

Marcus Clements
Head of Consumer Policy
Directorate of Economics, Markets & Strategy
Office of Rail and Road



Kathryn O'Brien
Customer Experience Director
TransPennine Express

18 February 2021

Dear Kathryn,

Compliance with Condition 5 (Accessible Travel Policy) of your Station Licence and GB Statement of National Regulatory Provisions: Passenger

Thank you for your response to our letter dated 18 August 2020 in respect of TransPennine Express' (TPE) licence and its activities in relation to its obligations under section A8 (**Redress**) of the Accessible Travel Policy (ATP). I am grateful to you for setting out the steps you have taken following receipt of this letter including an audit of your 2019-20 Core Data- Section I (Redress) submission and the subsequent submission of revised data. Your intention to contact the 25 customers identified as not being offered any form of redress is also welcome.

We note your plans to improve the accuracy of Core Data submissions in future. As recently discussed at our first ATP quarterly meeting in January, whilst we welcome your plans to strengthen procedures within the customer experience team, we are concerned that your suggested plan to only log a complaint as a booked assistance failure when tickets are received, if payment is due, may also give rise to under reporting within your Core Data report. Should this be the case, this approach would not comply with the guidance as set out in the Core Data reference guide.¹

Your response also appears to indicate you only record redress in cases where compensation is provided. However, redress should be determined on a case-by-case basis and whilst it may also be a monetary refund, it may also be a gesture of

¹ [Reference guide for ORR Core Data compliance reporting](#) (2020-21)



goodwill. In all cases where assistance failures occur, it is important that an explanation is given to the passenger why assistance was not provided and what steps have been taken to ensure the failure does not reoccur.

We will continue to discuss the provision of redress with you at our future ATP quarterly meetings.

Please note, this letter and your previous reply will be published on our website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marcus Clements', is positioned below the text 'Yours sincerely'.

Marcus Clements

CC. Natasha Marsay

Marcus Clements
Head of Consumer Policy
Directorate of Economics, Markets and Strategy
Office of Rail and Road

18 September 2020

Dear Marcus,

RE: Compliance with Condition 5 (Accessible Travel Policy) of your Station License and GB Statement of National Regulatory Provisions: Passenger

I am writing to you with regards to your letter of 18 August 2020 to our Accessibility and Integration Manager, Natasha Marsay, about concerns of the level of redress for TransPennine Express customers who have been subject to a booked assistance failure. Natasha has passed your letter over to me so that an examination of the relevant data held within our Customer Relations department could be undertaken, and this was to ensure that we could provide the most informed and accurate response possible to the concerns raised in your letter.

As a company, we are committed to providing the very best possible service to our customers; on the unfortunate occasion we do let our customers down, such as failing to provide booked assistance, providing the appropriate redress is our priority. As mentioned in your letter, our approval rate for redress due to a booked assistance failure throughout rail periods 1-13 in 2019/2020 was a cause for concern, therefore we have conducted a thorough examination of the relevant data to ascertain why the level of approval was so low.

Data held for rail periods 1-13 in 2019/2020 prior to our review indicated the following, as set out in your letter:

- A. Number of claims received for redress following booked assistance failure: **73**.
- B. Number of times that redress was provided for booked assistance failure: **17**.
- C. Percentage of claims for redress where redress was provided: **23%**.

Upon further and closer review of this data, however, we have found the following:

- A. Number of claims received for redress following booked assistance failure: **65**.
- B. Number of times that redress was provided for booked assistance failure: **32**.
- C. Percentage of claims for redress where redress was provided: **49%**.

This revised data therefore shows that across the year, the net difference is 8 complaints lower and payments increased by 15. Whilst a percentage of 49% of claims where redress was provided is still not at the level we would expect, this is considerably better than the initial 23% approval rate, at double the amount suspected to have been paid.

There are various reasons why the initial numbers prior to review suggested a high level of complaints and low level of redress. I have set out these reasons below:

- Complaints regarding failed booked assistance over the phone were often logged twice – once on the call when tickets were requested in order to organise the payment, and again when tickets arrive.
- Some complaints made over the phone were just closed with no payment offered, only an apology – this has also happened through other channels.
- Incorrect use of category for logging complaint against failed booked assistance.

