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**Secretariat memorandum**

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Agenda item 4

CA034

Drafted 26.2.10

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**Matters arising**

**1 Purpose of report**

- 1.1 To record matters arising from previous meetings of the Committee and progress on their resolution. Matters are listed in the table at Annex 1, with details of completed items given under Information at paragraph 2.

**2 Information**

- 2.1 The table at Annex A indicates the current position in relation to matters arising from previous meetings of the Committee.
- 2.2 Updates for inclusion in this report were invited 5 working days in advance of the meeting, in writing to the Committee Services team, rather than in person at the meeting.
- 2.3 TOCs websites to give clear indication that customers are being redirected to third party websites. (C/22.4.09 & C/23.9.09, minute 8 Annex A and 4)

The Director, Public Liaison reports that London TravelWatch will continue to pursue this matter in our discussions with the Office of Rail Regulation (ORR) regarding consumer law.

- 2.4 To check the legal position for passengers (C/23.9.09, minute 7i)

The Director, Public Liaison reports that the ticketing contract entitles you to travel between the starting point and destination. It does not specify whether the service is a railway service or a replacement bus but the operator should advise you in advance if it is a bus if possible.

- 2.5 Check policies of First Capital Connect and their applications on replacement buses (C/23.9.09, minute 7ii)

A copy of First Capital Connect's policy is included in the annex of this report.

- 2.6 The rights of passengers in event of breach of conditions of service (C/23.9.09, minute 7iii)

The Director, Public Liaison reports that :

“Passengers on rail replacement services are entitled to the same conditions as these travelling on normal rail services. Therefore they are entitled to delay repay in the event of delay. The EU Regulations on rail passengers rights and obligations if enacted, will strengthen the rights of passengers to be provided with assistance and refreshments in the event of delay and full refunds in the event of severe delays leading to cancelled trips.”

2.7 Response times to appeals by Train Operating Companies (C/8.7.09, minute 7i)

The Director, Public Liaison has reported that caseworkers are responsible for chasing cases. Where there is a continuing problem, he will raise it with the contact at the operator and the Chief Executive will raise this in meetings with operators.

2.8 A receipt request and indication of the likely response time when case are forwarded from London TravelWatch (8.7.09 minute 7ii)

The Director, Public Liaison commented that London TravelWatch’s referrals to operators include a request to provide a response within the company’s guidelines. Our letter to the appellant requests that the passenger come back to us if they receive no response within 15 days.

2.9 Operators target response time in correspondence to appellants (8.7.09, minute 7 iii)

The Director, Public Liaison reports that the template response has been modified to indicate that London TravelWatch expects a response from operators in a few weeks.

He also reported that Transport for London (TfL) acknowledges receipt of all cases, but other operator’s practices are more mixed.

2.10 Respond to FCC the effect that the Board views its compensation offer as derisory (C/25.11.09, minute 4.2)

The Director, Public Liaison reported at the meeting of this committee on 27 January 2010 that the compensation had been increased to £20.

2.11 To verify whether new London Overground franchises were explicit about response times for complaints (C/25.11.09, minute 4.3)

The Director, Public Liaison reported at the meeting of this committee on 27 January 2010 :

“London Overground aim to acknowledge complaints within one day and have achieved this for 95 per cent of complaints. They aim to respond to complaints within seven days.”

2.12 To see whether the new database could produce a list of outstanding cases for each caseworker. (C/27.1.10, minute 3)

The Director, Public Liaison reported that the system provides a list of outstanding cases to the caseworker with their stage. This information is also available to the Casework manager.

### **3 Equalities and inclusion implications**

3.1 None – report is for information only.

### **4 Financial implications**

4.1 None – report is for information only.

### **5 Legal powers**

5.1 Section 248 of the Greater London Authority Act 1999 places upon London TravelWatch (as the London Transport Users Committee) a duty to consider - and where it appears to the Committee to be desirable, to make recommendations with respect to - any matter affecting the functions of the Greater London Authority or Transport for London which relate to transport (other than of freight). Section 252A of the same Act (as amended by Schedule 6 of the Railways Act 2005) places a similar duty upon the Committee to keep under review matters affecting the interests of the public in relation to railway passenger and station services provided wholly or partly within the London railway area, and to make representations about them to such persons as it thinks appropriate.

