staff when travelling at several companies including **Merseyrail, ScotRail, Southeastern, Transport for Wales**.

ScotRail - use of Global System for Mobile Communications - Railway (GSM-R)

While the train radio system (GSM-R) allows signallers to speak to drivers, it also has a facility to allow controllers to speak direct to passengers. However, it is not a facility that has been regularly used until now. ScotRail has based a former train conductor in its control centre to use the facility to speak direct to passengers on trains in the Glasgow area. This has enabled a direct relationship to be built up with passengers; now “Robert from ScotRail Control” has quite a following for his messages about delays or disruption. Trains are contacted individually but having a dedicated resource in control has allowed this to be established as a useful communications tool in disruption.

64 We also examine specific issues that come to our attention including following major incidents or those with a high passenger impact. These are followed up individually with train companies or Network Rail as appropriate, and the results are published on our website²⁴. We give an example of a recent incident in the later chapter on Network Rail.

²⁴ <https://orr.gov.uk/rail/consumers/licence-obligations-to-consumers/passenger-information> at the bottom of the page under “publications and updates”

Accessibility information

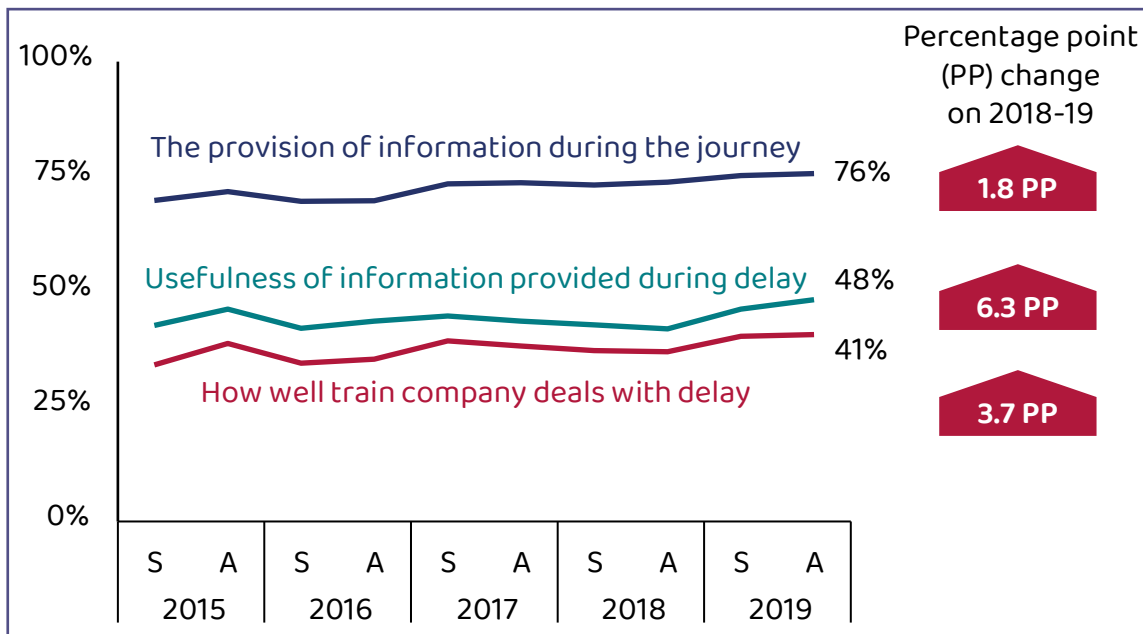
65 By 1 January 2020, all passenger rail vehicles were required to meet accessibility standards²⁵. However, DfT granted a number of time-limited dispensations²⁶ where operators of rail fleets have not been able to comply with this requirement. Our interest here is on the information provided to passengers so that they can plan and make their journeys, in this instance information about the accessibility of the train. Therefore, we wrote to all companies granted time-limited dispensations to seek their plans to provide information to passengers about the services available to them where dispensations have been granted.

66 Since January, we have monitored the information that is available to passengers, particularly the issues with the highest impact – accessible toilet provision and wheelchair space – to make sure that they are informed of any restrictions. We found that while some train companies have comprehensive information and live information at stations, others rely on complicated web pages. We noted that whilst some train companies have detailed information in PDFs of individual services, they do not provide it in journey planners, and passengers appear to have to crosscheck multiple sources to get the information that they need. We have discussed the results of our monitoring with relevant train companies to drive improvements, and we work with colleagues where changes are necessary. We give an example of this in the Assisted Travel chapter below.

National Rail Passenger Survey and industry research

67 Data about the performance of the industry in delivering information to passengers is provided through the NRPS, conducted twice a year by Transport Focus. The autumn 2019 wave continues the gentle upward trend in all three measures shown below. The satisfaction with provision of information has increased to 76%, and there has been an improvement of over 6 percentage points in the usefulness of information provided during delay, compared to the autumn 2018 wave.

National Rail Passenger Survey data, 2015-2019



Source: Transport Focus, [National Rail Passenger Survey](#)

²⁵ <https://orr.gov.uk/rail/health-and-safety/health-and-safety-laws/rail-vehicle-accessibility>

²⁶ <https://www.gov.uk/government/collections/heavy-rail-fleets-2020-targeted-compliance>

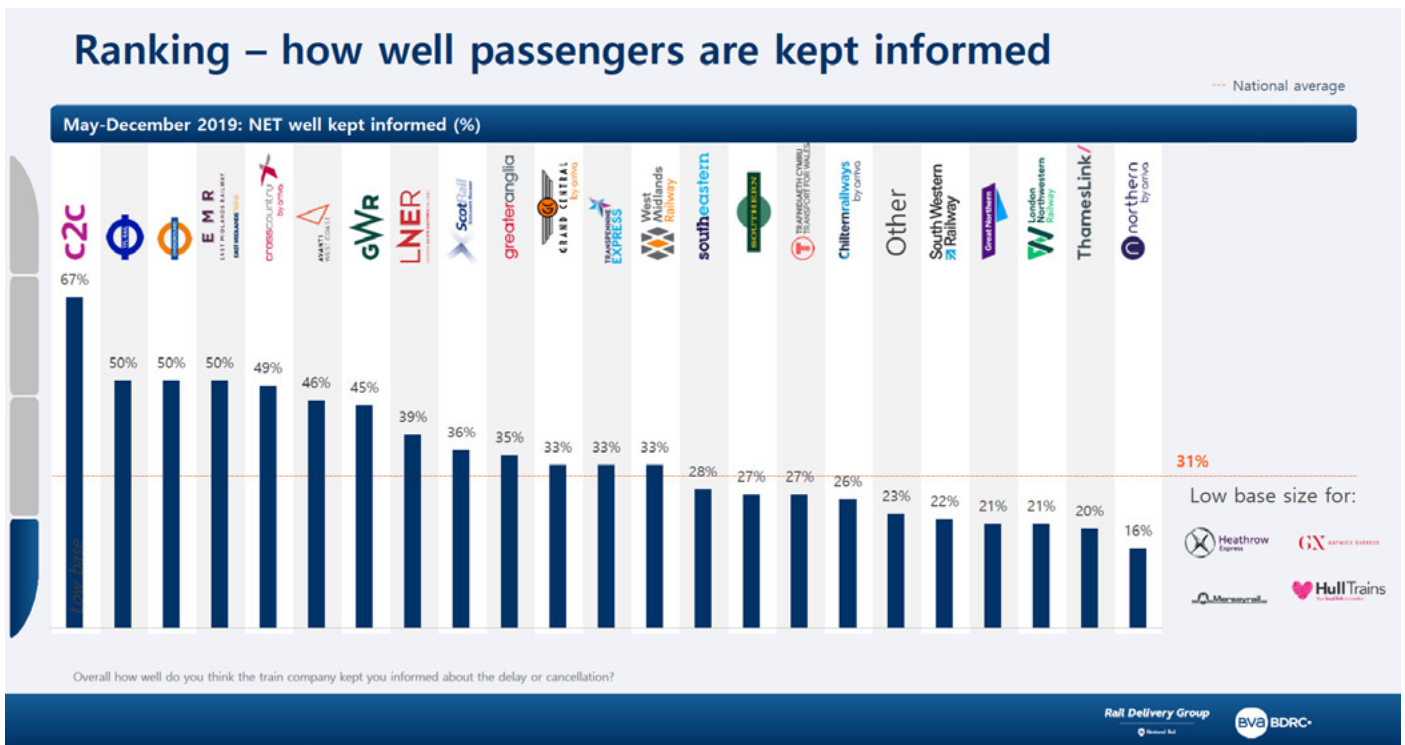
68 NRPS seeks passengers' views on the journey currently being made, so it does not always capture the views of passengers when they have actually been disrupted. However, the industry's own survey, managed by RDG, does seek to capture passengers' experience of disruption. The latest data (covering wave 15, October to December 2019) has now been published on RDG's website.²⁷

69 Overall, the key areas of improvement from RDG's research for each journey stage are:

- before arriving at the station – consistency of information provided;
- at the station and on the train – frequency of updates.

70 The table below ranks the quality of information during disruption by each train company.

Overall how well passengers are kept informed about the delay or cancellation



Source: Rail Delivery Group PIDD-29 report (Jan 2020).

71 Reliability of information is the top priority for improvement in the latest RDG report. It suggests that train companies need to work with NRE and other platforms to ensure information about delays and cancellations is consistent across all channels. Half of the respondents who experienced a cancellation did not receive any information at all. As seen wave on wave, the frequency of passenger information updates is the main driver for satisfaction. We understand that the results are discussed by the industry's Customer Information Group.

²⁷ <https://www.raildeliverygroup.com/about-us/publications.html?task=file.download&id=469776185>

Next steps

Next year, subject to any reprioritisation as a result of Covid-19, we intend to:

- review the industry **Passenger Information Improvement Plan** developed in response to our research, and continue to work with Network Rail, train companies and stakeholders to ensure that the industry delivers its commitments to improve information for passengers;
- finalise with industry the **Customer Information Measure** to assess train company performance in delivering passenger information, ensure it is rolled-out and assessments started;
- update the **regulatory statement** to recognise the creation of a separate licence condition for compensation and changes to regulatory processes following adoption of the industry action plan;
- work with Transport Focus, RDG and TPRs to ensure that **tickets are not sold in advance of 12 weeks** where the industry is aware that the period will be affected by planned engineering works;
- monitor, and where possible conduct research, on the information provided by train companies to ensure that appropriate **accessibility information** for vehicles with time-limited dispensations is given, taking necessary follow-up where required; and
- monitor relevant train companies' compliance with requirements to provide **information to passengers travelling to England** by rail about coronavirus.

3.3 Assisted Travel

Introduction

- 72 Rail companies (including Network Rail and London Underground for the stations they operate on the national rail network) are required by the licences we issue to establish and comply with an Accessible Travel Policy (ATP).
- 73 In July 2019 we published our new ATP Guidance²⁸ which replaced the former Disabled People's Protection Policy (DPPP) Guidance issued by DfT. The revised guidance sets out the commitments all companies must include in their policies for helping older and disabled people to travel by rail. We approve rail companies' ATPs, monitor their compliance with them, and carry out research to help us identify areas for improvement and address weaknesses.
- 74 The licence condition also requires that, in establishing an ATP and in making any alterations to it, the rail company shall have due regard to the Design Standards for Accessible Railway Stations: A Joint Code of Practice (the Code), published by DfT and Transport Scotland.²⁹ The Code ensures that any infrastructure work at stations complies with European or national standards on accessibility and applies when a licence holder installs, renews or replaces infrastructure or facilities. We monitor licence holders' compliance with the Code.
- 75 The following sections report on our work to ensure rail companies comply with their obligations and to further strengthen and improve assisted travel.

