

# ORR Consumer Expert Panel

14 June 2021

Held virtually via MS Teams



## Agenda

Agenda Item	Presenter	Time
Welcome	Anne Heal	11:30 – 11:40
Consumer Team Update	Stephanie Tobyne	11:40 – 12:00
Admin Fees	Anna Saunders	12:00 - 13:00
Lunch		13:00 – 13:30
PR 23	Siobhan Carty	13:30 - 14:15
Signalling Market Study	Lisa Thurston	14:15 – 15:00
Meeting summary & AOB	Anne Heal	15:00 – 15:15

## Welcome & introductions

Anne Heal welcomed the panel and outlined the meeting agenda; no conflicts of interest were raised. Apologies were noted from Mike Hewitson and Trisha McAuley while Helen Parker noted she would be unable to join until approximately 12:30.

## Consumer Team Update

Stephanie Tobyne highlighted the main headlines of the Williams-Shapps Plan for Rail published in May. This will potentially give ORR a wider oversight and assurance role but the detail of this will become clearer in time.

Stephanie noted that the significant amount of work carried out by ORR on improving accessibility had been positively referenced within the White Paper. ORR will contribute to all of the necessary work on the White Paper alongside the rest of the industry in the coming months but for the time being, it was business as usual for ORR.

The panel had a brief discussion about the impacts of the White Paper and noted how the industry will need to be more flexible going forwards in a number of areas while noting that the first impressions of the White Paper suggested a positive shift.

Stephanie highlighted a number of upcoming publications such as the Annual Consumer Report and recent work completed including the work on the passenger impact of the Hitachi trains issues.

## Admin Fees

Anna Saunders introduced this item and explained the background and context for ORR's review of refund administration fees. She outlined how ORR had been looking at available data on this topic and researching the issue, giving a summary of

the findings. Anna opened the issue to the panel and asked for their views on different approaches to administration fees based on their experiences.

In response, panel members expressed a preference for a fee-free approach where possible although noted that this needed to be weighed against the processing costs.

Additionally, it was noted that disabled passengers are more likely to book a journey in advance because of accessibility needs and this in turn, may cause disproportionate cancellations as things come up in day-to-day life that they may not have expected. In these cases, disabled users should not be disadvantaged. The panel also noted the value of an Equality Impact Assessment when making a decision on these types of issues.

Panel members stated that there might be a huge knowledge gap among many passengers in simply not knowing what their refund rights were in different situations. Several panel members noted that a national approach to this issue would be preferable, so all passengers were subject to the same rules and frameworks.

Consumer attitudes in a post-Covid environment were also discussed and how the marketing value of refund entitlement would enhance confidence in booking. Furthermore, it was noted that in an increasingly electronic world, it may be possible for retailers to push an automated message if an electronic ticket remains unused, inviting the passenger to claim a refund.

The panel suggested that any administration fee should be futureproofed where possible and should incentivise efficiencies over time, perhaps by a gradual reduction in fee levels with the ultimate goal of fee-free. It was also noted that a number of retailers in other sectors such as Amazon offer free returns, and this acts as an incentive to buy.

**Action Point arising from this item: N/A**

## **PR 23**

Siobhan Carty introduced this item and was joined by Robert Cook. Siobhan outlined the work being done in relation to PR 23 and invited the panel to share its initial thoughts and how it could assist in helping the team develop its thinking.

Panel members noted that in other areas there is a move to reviewing liabilities via a risk informed approach. It is a move away from risk-based decision making and it will be interesting to see if there are discussions on the balances between safety and asset improvement long term.

Siobhan acknowledged this and noted that safety colleagues are embedded within the PR23 process, with performance and safety viewed as going hand in hand with each other.

Transport Focus noted that consumer engagement could be enhanced within the PR 23 process compared with previous iterations. Furthermore, it was noted that this engagement message is the message that Transport Focus is advocating for roads also.

Robert noted that the stakeholder engagement assessment of NR is currently underway, and it would be useful to get advice from the panel on how well NR has done on this. The hope is that we will see a much more sophisticated process of consumer engagement within PR 23.

Panel members queried to what extent the UK Regulators Network share best practice in these areas as while it is very different in each sector, it is evolving and there may be opportunities for ORR to build on best practice in order to approach this work.

Siobhan noted that ORR previously worked with UKRN to look at what other regulators did in this area, and this is something it can look to do more formally. However, Siobhan did note that conversations have already taken place to discuss best practice in this area.

Panel members noted that a national programme that is controlled centrally but then builds outwards to allow for regional differences would be beneficial. Ultimately, getting everyone using the same methods allows for comparisons to be made so that it is possible to see what has gone well and what has not.

Furthermore, it was noted that the Civil Aviation Authority runs a tracker survey that allows tracking of regions to show satisfaction rates to see what the regional differences are.

In summing up, Siobhan welcomed the feedback provided and thought it would be useful to come back to the panel at a future meeting to discuss this further especially as rail reform plans become clearer.

**Action Point arising from this item: N/A**

## **Signalling Market Study**

Lisa Thurston joined the panel to discuss the Signalling Market Study which launched on 12 November 2020. The study had identified a number of issues and was now moving on to the second stage which looked to identify remedies to address these. Lisa was keen to get the panel's views on some of the remedies identified so far and utilise its experience of other sectors.

In response, panel members noted that profitability is an issue that ORR's competition team could potentially investigate further as part of this study. It was also noted that people who are specialists at reverse engineering a system might offer a different perspective on what can be done – this has been done in offshore oil to improve how you deal with safety in offshore environments.

**Action Point arising from this item: N/A**

## **AOB**

The panel requested that for future papers, a slide or point be made about how Covid may have impacted the items under discussion.

## **Meeting summary and close**

In closing the meeting, the Chair sought reflections from panel members on the items discussed. Members commented that it was important to allow greater time for active discussion in each session.

Also, the use of the word “vulnerable” may be one that may need considering. Disability does not necessarily equal vulnerability. Panel members noted that a session on this topic alone is potentially something for a future meeting.

**END**