



Consumer Expert Panel December 2021

13/12/2021

Microsoft Teams Meeting

Attendees

| Name | Organisation |
|---------------------|------------------------------|
| Anne Heal | Chair |
| Diane McCrae | Consumer Expert Panel Member |
| Ray Kemp | Consumer Expert Panel Member |
| Carol Brennan | Consumer Expert Panel Member |
| Trisha McAuley | Consumer Expert Panel Member |
| Marie Pye | Consumer Expert Panel Member |
| James Walker | Consumer Expert Panel Member |
| Andrew Williams-Fry | Consumer Expert Panel Member |
| Helen Parker | Consumer Expert Panel Member |
| Diane McCrae | Consumer Expert Panel Member |
| Ray Kemp | Consumer Expert Panel Member |
| Carol Brennan | Consumer Expert Panel Member |
| Mike Hewitson | Transport Focus |

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|-----------------|-------------------------|
| Greg Byron | Office of Rail and Road |
| Jacqui Russell | Office of Rail and Road |
| Stephanie Tobyn | Office of Rail and Road |
| Sarah Robinson | Office of Rail and Road |
| John Larkinson | Office of Rail and Road |
| Calum Glazier | Office of Rail and Road |
| Steve Armitage | Office of Rail and Road |
| Ben Shaw | Office of Rail and Road |

Agenda

| Time | Presenter | Topic |
|----------------------|-----------------|---|
| 12:00 – 12:10 | Chair | Welcome and declarations of interest |
| 12:10 – 12:20 | Stephanie Tobyn | Consumer Team Update |
| 12:20 – 13:00 | John Larkinson | Panel feedback and discussion with John |
| 13:00 – 13:45 | Calum Glazier | Signalling Market Study |
| 13:45 – 14:15 | n/a | Break |
| 14:15 – 15:00 | Ben Shaw | Environment Topic |

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| 15:00 – 15:30 | Chair | Meeting Summary & AOB |
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Consumer Team Update

Stephanie began by updating the panel on the progress of the statutory licence change for operators on delay compensation, which put in place a Code of Practice. In June 2020 ORR published an initial consultation on proposals for a delay compensation licence condition, designed to improve passenger access to delay compensation. Following engagement, and a second consultation in May 2021, ORR refined these proposals. Having taken stakeholder responses into account, the decision to modify passenger licences to include a condition on delay compensation was published in August 2021.

Stephanie also noted the step change in requirements for passengers booking the assistance they may need at the station so they can complete their journey. The ORR's ATP guidance required that from 1 April 2020 until 31 March 2021, passengers could book assistance through Passenger Assist until 10pm the day before travel (a change from 24hrs prior to travel). From 1 April 2021 passengers were required to give more than 6 hours' notice when booking through Passenger Assist. Finally from 1 April 2022 passengers are required to give more than 2 hours' notice when booking through Passenger Assist. Panel members welcomed this positive phased reduction but noted the need for individuals to be able to constructively complain if that change fails.

Stephanie also updated panel members on the Covid enforcement work which saw ORR checking that passengers entering GB via rail had the appropriate Covid documentation with them. Stephanie advised the panel that due to changes in regulations, this work has ramped up significantly recently.

Finally, Stephanie noted that the consultation on the proposed changes to ORR's complaints guidance had closed and the team was currently in the process of reviewing the responses to that consultation. As part of that work, Stephanie introduced Sarah Robinson who wanted to get the panel's view on a particular point that had come from those responses.

In particular, Sarah noted that a number of responses questioned the need for operators to specifically use the word “complaint” on their website, as a way of showing consumers where to click to learn more about complaints or make a complaint itself.

In response, the panel universally agreed that the word “complaint” is a helpful one to use as a clear guide to consumers on where to look for more information in this area. Additionally, they all agreed that complaints provide a rich amount of data from which train operators can learn a lot on how they can improve the service that they offer passengers.