Commitments from last year

- 76 In last year's report, we set out a number of actions we intended to take during the course of this year. We summarise this activity briefly below, and we report on our progress in more detail in the following sections.
- We published **revised ATP guidance** in July 2019, set out a timetable for submission of revised policies for ORR approval by December 2019, and approved eight ATPs by 31 March 2020.
 - We expected to publish additional **guidance for operators of heritage railways, trams that run on the national network, and single stations**. We held meetings with this group and discussed our approach with disabled people's organisations. Our plans for public consultation on our approach have been put on hold during the pandemic.
 - We established a regular **forum with disabled people's organisations** and users of assisted travel to consult on accessibility issues, which met in February 2020.
 - We continued to monitor **train companies' performance** analysing core data returns and using information we receive to take appropriate follow-up action.

²⁸ https://orr.gov.uk/_data/assets/pdf_file/0018/41517/accessible-travel-policy-guidance-for-train-and-station-operators.pdf

²⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876528/design-standards-accessible-stations_document.pdf

- We wrote to Network Rail on occasions where there has been evidence to indicate the **Design Standards for Accessible Railway Stations Code of Practice (the Code)**, was not fully considered during works they carried out at stations, and to help remind them of their obligations in having due regard to the Code whenever they install, renew or replace infrastructure works at stations.
- We have monitored proposals for **station changes** by companies, local authorities, developers and other third parties, asking them to verify how the Code has been considered as part of the proposal submission and, where there is evidence to suggest this has not been done effectively, taken appropriate follow-up action.

Impact of Covid-19

- 77 The coronavirus pandemic has had a significant impact on train companies, and has resulted in a large drop in the number of passengers travelling, including those who require assistance to do so. Nonetheless, train companies have focussed on helping disabled and older people with their journeys ensuring that staff can work, and passengers can travel, safely.
- 78 For those passengers travelling who need assistance, it is important that train companies provide them with the information necessary to ensure that they can make their journey successfully. We will be monitoring this, together with their approach to providing assistance, against the latest industry guidance.
- 79 There are key areas of the new ATP Guidance such as staff training and the accuracy of station information on NRE and train company websites, which we expect train companies to continue to progress and implement. Nonetheless, we recognise that Covid-19 has delayed the delivery of certain other planned improvements introduced as part of our new ATP Guidance (noted below), such as the reduction in the notice period for booking assistance to until 10pm the day before travel as a minimum³⁰ due to reduced contact centre operating hours. We have worked with RDG and train companies to ensure that there is a clear and consistent message on websites.
- 80 We will continue to work with each company on an individual basis to continue to progress important improvements in Accessible Travel.

³⁰ Some companies already permit passengers to book assistance on the day of travel and continue to do so.

Revised ATP guidance publication

81 We published revised ATP guidance in July 2019. The revised guidance contains a number of new requirements for companies that are designed to:

| | Policy area | Policy outcome |
|---|---|---|
| 1 | Increase the reliability of assistance for disabled passengers | New procedures on communication between staff at different stations which includes a dedicated assistance contact number and responsible member of staff for receiving calls at every station. |
| 2 | Improve accessible journey planning | A more condensed and user-friendly passenger leaflet, available at all staffed stations. Standardised station accessibility classifications to be used by passengers, booking agents and train staff. |
| 3 | Strengthen train and station companies' staff training in disability awareness | Nine fundamental training outcomes to broaden staff understanding, (including the rights of disabled passengers) and confidence, including all frontline staff to receive refresher training every two years. |
| 4 | Reduce the notice period for booking assistance | Three stages of a phased- in reduced notice period, starting with 10pm the day before travel from April 2020, and ending with 2 hours before travel from April 2022. |
| 5 | Improving the ability for passengers to receive redress | All train companies providing a redress policy for passengers who do not receive the assistance that they have booked. |
| 6 | Standardise and improve information for passengers | More people will be made aware and understand what assistance is available when travelling by rail, and how to get it. |
| 7 | Involve disabled people in a meaningful way in the development and review of company policies and training. | The views of passenger champions, disability groups and local communities must form part of the development and on-going review of train companies' policies on accessibility. |

- 82 At the same time, we wrote to each train company to set out the process for submission and implementation of its revised ATP and to reiterate the specific deadlines for implementation of improvements to the provision of assistance for passengers.³¹ We also met with each train company to help them to understand the requirements. By the end of 2019 we had received ATP submissions from every train company.³²
- 83 Each ATP approval has been an extensive and iterative review process to ensure both compliance with the new requirements and transparency for passengers and stakeholders. As part of the ATP approval process we asked the Disabled Persons Transport Advisory Committee (DPTAC), Transport Focus, London TravelWatch, and Mobility and Access Committee for Scotland to provide feedback and advice to train companies on the content and readability of their ATPs.
- 84 To 31 March 2020, we have reviewed and approved eight ATPs and have published their ATP documents, along with our decision letters, on our website³³. We are continuing to review and approve the remaining ATPs.
- 85 Where approval of an ATP is contingent on meeting specific requirements in the future, we have made this clear in our approval letter and set out the date by which these changes must be delivered. We will monitor delivery of these commitments and take action where there is failure to deliver.
- 86 We are encouraged to see that several rail companies have made substantive changes to the way they work in response to the Guidance.

ATP Guidance - More reliable assistance for disabled passengers

- 87 The ATP Guidance mandated the introduction of a series of safeguarding measures by 1 June 2020 to improve the reliability of assistance. The measures include:
- staff following a clear handover protocol between a passenger's boarding and alighting stations;
 - providing a dedicated assistance number for each station to ensure staff always know which number to use when 'calling ahead'; and
 - identifying a responsible person at (or for) each station for receiving calls.
- 88 This year we conducted a successful trial of these measures on the routes between St Pancras and Bedford (GTR) and Vauxhall and Bournemouth (SWR). The initial findings have been positive, both in terms of improving the reliability of information transfer between staff and the experience of staff in providing better assistance to passengers.

³¹ https://orr.gov.uk/_data/assets/pdf_file/0016/41524/guidance-for-operators-on-accessible-travel-policies-letter-to-rail-company-managing-directors-2019-07-26.pdf

³² With the exception of Eurostar, which will be required to submit an ATP following the end of the Brexit transition period, and Southeastern, which submitted its ATP in May 2020 following the start of its new franchise in April 2020.

³³ <https://orr.gov.uk/rail/licensing/licensing-the-railway/accessible-travel-policy/atps-decision-letters>

89 Based on feedback from the train companies, the main themes to emerge from the trial so far include that it:

- codifies existing best practice;
- strengthens staff awareness and discipline in following formal policies and processes;
- provides certainty of knowing which numbers to call and the guarantee someone will answer; and
- enables a better understanding of why assistance failures occur.

90 We are reviewing implementation of the protocol on a monthly basis whilst the handover trial is currently on hold during Covid-19, until passenger assist numbers increase to a level that allows us to obtain meaningful results.

New ATP Guidance requirements - Disability Awareness Training

91 More comprehensive and consistent disability awareness training for staff across the rail industry has been a key part of our strategy for improving assisted travel. Train companies must include specific in-depth disability awareness training in the induction provided to every new member of staff by July 2021 and, where possible, ensure disability awareness is part of the training provided to agency and temporary staff.

92 All frontline staff must receive refresher disability awareness training by July 2021. Some train companies have already begun to roll out this refresher training, including via online seminars to staff at home who would usually be performing frontline duties. By the end of July 2020, train companies will provide us with an update on progress to date, alongside their plans meet the July 2021 deadline.



Rail replacement services – revision to ATP Guidance

- 93 The ATP Guidance included the requirement to set out how, in cases of planned disruption, train companies will make reasonable endeavours to secure accessible rail replacement services, and, where they are unable to do so, to set out why. Following its publication, we received a challenge which related to the Public Service Vehicle Accessibility Regulations (PSVAR). These ensure buses, and in certain circumstances coaches from 1 January 2020, are accessible to disabled people.
- 94 In response to the challenge we sought legal advice and published this in September 2019.³⁴ This legal advice concluded that PSVAR applies to rail replacement services. The data we gathered from train companies highlighted the lack of available PSVAR-compliant vehicles in the bus and coach market, particularly in rural areas. In December 2019, we published a consultation³⁵ on revising the ATP Guidance, which looked at ways of incentivising investment in the supply chain and increasing the availability of vehicles over time. We published an update, together with responses to the consultation on 3 March.^{36,37}
- 95 On 30 April, the Rail Minister indicated he would grant PSVAR exemptions to operators of coaches used in rail replacement services until 31 December 2020³⁸. As part of this, we committed to six-monthly data collection from industry, to monitor the level of compliance with PSVAR for rail replacement services, the number and types of alternative transport used instead, as well as data on complaints.
- 96 We plan to publish revised guidance on rail replacement services by the end of July.

Guidance for operators of heritage railways, trams that run on the national network, and single stations

- 97 This year, we began working with bespoke railway companies (such as operators of single stations, rail tours and trams that operate on the national rail network) to explore how we can best apply the ATP Guidance to their services in a proportionate manner. We held positive and extensive discussions with each of these companies, as well as a workshop to understand their services in more detail, and discussed our approach with our new Accessible Travel Stakeholder Forum (see below). Our plans to launch a public consultation were put on hold earlier in the year, due to the pandemic, but we expect to be able to take forward this work later in the year.

³⁴ https://orr.gov.uk/_data/assets/pdf_file/0003/42483/accessible-travel-policy-rail-replacement-services-final-legal-advice-2020-02-06.pdf

³⁵ https://orr.gov.uk/_data/assets/pdf_file/0016/42208/accessible-travel-policy-guidance-consultation-on-accessibility-of-rail-replacement-services.pdf

³⁶ https://orr.gov.uk/_data/assets/pdf_file/0009/42579/rail-replacement-services-update-march-2020.pdf

³⁷ https://orr.gov.uk/_data/assets/pdf_file/0008/42578/rail-replacement-services-consultation-responses-2020-03-03.pdf

³⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/881751/compliance-with-rail-accessibility-requirements-for-the-period-1-may-to-31-december-2020-letter.pdf

Accessible Travel Stakeholder Forum

98 In February 2020, we held our first Accessible Travel Stakeholder Forum, made up of disabled people's organisations representing people with a wide range of impairments from across the UK and observed by the Equality and Human Rights Commission. The forum has been established to enable us to communicate transparently with key industry representatives about the work we are doing on accessibility issues, seek views on our approach and demonstrate how we are holding train companies to account on their compliance with their ATP. This helps deliver our vision of an accessible railway network where disabled passengers can travel with confidence and ease. We have published details of the forum on our website³⁹.

Submission to the Williams Rail Review – Accessibility

99 In July 2019, we published our response⁴⁰ to the Williams Review team's request for advice on what more could be done by train companies to improve accessibility for all users including disabled people. We set out a number of reforms that are targeted at key areas for improvement to accessibility in the short, medium, and long-term, and which address issues around: inaccessible infrastructure and rolling stock; reliability of assistance for passengers; staff training; passenger awareness of rights and services; and information provision and incentives.

100 Many of the short-term reforms were captured by the requirements set out in the ATP Guidance which will be used as the main vehicle to drive change across the industry: specifically, the three-year implementation of a reduced notice period when booking assistance, the increase in reliability for booked and un-booked assistance, and the introduction of a strengthened staff training programme which will address the barriers faced by disabled people when travelling by rail.

101 Our medium, and longer-term, proposals set out a wider package of reforms to underpin the step-change that we believe is necessary to drive improvement in inclusion and accessibility across the rail network. We recognised that some reforms are contingent on the wider industry changes being considered by the Williams Review and how Government will choose to prioritise accessibility to the rail network.