### **6 Recommendations**

6.1 That the report is received for information.

## Annex A : Consumer Affairs Committee matters arising

Date	Minute	Action	London TravelWatch Owner	Status
C/22.4.09 & C/23.9.09	8 (Annex A) and 4	ii To write to TOCs (copied to ATOC, DfT and Passenger Focus) requesting that their websites give clear indication that customers are being redirected to third party websites.	ii Director, Public Liaison	<b>Complete</b> – see para 2.3
C/23.9.09	7	<p>Policy issues :</p> <p>i Check legal position</p> <p>ii Check policies of First Capital Connect and their applications</p> <p>iii Rights of passengers in event of breach of conditions of service</p>	<p>i Director, Public Liaison</p> <p>ii Director, Public Liaison</p> <p>iii Director, Public Liaison</p>	<p>i <b>Complete</b> – see para 2.4</p> <p>ii <b>Complete</b> – see para 2.5</p> <p>iii <b>Complete</b> – see para 2.6</p>
C/8.7.09	4	i Members requested that a leaflet entitled 'How to Complain' be included in the Casework Review as a milestone, with a date for completion	i Chief Executive	New Casework Manager – series of work to pull together and allocate

## Annex A : Consumer Affairs Committee matters arising

Date	Minute	Action	London TravelWatch Owner	Status
C/8.7.09	7	<ul style="list-style-type: none"> <li>i To write to c2c, National Express East Coast, London Midland and Southern to ask what response deadlines they were work to, and, if this was longer than 20 days, ask why.</li> <li>ii To include a receipt request and indication of the likely response time when cases and appeals are forwarded from London TravelWatch</li> <li>iii To include an operator's target response time in correspondence to appellants.</li> </ul>	<ul style="list-style-type: none"> <li>i Director, Public Liaison</li> <li>ii Director, Public Liaison</li> <li>iii Director, Public Liaison</li> </ul>	<ul style="list-style-type: none"> <li>i <b>Complete</b> – see para 2.7</li> <li>ii <b>Complete</b> – see para 2.8</li> <li>iii <b>Complete</b> – see para 2.9</li> </ul>
C/25.11.09	4.2	Respond to FCC the effect that the Board views its compensation offer as derisory.	Casework Manager	<b>Complete</b> – see para 2.10
C/25.11.09	4.3	To verify whether new London Overground franchises were explicit about response times for complaints.	Director, Public Liaison	<b>Complete</b> – see para 2.11
C/25.11.09	6	Casework performance reports <ul style="list-style-type: none"> <li>• make clear distinction btw initials and 'quick calls' and</li> </ul> Provide three reports for January meeting, on: <ul style="list-style-type: none"> <li>• database migration</li> <li>• monthly targets</li> <li>• quarter 3 report</li> </ul>	Director, Public Liaison	Status complete at end of meeting 27.1.10

## Annex A : Consumer Affairs Committee matters arising

Date	Minute	Action	London TravelWatch Owner	Status
C/25.11.09	6	To reinstate the "Case of the Week" e-mail	Chief Executive	
C/25.11.09 and C/27.1.10	7 and 4	To produce a paper on the overlap in remit between Passenger Focus and London TravelWatch	Chief Executive	To produce for 10.3.10 meeting
C/25.11.09 (C/27.1.10/9)	8	<p>i Closure report to committee on Casework Review</p> <p>ii Provide update on database mail merge glitches and glossary of definitions of categories it uses and their processes</p>	<p>i Chief Executive</p> <p>ii Director, Public Liaison</p>	A paper has been formally submitted to the committee
C/25.11.09	11	<p>London Buses audits</p> <p>To ask how many complaints London Buses receives</p>	Chief Executive	Have info is on to do list
C/25.11.09	3C	Add 'Your Rights as a passenger' to 2010/11 workplan for committee	Committee Services	Ongoing
C/25.11.09	3C	'How to Complain' leaflet – second draft incorporating comments	Sophia Lambert & Communications Officer	Ongoing
B/10.11.09	8	To receive a presentation from TfL on improvements to the identification of bus drivers	Committee Services	
B/10.11.09	8	To receive a presentation from TfL on their 0845 telephone number.	Committee Services	A verbal update will be given at the meeting

