

Consumer Expert Panel

20 December 2023 – Microsoft Teams meeting

| Name | Organisation |
|---------------------|------------------------------------|
| Anne Heal | Chair, Non-executive Director, ORR |
| Kate Denham | Consumer Expert Panel Member |
| Ralitsa Hiteva | Consumer Expert Panel Member |
| Claudio Pollack | Consumer Expert Panel Member |
| Marie Pye | Consumer Expert Panel Member |
| Andrew Williams-Fry | Consumer Expert Panel Member |
| Helen Parker | Consumer Expert Panel Member |
| James Walker | Consumer Expert Panel Member |
| Sarah Chambers | Consumer Expert Panel Member |
| Mike Hewitson | Transport Focus |
| Jacqui Russell | ORR |
| David Kimball | ORR |
| Dan Roberts | ORR |
| Patrick Crowley | ORR |
| Loic Laude | ORR |

| Item | Speaker | Time |
|---|-----------------|-------|
| Welcome | Anne Heal | 14.30 |
| Update on work of Consumer Team | Stephanie Tobyn | 14.35 |
| Consultation on amending the Accessible Travel Policy Guidance | David Kimball | 14.45 |
| Understanding disabled peoples' experience of train companies' complaints process | Claire Clark | 15.25 |
| Stranded trains | David Kimball | 16.00 |
| Closing remarks and AOB | Anne Heal | 16.40 |

Notes

Welcome

1. **Anne Heal** welcomed new panel member Lewis Shand-Smith, who has been appointed to bring a Scottish perspective to the Panel. Lewis introduced himself to the panel, and they to him.

Item 1 – Update on the work of the Consumer Team

2. **Jacqui Russell** explained that ORR had become the formal sponsor of the Rail Ombudsman from the of end November 2023 with the commencement of the new contract with Dispute Resolution Ombudsman. This delivers on the commitment set out in the Government's 2021 Plan for Rail. ORR had begun work to commission research on awareness and accessibility of the Ombudsman.
3. Jacqui also gave an overview of ORR's recently published review of the transparency of rail ticket fees imposed by third party retailers. ORR had written to seven retailers setting out concerns regarding 'drip-pricing', with responses due in January 2024. The Panel noted the recent Government announcement that there was to be no single retailer of rail tickets and Jacqui noted the announcement that the Rail Reform Bill would be subject pre-legislative scrutiny in this Parliament.

4. In addition, ORR had published a detailed report on the information provided to travellers using rail replacement buses during planned disruption and was following up with train companies on the issues identified. Mike Hewitson underlined the report's finding that information is often poor and added that passengers consider travelling on rail replacement services poor value for money, particularly in the case of unplanned disruption. In response to questions from the Panel, Jacqui indicated that ORR does also monitor the accessibility of rail replacement services with enforcement of those regulations sitting with the DVSA.
5. Jacqui noted the recent incidence of stranded trains and highlighted the passenger welfare and safety issues (including in the recent case of passengers detraining) for ORR to consider.

Item 2 – Network Rail stakeholder engagement annual assessment

6. **Dan Roberts** provided an overview of the work undertaken by a sub-group of panel members to help assess the stakeholder engagement undertaken by Network Rail in the previous year, focusing on Network Rail's self-assessment of meeting the relevant licence condition. He thanked the members for their contributions to the final report, which provided a comparison between Network Rail regions, and requested feedback on the process from those that took part that could be fed into the next year's exercise.
7. In the subsequent discussion the Panel made the following points:
 - The review process ran by ORR worked well, with very strong engagement between ORR and the Panel
 - The workshop with Network Rail at the end of the process was a very useful new addition to the process.
 - Possible improvements to consider for the future could include:
 - Shorter, more structured self-assessments from Network Rail, with greater prescription from ORR on what those should cover;
 - Moving to a two-year cycle of scrutiny, with more depth, and more time for Network Rail to make improvements in light of ORR's feedback
 - Securing senior Network Rail engagement and buy-in throughout the process,
 - ORR's decision to discontinue the stakeholder survey for the final year of the CP6 exercise was right, as the insight it generated was limited. Suggestions for

alternative approaches to securing input from stakeholders included: taking a case study approach focussed on a specific group of stakeholders for each review; ORR selecting stakeholders to survey;