³⁹ <https://orr.gov.uk/rail/consumers/what-we-do-for-consumers/improving-assisted-travel>

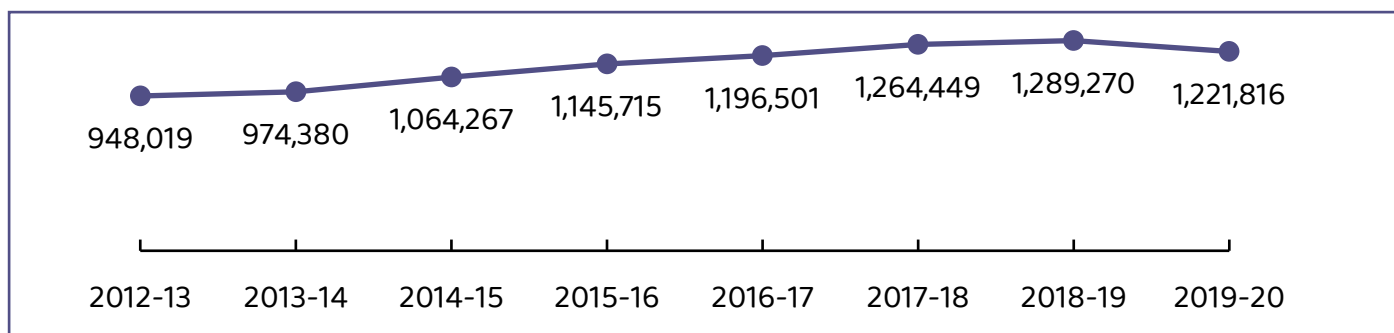
⁴⁰ https://orr.gov.uk/_data/assets/pdf_file/0005/41396/orr-advice-to-the-williams-rail-review-july-2019.pdf

Compliance monitoring

102 This year we have continued to monitor train companies' performance, including via their core data returns and using information we receive from other parties to take appropriate compliance action.

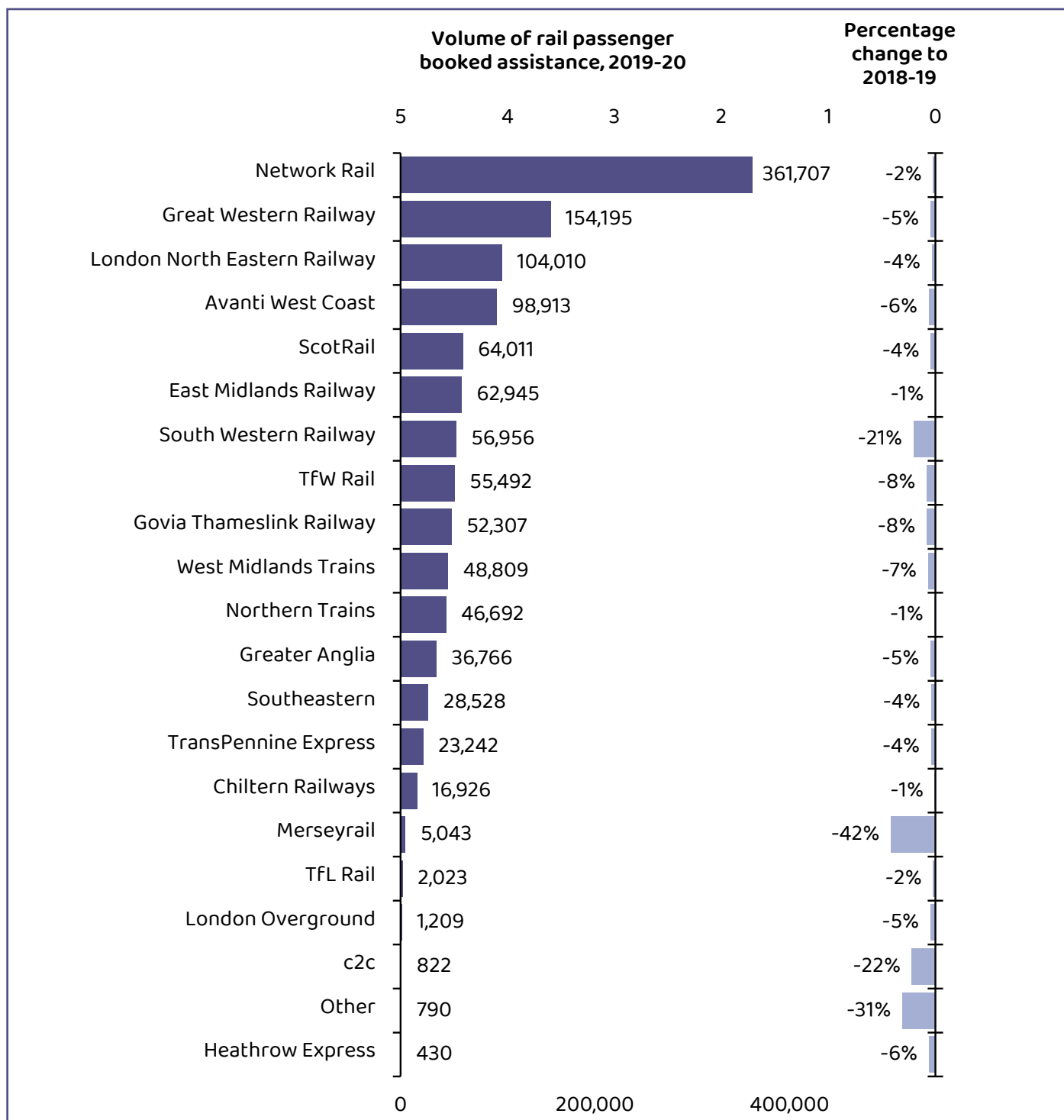
103 The graphs below shows the number of booked assists over recent years, and for each train company in 2019/20. There were 1.2 million booked assists in 2019/20, a decrease of 5.2% compared to the year before. The number of booked assists was affected by two major storms earlier in 2020 and, more recently, the impact of Covid-19.

Volume of booked passenger assists, Great Britain, 2019-20



Source: RDG

Volume of booked passenger assists by station facility owner, Great Britain, 2019-20



Note: Data on the volume of booked assistance requests received in each rail period is available for each train company that manages a station. Data is therefore not available for companies that do not manage any stations.

'Other' covers smaller companies whose passengers can book assistance through the Passenger Assist system.

Source: RDG

Data tables: Rail passenger assists and bookings – Table 16.02

104 We also continue to monitor rail companies' compliance with their ATPs, and act upon the complaints we receive through consumers and other stakeholders. We continue to closely monitor issues which are raised via social media and, where we understand there to be a potential systemic issue, we will follow up with the train company directly.

c2c and changes in staff levels

In 2019, c2c developed proposals to reduce ticket office opening hours at some of its quieter stations, which culminated in a consultation it published in September. When c2c discussed these proposals with us, we were keen to understand the impact on passengers that require assistance who rely on station staff for boarding and alighting the train, particularly as most c2c passengers that require assistance do not book it in advance. We also wanted to understand what mitigations were planned.

Following c2c's consultation, it revised its plans and presented those to us as part of the discussions we had on its ATP submission. This assured us that there are sufficient platform and mobile customer service staff in place to mitigate the risk of passengers not being able to receive the required assistance, and of the plans to mitigate this risk. We have ensured the arrangements are clearly outlined in its ATP documents to provide passengers with the continued confidence to travel on their service.

Chiltern Railways and availability of passenger information on accessibility

As noted in the last chapter on passenger information, earlier this year DfT granted some dispensations around some non-compliant vehicles which do not meet current accessibility standards. Train companies have a responsibility to make sure passengers know about accessibility issues which may affect their journeys and our role is to monitor how they provide this information.

Shortly after the dispensations were granted, we asked Chiltern Railways to revisit the information available on an affected service following an incident where a wheelchair user was initially not allowed to board the train. We set out our concerns that the information on accessibility for that particular train may be misleading to both staff and passengers.

We required a detailed account of how the dispensation affected access on the train and what mitigations were in place to ensure a passenger who cannot access it is still able to complete their journey.

In response, Chiltern Railways introduced new information on its website, added a more detailed alert against the journey on the NRE site, and delivered updated briefings to its frontline staff to ensure the dispensation was properly communicated so passengers are able to plan their journey accordingly.

The train used to operate the affected service was subsequently withdrawn from use and the information was removed from relevant channels operated by Chiltern Railways and other rail information sources.

Passenger research

105 We have continued our ongoing independent research to monitor train companies' performance with passengers who have booked assistance, to understand whether they received it and whether they were satisfied with it. The full results of this research are published alongside this report. The table below shows passenger satisfaction with booked assistance in 2019/20.

| Company | Overall sample size | Received all assistance booked | Satisfaction with assistance at station | Overall satisfaction * |
|--------------------------|---------------------|--------------------------------|---|------------------------|
| Avanti West Coast | 610 | 74% | 88% | 88% |
| East Midlands Railway | 103 | 71% | 88% | 76% |
| Govia Thameslink Railway | 89 | 73% | 82% | 76% |
| Great Western Railway | 364 | 74% | 92% | 88% |
| Greater Anglia | 136 | 74% | 88% | 88% |
| LNER | 588 | 77% | 91% | 88% |
| Northern Trains | 191 | 62% | 79% | 76% |
| ScotRail | 229 | 79% | 89% | 86% |
| South Western Railway | 125 | 65% | 86% | 78% |
| Southeastern | 70 | 71% | 87% | 81% |
| TfW Rail | 166 | 69% | 85% | 80% |
| TransPennine Express | 136 | 76% | 92% | 88% |
| West Midlands Railway | 189 | 70% | 85% | 82% |
| Total/average | 3,059 | 73% | 88% | 85% |
| Network Rail | 1,020 | 78% | 89% | 88% |
| National/average | 4,079 | 74% | 88% | 86% |

Notes: *Satisfaction with the whole process from booking assistance to assistance received

The following train companies are not shown due to low sample sizes: c2c (5 responses), Chiltern Railway (40 responses), London Overground (2 responses), Merseyrail (6 responses) and TFL Rail (10 responses).

Avanti West Coast replaced Virgin Trains West Coast franchise on 8 December 2019.

East Midlands Railway replaced the East Midlands Trains franchise from 18 August 2019.

Northern Trains replaced the Northern franchise on 1 March 2020.

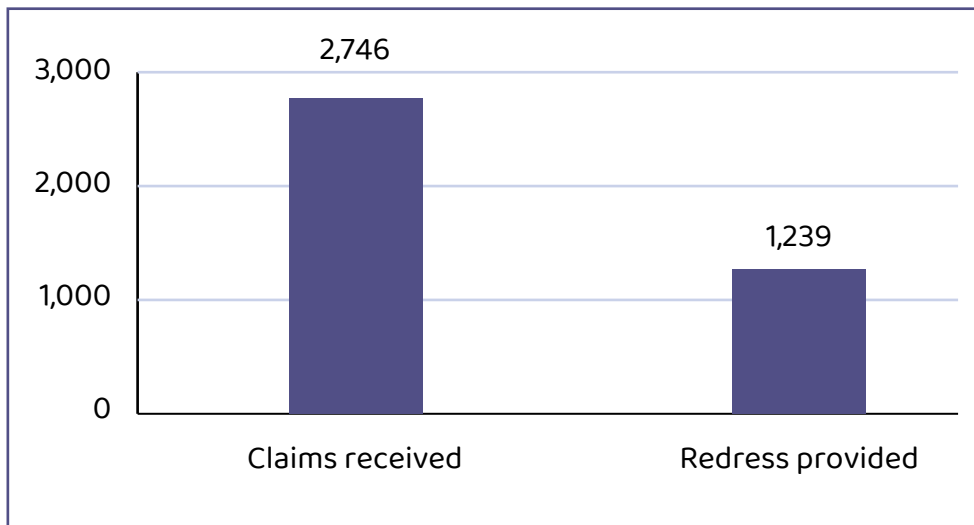
106 The research results have helped us to identify those train companies which are struggling to meet the needs of their passengers who require assistance to travel. As noted above, we have been trialling new safeguarding measures designed to improve the reliability of assistance. We are pleased that, alongside SWR who is already participating, Northern Rail, Transport for Wales, Chiltern, ScotRail and East Midlands Railway have agreed in principle to join the trial, and we are talking to West Midlands Railway about doing so.