Additionally, panel members thought that using the word complaint would increase transparency and also indicate to consumers that the lessons learnt from complaints were welcomed and not merely seen as an add on or cost of doing business.

Panel feedback and discussion with John

John Larkinson joined the panel and reflected on the impacts of the Covid pandemic on the rail industry including the financial challenges, the priorities and progress of the rail reform programme.

In discussion with John, panel members raised a range of points including:

- The importance of maintaining a strong focus on safety in order to maintain consumer confidence in the railway;
- The need to build consumer confidence in respect of Covid safety (e.g. cleanliness);
- Work carried out by regulators such as CAA to improve Consumer Confidence and whether this work is something ORR could draw upon to enhance its own approach;
- The importance of not losing sight of key issues such as accessibility at a time when the industry is clearly occupied with the drop in passenger numbers and the developing proposals around rail reform;

In relation to the pandemic John specifically noted the work that had been done in making trains better ventilated to minimise the risk of Covid transmission

Signalling Market Study

Calum Glazier and Steve Armitage joined the panel to introduce this item.

Steve began by thanking the panel for their feedback at a previous meeting he attended on the subject and noted the value of a subsequent follow up with individual panel members.

Introducing this item, Calum noted that the Competition Team had recently produced a report into the signalling market and this report was the starting point for the discussion at the panel.

In particular, the team welcomed the views of the panel as ORR moved into the monitoring phase of the work. For this phase, the team recognised the need for ORR to work collaboratively with all the key organisations within the industry.

In discussion, panel members congratulated the team on the work completed so far and raised a range of points including:

- ORR may need to re-visit the work in future and to start collecting the data now that would be needed to inform any future market review work;
- A recognition that the apparent silo type of working within certain areas of Network Rail is a topic that has come up at previous panel meetings and needs to be addressed.
- Panel members also suggested that the deliverables and accountabilities need to be seen not just at board level but in each of the parts of Network Rail.

Environment Topic

Anne Heal welcomed Ben Shaw to the meeting.

When introducing the item, Ben noted that ORR's interest in this area so far has largely focused on engagement with the industry so it would be valuable to get the panel's views on how this work can be taken forward with a consumer perspective.

Ben outlined ORR's duties in relation to sustainability and the environment stemming from the Railways Act 1993 and continued to explain the activities ORR is currently undertaking in respect of these duties and how these activities may be developed in future given the rapidly developing external context on the environment.

In response, the panel members noted the ongoing enthusiasm in this area brought about by the coverage of the recent COP 26 summit. However, the panel noted that decarbonisation needs to be viewed in the context of wider sustainability objectives and there is very little apparent co-ordination across Government and even less across the

entire economy about the costs of decarbonisation. On this point, panel members thought it important for ORR to get ahead of the debate and be able to clearly articulate the return on each pound spent on decarbonisation to illustrate the point more clearly.

Additionally, panel members encouraged Ben and colleagues to look at the engagement work completed by other regulators in relation to this area while also highlighting the importance of data for consumers, including consistency in comparisons across different transport modes and sectors to avoid misleading consumers.

In relation to this, Mike Hewitson from Transport Focus advised that current research still indicates that consumer choice is still largely dictated by cost and convenience with no real thought of the carbon impact. As such, it is about adding a third 'C' relating to carbon to "cost" and "convenience". The limited sustainability references in the PR23 launch letter were noted suggesting more attention is needed to this area by ORR.

Finally, panel members noted the need for the industry to be accountable in this area but not to lose sight of other priorities for the industry and ensure that sustainable development remains inclusive development.

Meeting Summary & AOB

The chair thanked members for their attendance and noted there are a number of things for ORR to follow up on and invited panel members to share any thoughts on the meeting or any other business they wished to raise.

In response, a number of items were suggested as being worth considering for future meetings of the Consumer Expert Panel and ORR staff advised these would be looked at ahead of the next meeting in March 2022.

Next Meeting: March 2022

END