- More could be done to drive change and improve performance, including more clarity of the objectives that are to be achieved, greater use of reputational incentives / disincentives, and more action by ORR to drive the changes identified as part of the review.
 - Look at the water and energy sectors for examples of where improvements have been secured.
8. Dan thanked the Panel for their suggestions. He suggested the stakeholder engagement Year 5 self-assessment submissions would be invited from Network Rail regions by the end of May 2024, with the aim of publishing the annual assessment of Network Rail's stakeholder engagement report in September 2024.

Item 3 – Wales and Western performance investigation

9. **Patrick Crowley**, ORR's Senior Regulation Manager for the Wales and Western region introduced himself and his paper summarising the current investigation into train performance in the Wales and Western region, which had deteriorated more than in other regions. The formal investigation followed a period of enhanced monitoring by ORR and would determine whether the region was in breach of its network licence. Patrick posed a series of questions regarding customer expectations of the report and how best to present the customer experience of poor train performance.
10. In the subsequent discussion, the Panel made the following points:
- Passengers want to understand the cause of the problems and what is being done to improve their train services. Communications with passengers by TOCs and NR, focussed on the areas that are known to be their priority concerns (including for disabled passengers), are key. Passengers should not be expected to care about the different responsibilities of TOCs and NR; communications need to talk about the train service as a whole.
 - Clarity is needed on the causes and consequences of poor performance, for instance including the impact of train operators' performance, without making excuses for Network Rail;
 - In addition to the focus on legal compliance, the ORR investigation should reflect the day-to-day concerns and priorities of passengers (for instance their

experience of disruption), the impact of poor performance on passengers (including disabled people) and concentrate on how an improvement will be achieved. This should be informed by good evidence drawn from input from passengers that ORR could ask Network Rail to provide.

- ORR could look at the experience of CAA and the Payment Systems Regulator with similar issues.

11. In response, Patrick thanked the Panel for their comments, which he would consider as the investigation proceeded. He explained that while train companies are both contributors to and victims of poor Network Rail performance, this does not form part of the formal assessment of Network Rail's compliance. However, recognising the need for a 'whole industry' approach, ORR was planning an industry 'roundtable' to identify barriers and actions to improve performance.

Item 4 – Railway station catering market study

12. Loic Laude introduced the paper, which sought the views of the Consumer panel on the possible ways to improve customers' experience in the railway station catering market. He explained that the final report on remedies to address the findings of ORR's market study had to be published by 15 June 2024, one year after commencing the market study. ORR was keen to improve the customer experience of catering and welcomed ideas on remedies.

13. The Panel then discussed the draft findings and remedies, and the following points were raised:

- The importance of catering provision for passengers as a key part of their journey experience was strongly emphasised. The current provision was considered to be generally poor in terms of quality and choice, in particular for those people with specific dietary needs.
- The report's assessment of the consumer detriment and clarity of intended outcomes were queried. Panel members advised both establishing more clarity on the potential scale of additional revenue and being clearer about the balance of objectives on revenue vs customer experience.
- The report does seem likely to have identified some competition issues, but the extent of protected leases within the sector raises particular challenges and is a wider issue that ORR seem unlikely to be able to address.
- There is an opportunity to explore market segmentation further, for example by size of station/footfall;

14. Loic thanked the Panel for their comments, which ORR would consider as they are too the work forward.

AOB

15. The Panel discussed a number of other issues:

- The assumptions underpinning the 2023 Periodic Review and Control Period 7;
- The adaptation of the rail sector to a post-COVID role; and
- The impact of the cancellation of the northern leg of HS2 on the future rail network.

16. It was also noted that Transport for All had published a [report](#) on the experience of disabled rail passengers.

17. The Panel agreed to explore the option of meeting in person following the successful experience of the stakeholder sub-group.



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