Redress

107 This year we have introduced new requirements on train companies to provide redress when booked assistance has not been given. Train companies must accept redress claims from passengers travelling on their services – this includes when boarding or alighting assistance fails at a station operated by another company, such as Network Rail which carries out around one third of all assists.

108 We have collected data to see how many claims for redress each company has received and, of these, how many were approved and redress provided. The results are shown in the table below. As this is the first time we have collected this data, we are keen to understand the reasons for the difference in the number of claims made and the number for which redress was provided, and we will be following up with train companies accordingly.

National volume of redress claims received and provided following booked assistance failure 2019-20



Source: Train Operating Companies

Compliance with the Design Standards for Accessible Railway Stations Joint Code of Practice

109 As the table below illustrates, this year we have written to Network Rail on a number of occasions where we have had cause to believe accessibility has been overlooked during a station project. We have sought to establish whether the Code was consulted during the works and to seek evidence of its decision making through a diversity impact assessment. In so doing, we have made clear to Network Rail that it must have due regard to the Code whenever it carries out work at stations.

110 Where we remain unsatisfied with the response, we require Network Rail to set out what actions are being taken to ensure the Code is fully complied with and the timescales for delivery, until we have full assurance that the necessary infrastructure accessibility improvements are to be delivered.

111 Alongside Network Rail, we have also asked rail companies and other third parties that make formal station change applications, to declare whether the Code has been considered as part of the work. We have followed up where there is evidence to suggest this has not taken place to ensure the necessary accessibility improvements at the station are delivered.

112 The following table provides a summary of this compliance activity. We will continue to monitor progress to ensure delivery of accessibility improvements to stations where mandated by the Code.

| Station | Company | Works carried out by | Issue | Outcome |
|-------------|---------|--------------------------------|--|--|
| Barnt Green | WMR | Network Rail (>two years ago) | The provision of lifts was not included as part of the station's major footbridge works. | Open. We have set out that a lift must be installed to achieve compliance with the relevant code standards. NR is due to carry out a 10 month design programme which will inform a decision to deliver and implement the necessary works. We will continue to monitor progress and hold NR to account for securing funding and completion of the works. |
| Tilehurst | GWR | Network Rail (> two years ago) | The provision of lifts was not included as part of the station's major footbridge works. | Open. We have set out that a lift must be installed to achieve compliance with the relevant code standards. NR is producing a report in the summer which will assess the feasibility of installing a lift and, in turn, will determine the next stages of the project. We will continue to monitor progress and hold NR to account for securing funding and completion of the works. |

| | | | | |
|-----------|--------------|--------------------------------|---|---|
| Kidbrooke | Southeastern | Network Rail (> two years ago) | The provision of lifts was not included as part of the station's major footbridge works. | Open. We have set out that a lift must be installed to achieve compliance with the relevant code standards. NR is continuing to work with third parties in developing the station and its nearby surrounding area. We will continue to monitor and hold NR to account for securing funding and completion of the works. |
| Eltham | Southeastern | Network Rail | As part of platform extension works, tactile paving was only applied to the new extended part of the platform, and did not include the whole length of the existing platform. | Open. Tactile paving should cover the length of the platform. NR is committed to revisiting 30 stations on the south east network to rectify the works and ensure the tactiles span the entire length of the platforms. We are also investigating similar cases elsewhere on the network and will take appropriate action in the light of our findings. |
| Liphook | SWR | Network Rail (<two years ago) | The provision of lifts was not included as part of the design stage of a footbridge renewal. | Open. We have set out that a lift must be installed to achieve compliance with the relevant code standards. We have written to NR to understand what actions are being taken to ensure the project fully complies with the code. |

113 Our interventions have helped increase awareness amongst Network Rail's Region Managing Directors of their responsibilities under the Code. Nonetheless, we will continue to examine individual instances where it appears that the Code may not have been complied with. More broadly, we bring together the information we have gathered from our interventions so far to identify the areas of weakness where it appears that not enough is currently being done by those parties involved in the process, to ensure that accessibility improvements to stations are considered in accordance with the Code. We will also examine whether we can do more to ensure we have full visibility of the full range of works undertaken at stations by rail companies and third parties.

Next steps

Next year, subject to any reprioritisation as a result of Covid-19, we intend to:

- complete the **ATP approval process** for all rail companies, including the approval of individual guides for each station managed by Network Rail;
- publish revised ATP Guidance with revised requirements for the accessibility of **rail replacement services**;
- complete planned additional **trials of passenger assistance** safeguarding measures and publish a passenger handover protocol for use by rail company staff;
- publish a consultation on ATP Guidance for **bespoke operators**; and
- analyse cases we have considered under the **design code** to identify areas of weakness to ensure that accessibility is being considered in accordance with the Code.

3.4 Complaints and redress

Introduction

114 Where things go wrong passengers expect their complaints to be dealt with quickly and efficiently. Train and station licence holders are required by their operating licence to have a Complaints Handling Procedure (CHP) which has been approved by ORR by reference to its published guidance. These set out how companies should go about meeting the expectations of their customers when they make a complaint. If they are unable to do so, passengers can seek redress through the Rail Ombudsman. Where appropriate, they can also make use of other arrangements such as delay compensation.

115 In the following sections of this chapter we set out some of our main activities in this area.

Commitments from last year

116 In last year's report we set out a number of actions we intended to take during the course of this year. A summary of what we did in relation to these is set out below.

- We presented our **research on reviewing complaints handling in other regulated sectors** where they have an Alternative Dispute Resolution scheme in place to RDG Complaints Working Group to discuss and facilitate further discussion on the application of learning to the rail sector, and published the research on our website⁴¹.
- We have worked with RDG, the **Rail Ombudsman**, smaller train and station companies to put in place a timetable for joining the Rail Ombudsman scheme – the Rail Ombudsman will continue this process.
- We have undertaken further analysis of the **delay compensation data**, which we set out below.
- We have taken forward our work on delay compensation resulting from ORR's submission to the **Williams Review**, which is summarised below.

Impact of Covid-19

117 As noted earlier in this document, Covid-19 has impacted all areas of our consumer work including complaints and delay compensation. Train companies have been largely able to maintain complaints handling service in the last rail period of 2019/20. However, some have been impacted by a lack of available customer service staff due to sickness and self-isolation, closure or limited hours of call centre operation, and the need to process a large number of ticket refunds.

118 We have focussed on ensuring that train companies have processes in place to manage ticket refunds and complaints, achievable plans to maintain or return to compliance in a timely manner, and are taking measures to communicate effectively with passengers to manage their expectations. We have seen some train companies being able to respond to ensure that both complaints handling and the increased number of ticket refunds have been processed swiftly.

⁴¹ https://orr.gov.uk/_data/assets/pdf_file/0016/41623/a-review-of-organisational-complaint-handling-in-regulated-sectors-with-an-ombudsman-for-the-office-of-rail-and-road.pdf

119 Nonetheless, as we move into 2020/21, we have seen that in the current circumstances the achievement of regulatory requirements - for example responding to 95% of complaints within 20 working days - is challenging for some train companies. As complaints numbers and claims for compensation fall, and the remaining ticket refunds are processed, we anticipate that train companies who have struggled will be able to return to compliance.

120 In the meantime, we expect train companies to keep their passengers informed as to the current situation. We will continue to monitor performance and proactively engage with train companies.



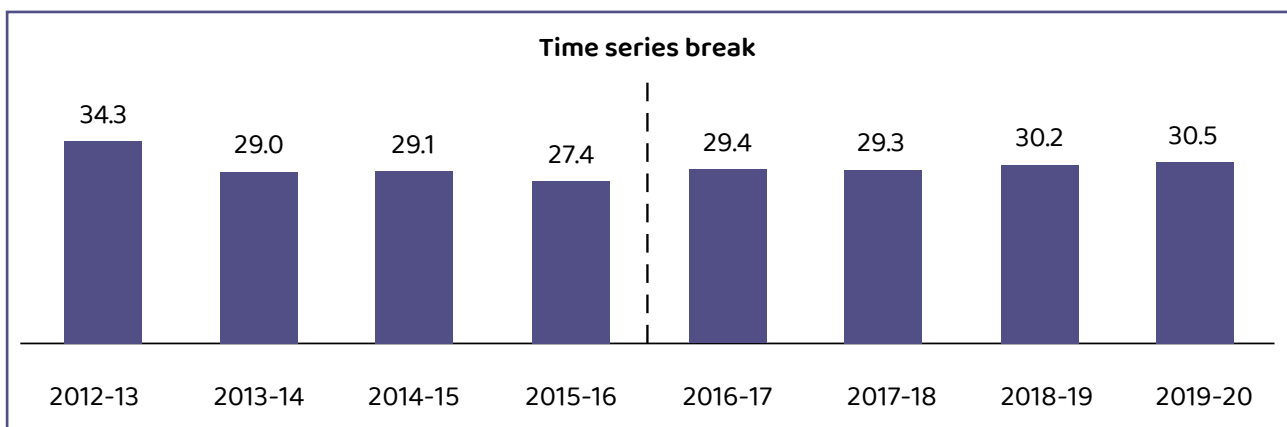
Complaints handling – monitoring and insight

121 Train companies are required to submit data to ORR in line with our published guidance. We review these data submissions and work with companies to improve the quality of their complaints handling. We review annually the data we collect and agree updates to our guidance. To provide assurance that the data meets their reporting obligations, we also require written confirmation from train companies that the data provided is accurate.

122 Our complaints data shows that nationally there were 30.5 complaints per 100,000 journeys in 2019-20⁴² for franchised train companies, who account for 99% of all complaints, and represents 530,769 rail passenger complaints in total. The 2019-20 franchised complaints rate is the highest since 2012-13, when the complaints rate was 34.3 complaints per 100,000 journeys. However, over the past seven years (2013-14 to 2019-20) the complaints rate has been fairly stable, with a complaints rate between 29.0 and 30.5 complaints per 100,000 journeys, except for a drop to 27.4 complaints per 100,000 journeys in 2015-16.

⁴² <https://dataportal.orr.gov.uk/media/1747/passenger-rail-service-complaints-2019-20-q4.pdf>

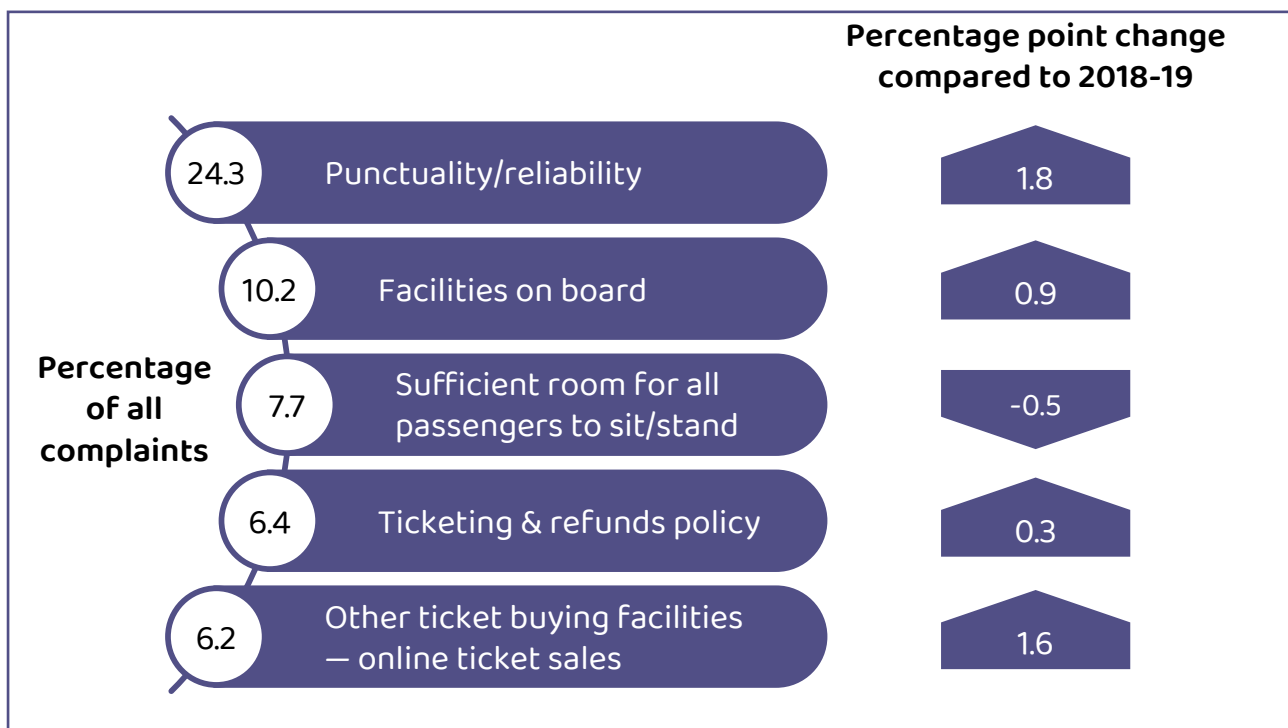
Complaints rate per 100,000 journeys, 2012-13 – 2019-20



Source: Train Operating Companies and LENNON (the rail industry's ticketing and revenue database)

123 Our data collection allows us to identify the main drivers of complaints in 2019/20, and to compare that data with the year before. The table below shows that punctuality and reliability remains the main reason for complaints.