These observations, therefore, identify the following issues:

- Over-reporting
- Process not being followed
- Cases logged incorrectly as failed booking assistance

Next Steps

From our observations, it is clear that there are instances where a single case of booked assistance failure has been logged twice (firstly, when the claim for redress is initially made, and secondly when ticket evidence is received and payment raised), making the level of claims received appear more than it actually is. Going forward, we believe it may be best to change the process slightly by only logging the complaint as booked assistance failure when tickets are received if payment is due, as the figures could otherwise be inaccurate. Additionally, there are instances where a case has been incorrectly logged as a booked assistance failure which can also skew the figures, so this will be fed back to the team to ensure that each case is logged correctly so that it accurately reflects the reason for which a customer has gotten in touch.

Despite the improved figures as a result of our review, we are aware that 33 cases of failed booking assistance have still not been provided with redress over the year 2019/2020. This is, of course, an issue that we are keen to rectify, and we have looked further into why this has been the case. Our investigation has highlighted the following:

- Cases where no compensation was not offered at all: **24**.
- Cases closed with no reply: **1**.
- Cases where tickets were requested, but no follow up from the customer: **7**.
- Cases where tickets were requested, but customer could not provide: **1**.

These findings show 8 cases whereby steps towards redress were followed through the request of ticket evidence, but this was not supplied by the customer – we do require this evidence in order to calculate the appropriate level of compensation, so there is little that we can do to provide redress at this stage.

However, the findings also show that there are 25 cases where process was not followed where the customer was not offered any form of compensation at all. It is therefore our intention to go through each of these cases to remedy this error, to ensure that each of these customers receive the correct level of redress for their experience. On behalf of TransPennine Express, I would like to express my sincere apologies for the disappointment and frustration that this lack of redress caused to each affected customer, and we are very sorry that we have let these individuals down.

We are acutely aware that when travelling, reliable assistance is crucial for those that book this service for both peace of mind and ensuring that their journey is a comfortable and pleasant experience. We also know that, if we do unfortunately let individuals down in these circumstances, it is incredibly important to provide the appropriate level of redress in a timely and efficient manner. The findings of this letter, therefore, will be fed back to the team, and further training will be given to advisors on policy, response and required action in the event a failed booked assistance claim is received. This is not an error that we take lightly, and the importance of redress in these instances will be highly emphasised to them team.

Thank you for bringing this matter to our attention. I hope that I have not only addressed your concerns, but also provided assurance that TransPennine Express is committed to providing the very best service to our customers and will work hard to ensure that redress is always provided where it is due.

Yours sincerely,



Kathryn O'Brien
Customer Experience Director
TransPennine Express



TransPennine Express
7th Floor
Bridgewater House
60 Whitworth Street
Manchester
M1 6LT
www.tpexpress.co.uk



Marcus Clements
Head of Consumer Policy
Directorate of Economics, Markets & Strategy
Office of Rail and Road



Natasha Marsay
Accessibility and Integration Manager
TransPennine Express

18 August 2020

Dear Natasha,

Compliance with Condition 5 (Accessible Travel Policy) of your Station Licence and GB Statement of National Regulatory Provisions: Passenger

I refer to Condition 5 of TransPennine Express' (TPE) licence and its activities in relation to its obligations under section A8 (**Redress**) of the Accessible Travel Policy (ATP).

As you will be aware, one of the principal ways the Office of Rail and Road (ORR) monitors licence holders' compliance with their ATP obligations is via their routine core data submissions. Our review of TPE's activities in relation to the provision of redress to passengers following a booked assistance failure shows that between rail periods 1-13 in 2019/20, TPE received 73 claims for redress; of these, 17 were approved and redress was provided. This indicates that only around 23% of all claims from passengers for redress due to booked assistance failure have been approved by TPE, an approval rate which is considerably lower than most other operators.

This is a new performance measure and we are keen to ensure that it is operating as envisaged. It is our expectation that passengers should be able to receive appropriate redress when they do not receive the assistance they have booked. Where they do not, it is important that we understand why this is the case.

Next steps

I shall be grateful if you will provide a detailed response setting out the reasons for the high proportion of rejected claims for redress following booked assistance failure. Please include any supporting material, where relevant, together with any action you



have taken or propose to take to ensure that passengers who have not received the assistance they booked can receive the redress to which they are entitled.

I look forward to receiving your reply by **Friday 11 September 2020**.

Please send your response to: Denise.Brown@orr.gov.uk

This letter and your reply will be published on our website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Clements', is positioned below the text 'Yours sincerely'.

Marcus Clements