Top 5 complaint categories, Great Britain, 2019-20



Source: Train Operating Companies

124 Train companies are required to provide a full response to 95% of complaints within 20 working days. The table below shows how they performed in each of the 13 rail periods for which train companies submit reports, the performance averaged over that time, together with the number of rail periods for which they were below 95%. It is important to note that a small number of periods of severe non-compliance can affect the average response rate for the whole year.

| Train company | Response rate | P 1 | P 2 | P 3 | P 4 | P 5 | P 6 | P 7 | P 8 | P 9 | P 10 | P 11 | P 12 | P 13 | Number of periods below 95% |
|--------------------------|---------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|------|------|-----------------------------|
| CrossCountry | 100% | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | 0 |
| Heathrow Express | 100% | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | 0 |
| Southeastern | 100% | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | 0 |
| Govia Thameslink Railway | 100% | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | 0 |
| Merseyrail | 100% | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | 0 |
| Chiltern Railways | 100% | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | 0 |
| ScotRail | 100% | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | 0 |
| Greater Anglia | 100% | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | 0 |
| Grand Central | 99% | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | 0 |
| East Midlands Railway | 99% | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | 0 |
| TfL Rail | 99% | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | 1 |
| Avanti West Coast | 98% | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | 0 |
| Great Western Railway | 98% | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | 1 |
| TransPennine Express | 96% | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | 2 |

| | | | |
|------------------------------|-----|--|----|
| Northern Trains | 96% | | 2 |
| TFW Rail | 95% | | 3 |
| South Western Railway | 93% | | 2 |
| London Overground | 91% | | 7 |
| Hull Trains | 88% | | 5 |
| West Midlands Railway | 86% | | 4 |
| London North Eastern Railway | 80% | | 6 |
| Caledonian Sleeper | 77% | | 4 |
| c2c | 60% | | 10 |

Complaints handling – compliance

LNER - Failure to respond to 95% of complaints in 20 working days

LNER proactively informed us in August 2019 that it was unlikely to meet the regulatory requirement to respond to 95% of complaints within 20 working days. This was due to receiving a larger than normal influx of customer complaints following several major disruptive events on its network and challenges associated with the roll out of its new Azuma fleet. In addition to that, LNER had been in the process of implementing a new CRM system and had experienced a number of technical issues during the migration phase that impacted its ability to track the progress of some complaints.

We had a series of meetings and correspondence with LNER to formulate and agree a comprehensive and detailed Recovery Plan that it could implement to enable it to return to compliance and clear its substantial complaints backlog. LNER was also required to submit weekly reports and have regular check-ins to enable us to closely track its progress against its plan. In accordance with agreed actions set out in its Recovery Plan, LNER recruited additional staff within its Customer Experience team to manage the increased complaint volumes and made changes to its work processes to improve its ability to track cases and speed up response times.

LNER returned to compliance in accordance with its Recovery Plan in December 2019. We met with the company again in January 2020 for a 'lessons learned' session to ensure it would not experience similar problems with its complaint handling in the future. It has had no further issues with its complaint handling since this case was resolved.

125 There are occasions when train companies struggle to meet their regulatory requirements. We monitor train companies' compliance and encourage companies to contact us proactively when they anticipate problems occurring. When there are issues, we want the company to act promptly to meet both the expectations of its passengers and to meet its regulatory requirements. In these circumstances, we take action including, depending on the nature and duration, enhanced monitoring, detailed plans to return to compliance, senior level meetings and correspondence, auditing of complaints processes, and ultimately enforcement action.

126 Where it is necessary to take steps beyond enhanced monitoring, we publish the action we have taken⁴³. We have set out below an example of the action taken to secure compliance with complaints handling requirements.

⁴³ <https://orr.gov.uk/rail/licensing/licensing-the-railway/complaints-handling-procedures>

c2c - Failure to respond to 95% of complaints in 20 working days

Through our proactive compliance monitoring we identified inconsistencies and errors in c2c's complaints handling compliance reports. We engaged with the company to address the data quality issues and in doing so established major deficiencies in its complaint handling systems more widely. Simultaneously, c2c was facing a surge in complaints due to the failure of a new IT system designed to make the process easier and quicker for passengers to top-up their Smartcards. A large percentage of c2c passengers are commuters who rely on the Smartcards for their travel which meant the company had to deploy urgent time and major resource to addressing the problem. Furthermore, c2c was also in the process of trying to replace a number of experienced complaint handling managers and agents who had departed the business.

We worked closely with c2c to formulate and agree a comprehensive and detailed Recovery Plan that it could implement to enable it to return to compliance and clear its substantial complaints backlog. In conjunction with this the company was required to submit weekly reports and have regular check-ins via calls to enable us to closely track its progress against the Recovery Plan. c2c returned to compliance in February 2020 and cleared its complaints backlog in accordance with the milestones and timescales specified in its Recovery Plan.

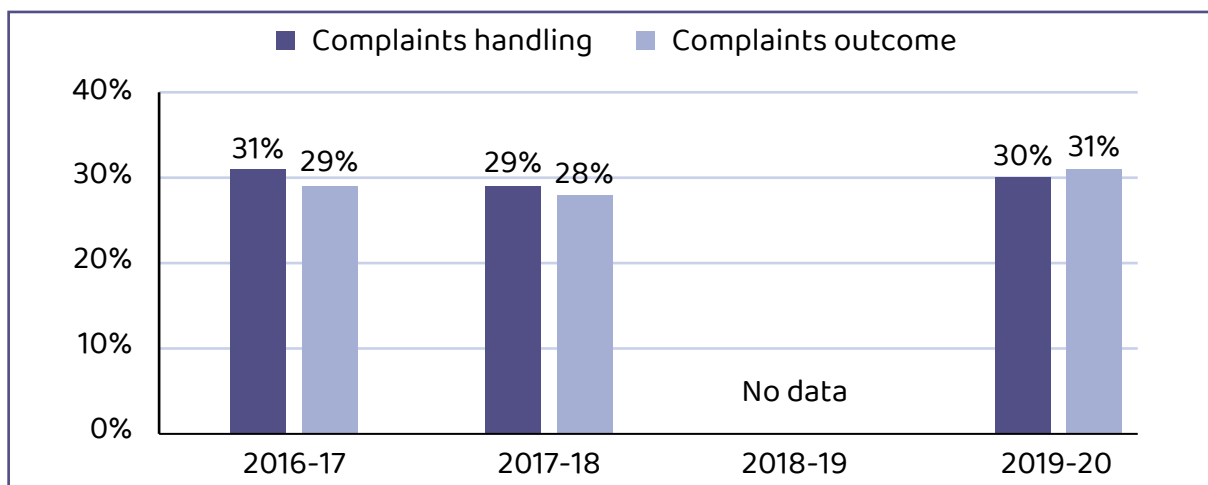
127 As noted above, ORR publishes guidance for handling complaints. This was last reviewed in 2015. Much has changed since then including passenger expectations in the means and speed by which they expect complaints to be handled, as well as the introduction of the Rail Ombudsman. It is important the complaints handling guidance keeps up to date with latest developments. Therefore, in the next 12 months we will conduct a review of the guidance to ensure that it remains fit for purpose.

Passenger satisfaction with complaints handling

128 Following a thorough review of the survey methodology, this year we have been able to collect a sufficient number of responses to enable us to present a robust set of results for our survey of passenger satisfaction with train companies' complaints handling. By measuring passenger satisfaction across a range of indicators, both train companies and ourselves are able to gain a better understanding of performance. We will publish the results of this independent research on the ORR data portal.

129 We have had a substantial response – nearly 55,000 surveys were completed - which has enabled us to publish comparative information between train companies. The data below shows that passenger satisfaction with both the handling, and the outcome of the complaint has increased since the last survey.

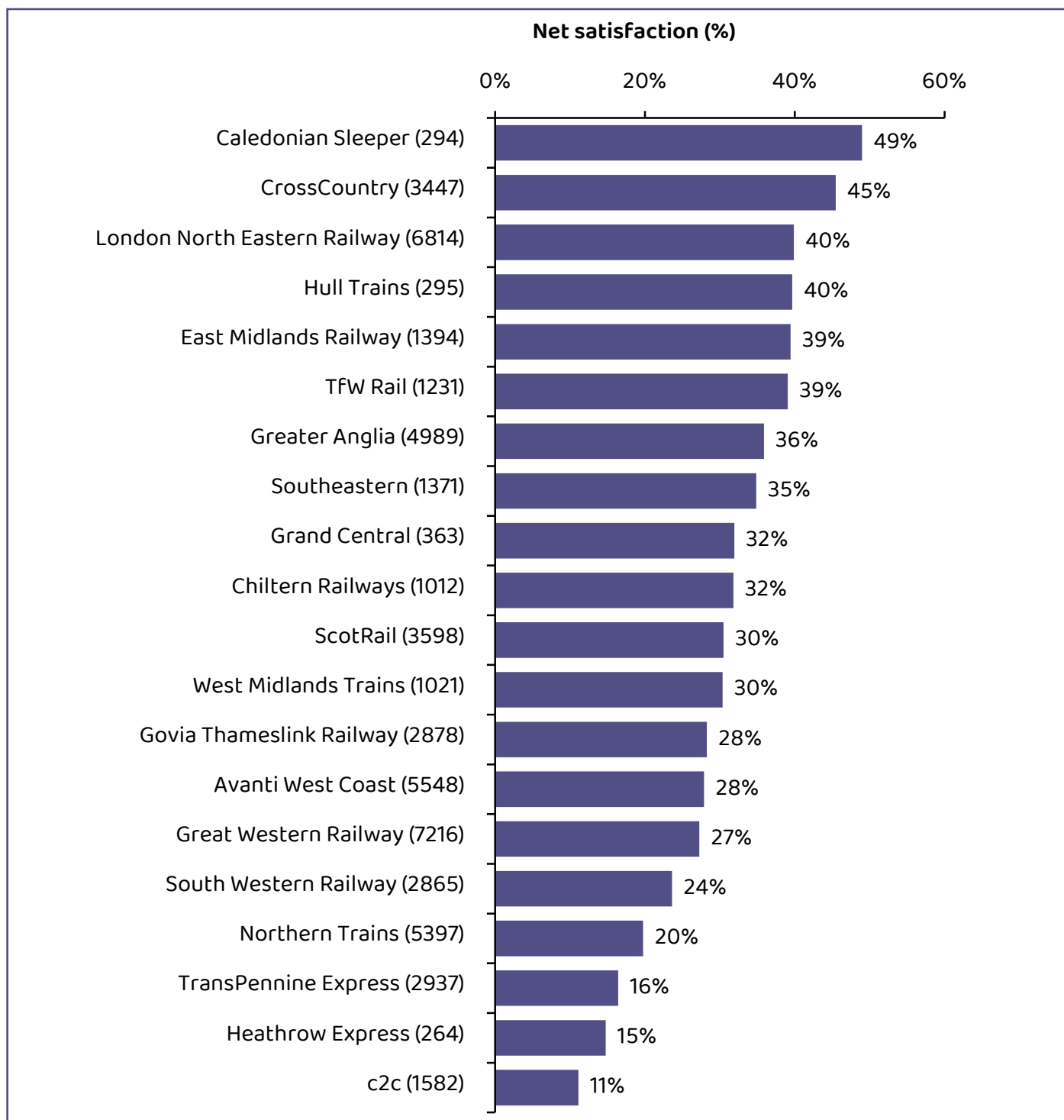
Passenger satisfaction with complaints handling, 2016-17 – 2019-20



Source: Train Operating Companies

130 We are also able to focus on passengers' satisfaction with individual train companies' complaints handling process, and the outcome. The results show a clear difference in performance across train companies. As noted in the previous section, c2c is the worst performing train company for responding within the required timescales and, as the table below shows, is the poorest performer on the satisfaction with complaints handling metrics too. However, the relationship between speed and satisfaction is not wholly clear, for example LNER struggled to meet timescale requirements but its complainants are amongst the most satisfied with the complaints handling process. This data is available to train companies and we expect them to analyse the survey findings to determine what is driving satisfaction and how they intend to make improvements. We will be contacting them to understand the results of their review.

Passenger satisfaction with complaint handling process, 2019-20



Source: Train Operating Companies

Rail Ombudsman

131 Since its launch in November 2018, the Rail Ombudsman has now become firmly established as the means of independent, binding redress for rail passengers who are dissatisfied with their train companies' complaints handling. The cases it has dealt with has grown as it has become more well known, with more than 3200 rail passengers bringing disputes to them. The Rail Ombudsman has now published its first annual report⁴⁴ covering the year to 31 December 2019.

132 We have continued to work with RDG, as well as DfT, Transport Focus, LondonTravelWatch and DPTAC as part of the scheme council providing independent oversight of the ombudsman arrangements.

133 In discussing ORR's future role in the Rail Ombudsman arrangements, ORR committed to undertaking an independent review of the scheme after 12 months of its commencement. The purpose of this research is to ensure that the Rail Ombudsman continues to provide a timely and effective means of redress for consumers. We appointed an external agency to review the operation of the Rail Ombudsman scheme against the terms on which it was appointed, current best practice, and the reporting relationships between it and the relevant parties. The review has identified a number of areas where the ombudsman arrangements can be enhanced around governance and accountability, operations, and impact and influence. The results of this research are published alongside this report, together with our plan for taking forward its recommendations.

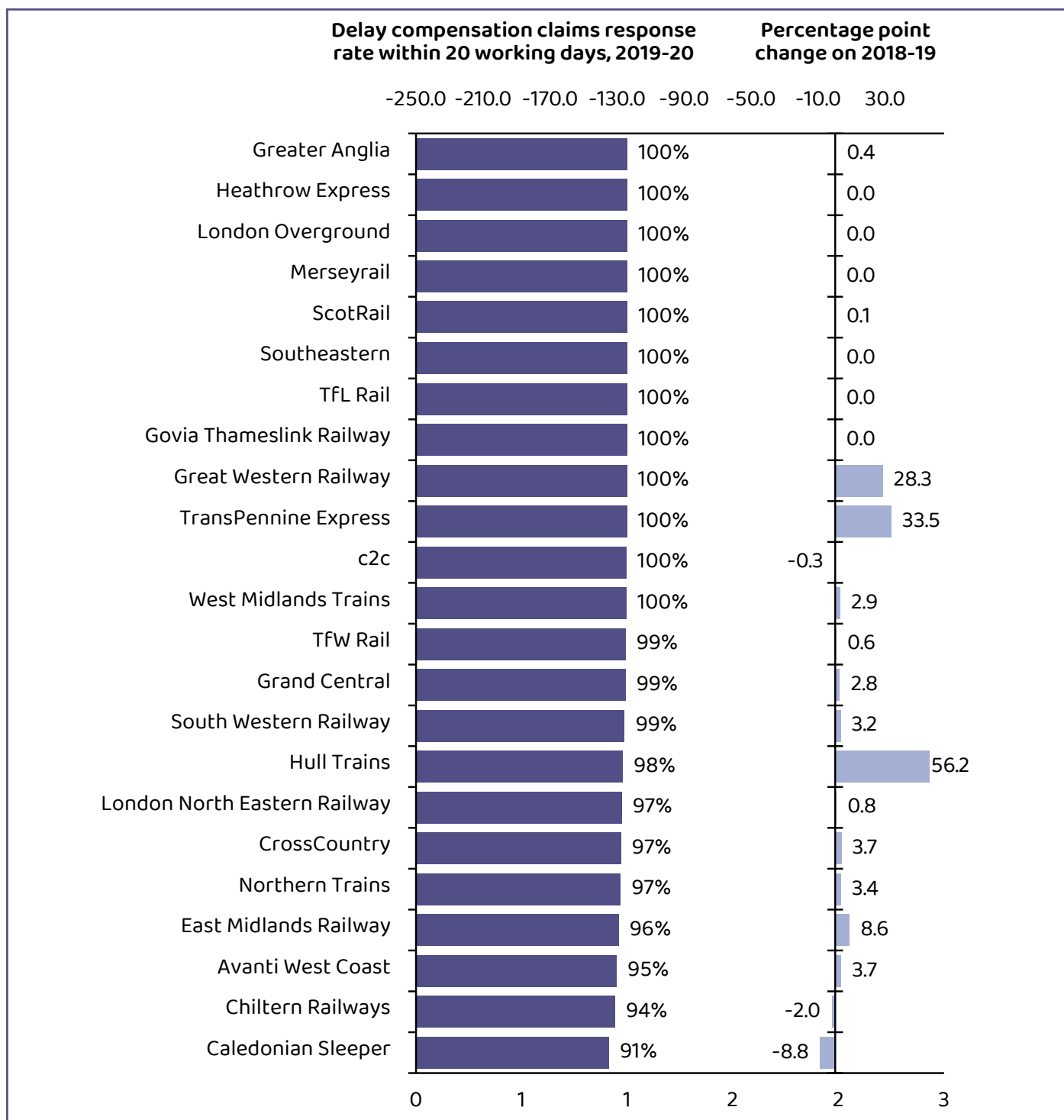
Delay compensation

134 When passengers are delayed beyond a certain length of time they become entitled to claim compensation, regardless of whether the company they are travelling with is responsible for the delay they have experienced. Over the last year 6.3m claims for delay compensation were closed by train companies.

135 We have continued to collect data to show how swiftly train companies are processing claims submitted by passengers within the aims set out in the NRCOT to do so within a month (20 working days). We note the welcome improvement in performance from some train companies including TPE whom we highlighted as struggling to meet requirements last year.

⁴⁴ https://static.railombudsman.org/roweb/wp-content/uploads/2020/03/25211504/Rail_Ombudsman_Annual_Review-FINAL3.pdf

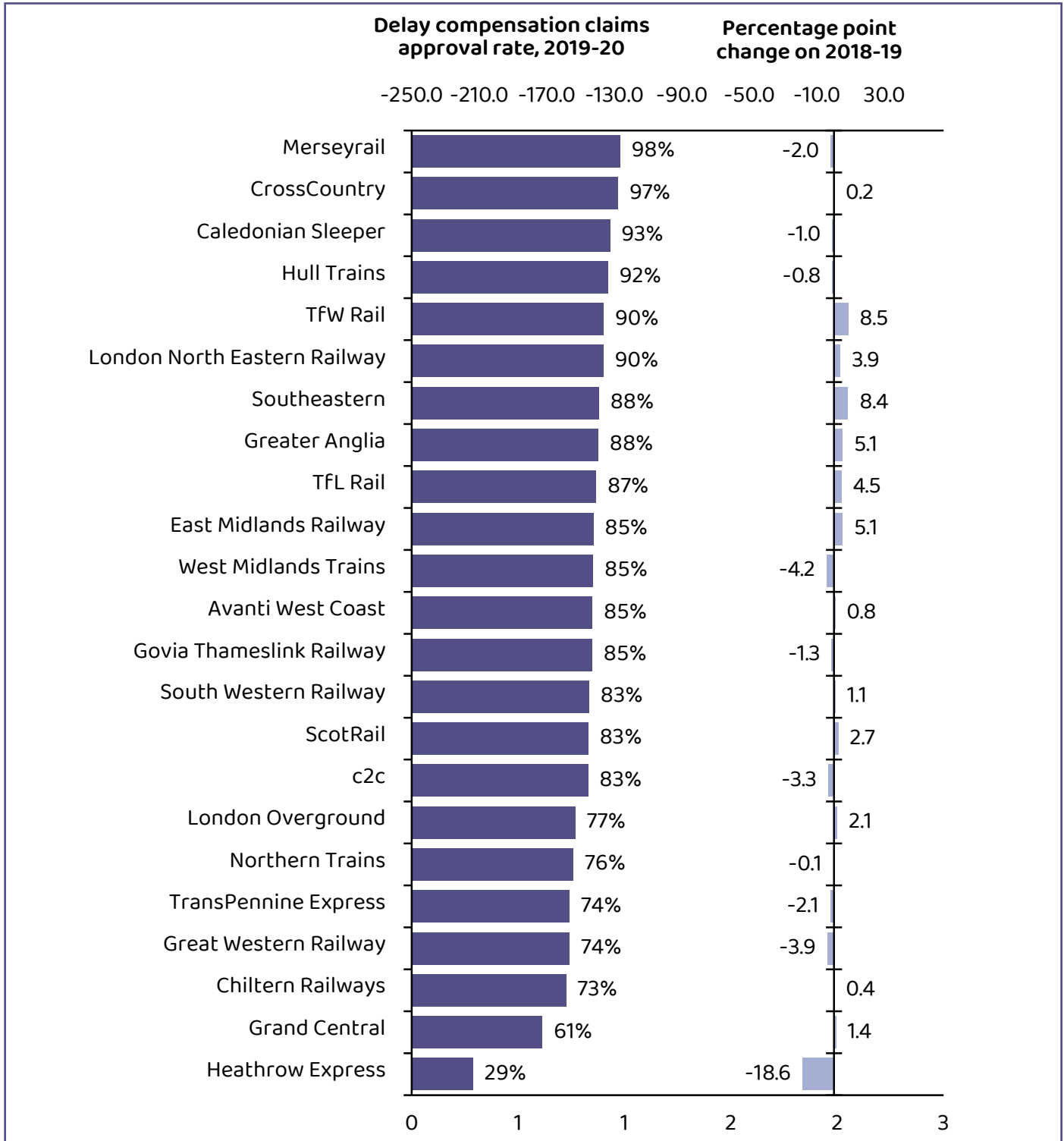
Percentage of delay compensation claims answered within 20 working days by train company, Great Britain, 2019-20



Source: Train Operating Companies

136 We also collect data on the percentage of delay compensation claims train companies approve and reject. The graph below shows that there is a variance between individual train companies in the percentage of claims received which are then approved. The data in the table above and below have been used to inform our work on the delay compensation licence condition, which is set out in the section below.

Percentage of delay compensation claims approved by train company, Great Britain, 2019-20



Source: Train Operating Companies

Submission to the Williams Rail Review – Delay Compensation

137 In July 2019 we published our response⁴⁵ to the Williams Review Team's request for advice on what more could be done by train companies to make it easier for passengers to access the compensation they are entitled to and whether more regulatory powers are required to ensure it happens. We set out a number of short, medium and long-term reforms that are targeted at the key areas for improvement outlined above. These reforms are designed to make passengers aware of their entitlement to compensation and empowered to make a claim.

138 In the short-term, we proposed that we consult on the introduction of a new delay compensation licence condition. The licence condition would require train companies to comply with a new code of practice on delay compensation. As noted in the section below, we have developed our work on the licence condition further.

139 Our medium and long-term proposals focussed on wider considerations for the Williams Review. For example, in the medium-term the modernisation of national ticketing, including the application of new technology and ticketing processes; whilst in the long-term, we suggested that compensation arrangements be considered within the future framework of passenger services that the Williams Review is developing.

Delay compensation licence condition

140 The data we have collected on performance, which we have set out above, together with the in-depth analysis undertaken as part of our response to the Williams Review, has been used to inform the development of our work on the new licence condition noted above. We published our consultation on 30 June 2020⁴⁶. The new licence condition will require adherence to a delay compensation code of practice which will set a common baseline for all train companies.

141 The code of practice will set out clear standards designed to: increase awareness of delay compensation arrangements; simplify processes for claiming; incentivise continuous improvement; and establish reporting requirements. The code will also oblige train companies to accept claims from Third Party Intermediaries (TPIs) who meet the requirements of the ORR Code of Conduct for TPIs.

⁴⁵ https://orr.gov.uk/_data/assets/pdf_file/0005/41396/orr-advice-to-the-williams-rail-review-july-2019.pdf

⁴⁶ <https://orr.gov.uk/rail/consultations/open-consultations/improving-access-to-delay-compensation>

Next steps

Next year, subject to any reprioritisation as a result of Covid-19, we intend to:

- conduct a review of the ORR **complaints handling guidance** to ensure it remains fit for purpose;
- look at the differences in **complaints handling satisfaction** between the best and weakest performing train companies and challenge those companies who are not performing well to improve;
- publish our **Rail Ombudsman Review** research report together with our plan for taking forward its recommendations; and
- publish the results of our consultation on a **delay compensation licence condition**, and take the steps necessary to ensure its introduction.

4. Network Rail

Introduction

142 Network Rail owns and operates the national rail network. This includes the track and related infrastructure, and 20 of Britain's busiest stations on the network. Of these 20 stations, 11 are in London. We hold Network Rail to account for its performance, enforcing compliance with its licences and conducting five-yearly reviews that set its funding and what it must achieve within the relevant control period.⁴⁷

143 The key passenger facing obligations that apply to Network Rail fall within its station licence and therefore relate to the stations it manages (although its network licence also includes obligations around passenger information).

144 These passenger facing obligations require Network Rail to:

- cooperate, as necessary, with train companies to enable them to provide appropriate, accurate and timely information to enable passengers to plan and make their journeys with a reasonable degree of assurance, including when there is train service disruption (Condition 3 of Network Rail's station licence);
- establish and comply with an ATP which sets out the arrangements by which Network Rail will protect the interests of rail users who are disabled in their use of managed stations (Condition 4 of Network Rail's station licence); and
- establish and comply with a CHP relating to licensed activities from customers (Condition 5 of Network Rail's station licence). As with train companies, we use the data we collect to monitor Network Rail's performance and compliance with its obligations.

Information for passengers

145 As noted in the earlier chapter on passenger information, we asked⁴⁸ the industry to work together to provide a Passenger Information Improvement Plan to set out how it will make tangible and enduring network-wide improvements to the provision of passenger information, including during disruption. Network Rail has a key role to play in helping train companies provide information to their passengers on the cause of a delay and plans for the restoration of services. This role is reflected in a core passenger information duty in the network licence.

⁴⁷ <https://orr.gov.uk/rail/economic-regulation/regulation-of-network-rail>

⁴⁸ https://orr.gov.uk/_data/assets/pdf_file/0017/42434/passenger-information-during-disruption-letter-to-industry-2019-11-15.pdf

146 There are industry systems for setting timetables and providing passengers with information. The System Operator (SO) function within Network Rail coordinates the process for fixing a base timetable twice a year and for making short-term changes to it. The industry norm is that timetables are agreed and confirmed at least 12 weeks ahead of travel, enabling train companies to open ticket reservations and bookings for passengers (this is known as T-12 or informed traveller timescales). Due to the disruption to services caused by the pandemic, it has not been possible for the SO to maintain the informed traveller timescales. Once train travel is again available for normal rather than essential journeys there will need to be a period where the timetable recovers.

Advance ticket sales

147 As noted in the earlier chapter on ticket retailing, a timetable issue that has been concerning the industry is tickets for services being sold more than 12 weeks in advance. Although this mainly affects TPRs, some train companies also sell tickets up to six months in advance (and Caledonian Sleeper sells tickets up to a year in advance). Concerns have been raised by Transport Focus and some train companies that this can lead to tickets being sold for periods when major engineering work, such as line closures or blockades, are planned.

148 We attended a meeting with Transport Focus, TPRs, SO and RDG to discuss the issue. As a result, a trial of a new way of “blocking out” known periods of work has been proposed on the East Coast route in the first instance. The SO would be responsible for coordinating input as part of agreeing engineering access. The initial proposal is that the SO will include a question to ask whether ticket sales should be restricted when work is being planned. Work has been done by the TPR Association to design a feed that can be imported into ticket engines. As these TPRs provide many of the ticket engines for train companies as a white label supplier, it is hoped that this will allow known dates of planned works to be blanked out for sales in advance of 12 weeks. It is expected that when T-12 is reached, the timetable will have been finalised and a full range of tickets can be sold.

Monitoring and insight

149 As noted in the earlier chapter on passenger information, we monitor and examine specific issues that come to our attention, including following major incidents or those with a high passenger impact. These are followed up individually with train companies or Network Rail as appropriate. We publish the results on our website, as we have done for the example below⁴⁹.

⁴⁹ <https://orr.gov.uk/rail/consumers/licence-obligations-to-consumers/passenger-information> at the bottom of the page under “publications and updates

East Croydon power failure

On 18 December 2019 a power failure in the evening peak disrupted services through East Croydon with both London Victoria and London Bridge being affected. The lack of alternative routes, volume of people travelling and the disruption of passengers travelling to Gatwick Airport all made this a high passenger impact incident. In addition to eye witness reports from ORR staff, we were also able to refer to evidence provided in a detailed blog. (Link to <https://busandtrainuser.com/2019/12/18/power-failure-empowers-staff/>).

Amongst concerns raised at London Victoria were:

- Automatic announcements for trains not running or encouraging passengers to “travel well together”
- Suggestions that passengers for Gatwick should go to London Bridge - which also had no services
- Complete failure of the information system later on the incident

At London Bridge there were similar concerns including:

- Blank departure screens for Thameslink services that were already in the core and therefore known about
- Sending passengers for Gatwick Airport to Victoria to get the Gatwick Express even though those services were not running

Information screens across the Southern network also became unreliable including showing incorrect “train last reported at” information. As the incident continued, Thameslink services to Bedford and Peterborough were disrupted, despite the incident being south of London.

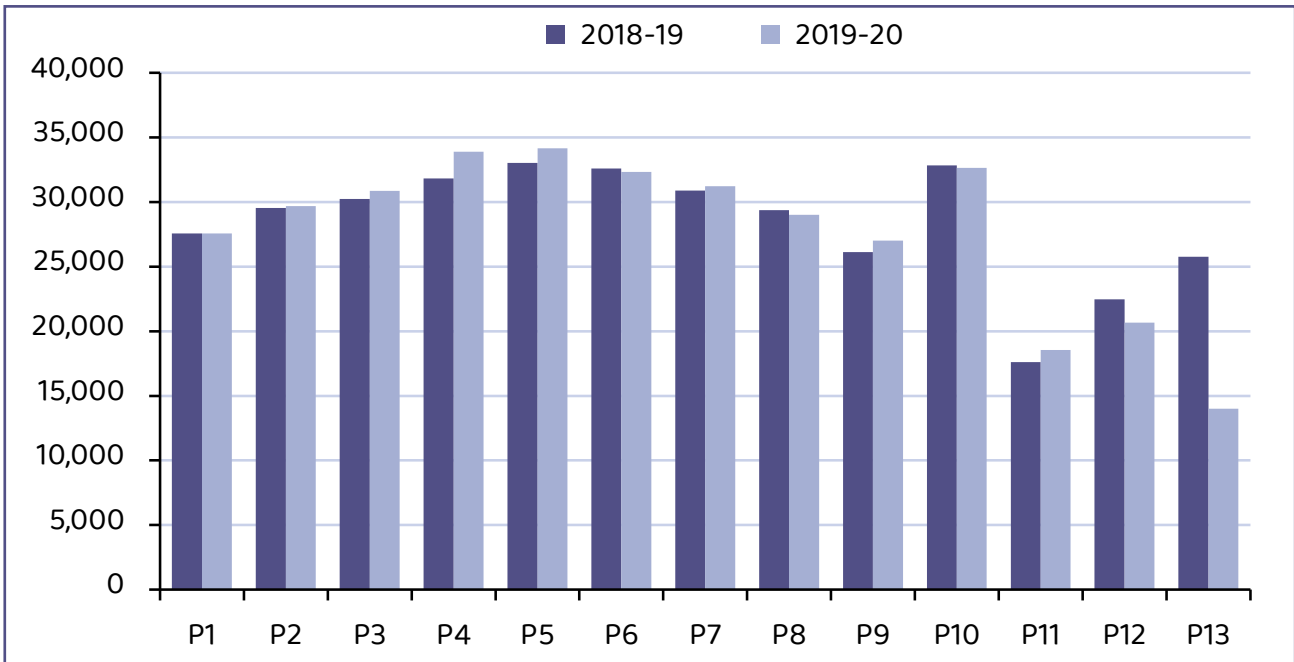
We wrote to Network Rail and GTR (the Southern, Gatwick Express and Thameslink company) to ask for the results of their review of the incident and any lessons learnt. In their joint response, Network Rail and GTR provided an explanation of what had happened together with a details of what had gone well and poorly and the mitigations it had put in place. They committed to a process to change its future incident reviews to ensure they are ‘Putting Passengers First’.

Assisted Travel

150 Network Rail is responsible for providing passenger assistance at its managed stations. In 2019/20, there were 361,707 booked assistances⁵⁰ requested at Network Rail managed stations which represents 30% of all booked assistance requests made nationally. This decrease of 2.2% compared to 2018/19 is largely due to the impact of Storms Ciara and Dennis as well as the Covid-19 pandemic.

⁵⁰ Data provided by RDG

Total volume of assisted journeys booked at Network Rail stations by rail period 2018-19 and 2019-20



Source: RDG

151 Network Rail's managed stations were included in our ongoing independent research to understand passenger experiences of booked assistance. The table below shows how Network Rail performed on the key measures within the research, which is published alongside this report.

| Company | Overall sample size | Received all assistance booked | Satisfaction with assistance at station | Overall satisfaction |
|-------------------------|---------------------|--------------------------------|---|----------------------|
| Network Rail | 1,020 | 78% | 89% | 88% |
| National/average | 4,079 | 74% | 88% | 86% |

152 As noted in the earlier chapter on complaints and redress, the results of the research above show that train companies need to improve to provide the service passengers require. Network Rail, jointly with GTR, took part in a trial to test our proposed reliability safeguard measures, and has also agreed to further support the trial with involvement of more of its stations over the coming months.

153 Alongside their commitment to the main ATP requirements, a particular area of focus which is specific to Network Rail is the introduction of individual Station Guides for each of their 20 managed stations. The guides will be made available online and at the stations and will inform passengers who require assistance of the help that is available and how to obtain it, and of the accessible facilities that are provided. This will be particularly beneficial to those passengers who are not regular users of the stations and who need assistance in navigating a large station which is especially busy.

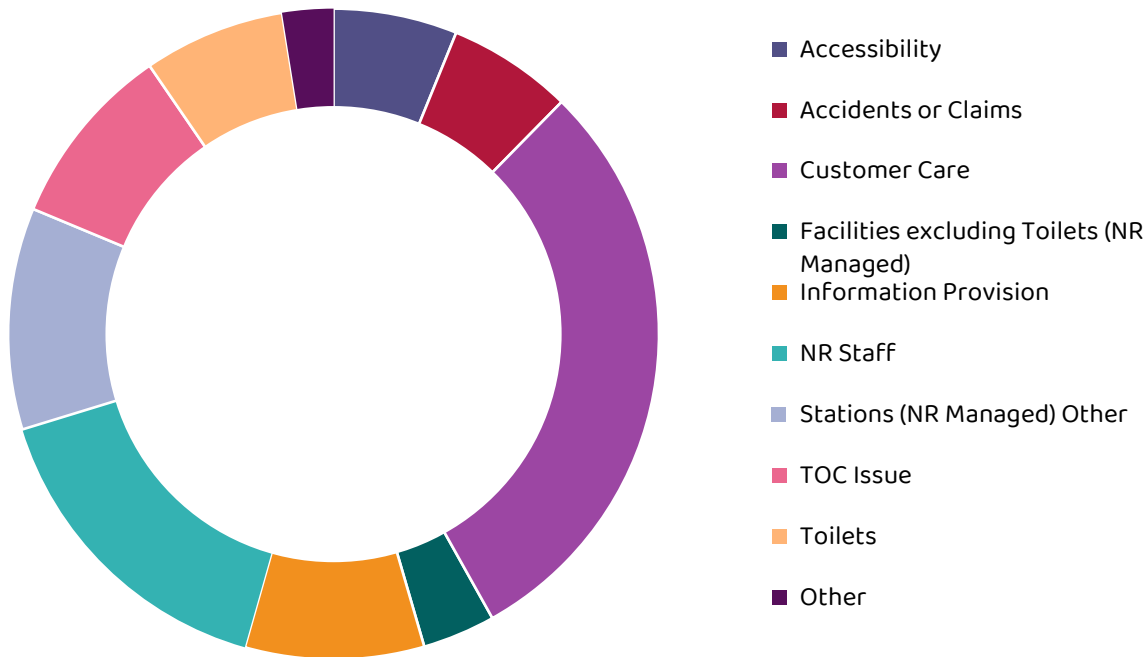
154 As part of the development for the first guide designed for Euston station, we conducted a site visit with the station manager, and key staff at Network Rail involved in both the drafting of policy on assistance and its actual physical delivery in the station. During the visit we were able to understand the roles and responsibilities of the various organisations that contribute to accessibility at the station.

155 We plan to conduct similar site visits to other Network Rail managed stations to review its station guides and understand more about accessibility provisions at these stations.

Complaints handling

156 This year, Network Rail responded to 1,934 complaints related to its 20 managed stations, a drop from 2,417 received in 2018/19. The vast majority of complaints it receives are outside our scope in regulating how Network Rail manages complaints under its CHP and relate to issues such as engineering works or lineside maintenance. The chart below details the main complaints categories at Network Rail’s managed stations.

Percentage of Network Rail station complaints by category



Note: ‘Other’ category includes complaints about lost property, car parks and retail.

157 We asked Network Rail to set out the measures they had taken to address the main causes of complaints. Network Rail reported it has continued to focus on staff training in order to improve customer care and is working with industry partners to improve information provision for passengers particularly during disruption. Network Rail also reported that it has improved its facilities management and interrogation of station accidents to understand root causes. During the year Network Rail introduced the sunflower lanyard scheme and assistance lounges, coupled with increasing staffing, to better assist passengers with accessibility needs.

158 Licence holders are required to respond to 95% of complaints within 20 working days. Our monitoring showed that 82.1% of complaints met this timescale with a relatively small number (347) outside it. Over the year we have held quarterly meetings with Network Rail to understand what measures have been put in place to improve performance and to monitor progress. We raised particular concerns about the performance of Network Rail's Eastern and North West and Central regions. Network Rail reported that both of these regions had individual plans to improve response times, including weekly reporting and designated forums. We note that Network Rail's North West and Central region has been making progress each period.

159 Over the coming year Network Rail has a national strategy to review complaint handling with a view to support the improvement of response times. We will continue to meet quarterly to monitor progress and help drive improvements in complaint handling performance.



Annex A Findings by train company

[Avanti West Coast](#)

[c2c](#)

[Caledonian Sleeper](#)

[Chiltern Railways](#)

[CrossCountry](#)

[East Midlands Railway](#)

[Govia Thameslink Railway](#)

[Grand Central](#)

[Great Western Railway](#)

[Greater Anglia](#)

[Heathrow Express](#)

[Hull Trains](#)

[London North Eastern Railway](#)

[London Overground](#)

[Merseyrail](#)

[Northern Trains](#)

[ScotRail](#)

[South Western Railway](#)

[Southeastern](#)

[TfL Rail](#)

[TfW Rail](#)

[TransPennine Express](#)

[West Midlands Railway](#)

Glossary of terms

Accessible Travel Policy (ATP) - train and station companies are required by their operating licences to establish and comply with an Accessible Travel Policy (ATP), approved by ORR. The ATP replaces the Disabled People's Protection Policy (DPPP) and sets out, amongst other things, the arrangements and assistance that a company will provide to protect the interests of disabled people using its services, and to facilitate such use.

Complaints Handling Procedure (CHP) - train and station companies are required by their operating licences to establish and comply with a procedure for handling complaints relating to licensed activities from customers and potential customers. This procedure is known as the 'complaints handling procedure' (CHP). The CHP is approved and monitored by ORR.

Consumer law - protection in place to ensure the rights of consumers as well as fair trade, competition and accurate information in the marketplace. In this document referring to The Enterprise Act 2002, The Consumer Rights Act 2015, and The Consumer Protection (from Unfair Trading) Regulations 2008.

Consumer Protection Cooperation (CPC) Regulation - cooperation between national authorities responsible for the enforcement of consumer protection laws. This regulation repeals the existing CPC Regulation (EC) 2006/2004 and lays down a cooperation framework to allow national authorities from all EEA countries to jointly address breaches of consumer rules when the trader and the consumer are established in different countries.

Customer Information Measure (CIM) - an assessment for passenger information delivery, to drive the delivery of consistent and measurable improvement over time.

Department for Transport (DfT) - a ministerial department within government.

Disabled Persons Transport Advisory Committee (DPTAC) - advises the government on transport legislation, regulations and guidance concerning the transport needs of disabled people, and works to ensure disabled people have the same access to transport as everyone else.

Franchised passenger train companies - a rail franchise is a contract between government or a public authority and a train company to run services within a specified geographic area or route for an agreed period of time. Franchises are awarded through a bidding process where the franchising authority specifies the length of the franchise, service schedules and performance standards, and other requirements such as the passenger compensation scheme that it considers should be in place for passengers within that franchise.

London TravelWatch (LTW) - The independent, statutory body for transport users in and around London. It is funded by the London Assembly and investigates complaints from people unhappy with the response they have received from their transport provider.

Mobility and Access Committee for Scotland (MACS) - an advisory non departmental public body established in 2002. MACS consider matters about the needs of disabled persons in connection with transport and also advise Scottish Ministers.

National Rail Conditions of Travel (NRCoT) – an agreement between a passenger and train company which applies to all domestic (non-international) journeys by scheduled passenger train services on the railway network of Great Britain. It sets out passengers' and train companies' rights and obligations when travelling by train.

National Rail Enquiries (NRE) – the source of customer information for all passenger rail services on the National Rail network in England, Wales and Scotland. The National Rail Enquiries website, run by RDG, includes a real-time journey planner, fares and live departure information.

Network Rail – the national rail network (track and related infrastructure) is owned and operated by Network Rail. It derives its revenue primarily from charges levied on train companies for access to its network and stations, and from a direct financial 'network grant' from the government. Network Rail also owns and operates 20 of Britain's busiest stations – including 11 stations in London. Chapter 4 of this report sets out how Network Rail is fulfilling its obligations to passengers under its station licence.

Open access train companies – open access companies do not operate services under a franchise or a concession agreement but they are authorised by ORR to have access to the network on certain routes for a specified amount of time. There are currently three open access companies: Grand Central and First Hull Trains (which operate a small number of services on specified routes in competition to the franchisee on the East Coast main line) and Heathrow Express which runs services from Paddington to Heathrow Terminals. Together they represent less than 1% of passenger miles.

Other non-franchised companies – these include heritage railways, such as those using steam locomotives, and operating as tourist attractions.

Passenger Assist – the central system provided by RDG, which is used by people booking help. It means passengers are able to book assistance without having to contact more than one company.

Passenger Information During Disruption (PIDD) – in 2012, ORR introduced a new condition on the provision of information for passengers into train company and station licences. The purpose was to ensure that passengers receive appropriate, accurate and timely information about train services so they can plan and make journeys with a reasonable degree of assurance. A code of practice was subsequently published and companies published their own local plans to show how they would comply with this. To ensure the code is delivering benefits for passengers we have worked with stakeholders to develop a list of improvement actions to ensure passengers get the information they need when services are disrupted, at the right time, and through appropriate channels.

Public Service Vehicle Accessibility Regulations (PSVAR) - ensure that all "regulated public service vehicles" are accessible, safe and comfortable for disabled persons including wheelchair users.

Rail Delivery Group (RDG) – ATOC (Association of Train Operating Companies) was set up in 1993, as the official voice of passenger train companies. In 2011, it was joined by the Rail Delivery Group which was responsible for policy formulation and communications on behalf of the whole rail industry. In October 2016, the single name of Rail Delivery Group was adopted to describe the two organisations.

Rail Ombudsman – is an independent, not-for-profit organisation offering free, expert service to help sort out unresolved customer complaints about service providers within the rail industry.

Rail Passenger Obligation Regulation (PRO) – The PRO enhances and strengthens the rights of rail

passengers, particularly in the areas of information and ticket provision, compensation and assistance, and provides rights for disabled persons and persons with reduced mobility. It applies to passenger operators, station managers, ticket vendors and tour companies.

Rail Period – the rail industry reports data on a periodic basis different to the widely recognised reporting cycles, such as monthly or quarterly. A 'period' is normally 28 days, or four weeks, for business reporting purposes (Sunday to Saturday) and there are 13 periods in a financial year. The length of a period may differ at the end of the financial year, 31 March, and the beginning of the financial year, 1 April, to ensure that a break is made at 31 March.

The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to England) Regulations 2020 - From 8 June 2020, transport operators are required to ensure that passengers travelling to England by sea, air or rail from outside the common travel area are provided with information about coronavirus, and related duties and public health guidance, at 3 stages of the passenger journey: at the booking and check in stages and on board the vessel, aircraft or train.

The Williams Rail Review – led by independent chair, Keith Williams, was established in September 2018 to look at the structure of the whole rail industry and the way passenger rail services are delivered. Reform will begin in 2020.

Third Party Rail ticket retailers (TPRs) - sells train tickets to passengers and businesses without running the train services themselves.

Train company – the term 'company' instead of 'operator' has been used throughout this report to refer to passenger and/or station licence holders.

Transport Focus (TF) – Transport Focus (previously Passenger Focus) is the independent transport user representative body. It is structured as an executive non-departmental public body, sponsored by DfT. Its mission is to get the best deal for passengers and road users.

Transport for London (TfL) – TfL is the local government organisation responsible for most aspects of London's transport system.



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