## Annex A : Consumer Affairs Committee matters arising

Date	Minute	Action	London TravelWatch Owner	Status
C/27.1.10	3	To see whether the new database could produce a list of outstanding cases for each caseworker.	Director, Public Liaison	<b>Complete</b> – see para 2.12
C/27.1.10	4	To check the progress on item C/22.4.09/8 (Annex A).	Director, Public Liaison	<b>Complete</b> – see para 2.3
C/27.1.10	4	To check with the Committee Chair or Chair of London TravelWatch if a consultation paper should be in public or private session.	Committee Services/Director, Public Liaison	Ongoing
C/27.1.10	4	To check the action and confirm the status (item C23.9.09/7).	Director, Public Liaison	<b>Complete</b> – see para 2.4, 2.5 and 2.6
C/27.1.10	4	The Director, Public Liaison would review response times of operators after the meeting (item C/8.7.09/7 (i))	Director, Public Liaison	<b>Complete</b> – see para 2.7
C/27.1.10	6	Information on quarter 3 Casework performance to be available for the next committee meeting.	Director, Public Liaison	
C/27.1.10	7	To break down the feedback questionnaire to look at what mode of transport is being complained about.	Director, Public Liaison	To consider as part of the next report for May meeting
C/27.1.10	8	The Chair of London TravelWatch would write a letter to First Capital Connect on their refusal to accept complaints via e-mail.	Chair of London TravelWatch	
C/27.1.10	8	To raise the matter of the withdrawal of the London Underground element of CIV tickets at the meeting of the Fares and Ticketing Committee.	Committee Services	Raised at Fares and Ticketing committee on 18 February 2010

**Annex A : Consumer Affairs Committee matters arising**

<b>Date</b>	<b>Minute</b>	<b>Action</b>	<b>London TravelWatch Owner</b>	<b>Status</b>
C/27.1.10	11	The Director, Public Liaison to raise the lack of national rail information when exiting the new London Underground ticket hall at Kings Cross station.	Director, Public Liaison	

Meeting date	Standing items	Specific agenda items
25 November	<b>Note</b> : LA Transport Committee on 6 Jan 2010 <ul style="list-style-type: none"> <li>• Minutes</li> <li>• Matters Arising</li> <li>• Casework Performance Report - to include business plan targets and agreed casework targets</li> <li>• Casework Review – update ?final report – then review April 2010?</li> <li>• Policy Issues arising from Casework</li> </ul>	Buses <ul style="list-style-type: none"> <li>• TfL bus complaints handling - TfL on board and audit agreed - (Target 4)</li> <li>• ‘How to complain about buses’ campaign to raise bus passengers’ awareness:</li> <li>• Feedback &amp; update on audits undertaken &amp; planned</li> <li>• Passenger rights Information</li> <li>• Update &amp; progress on contribution to Board publication</li> <li>• <b>TBC</b> Passenger Focus complaints handling review audit report – Eurostar review</li> </ul>
27 Jan 2010	<b>Note</b> : LA Transport Committee on 2 Feb 2010	<ul style="list-style-type: none"> <li>• TfL bus complaints handling - audit agreed and in progress? (Target 4)</li> </ul>
10 March 2010	<b>Note</b> : LA Transport Committee on 2 March 2010	<ul style="list-style-type: none"> <li>• TfL bus complaints handling - audit complete and reported on? - (Target 4)</li> <li>• ‘Dealing with your Complaint’ doc on London TravelWatch website : review and update if necessary.</li> <li>• Evaluation and reflection on database system’s first three months operation</li> </ul>
12 May 2010	<b>Note</b> : LA Transport Committee on 26 May 2010	<ul style="list-style-type: none"> <li>• ‘How to Complain’ leaflet production – held over from Sept 2009</li> </ul>
14 July 2010	<b>Note</b> : LA Transport Committee on 23 June 2010	<ul style="list-style-type: none"> <li>• comparison of London TravelWatch performance data with that of Passenger Focus (ref. C/23.9.09 min 6)</li> </ul>
15 September 2010	<b>Note</b> : LA Transport Committee on 12 October 2010	<ul style="list-style-type: none"> <li>•</li> </ul>
17 November 2010	<b>Note</b> : LA Transport Committee on 3 November 2010	<ul style="list-style-type: none"> <li>•</li> </ul>

# Rail replacement charter



**First**  **Capital Connect**

[www.firstcapitalconnect.co.uk](http://www.firstcapitalconnect.co.uk)



# Introduction

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At First Capital Connect we are committed to providing our customers with good levels of service in all areas of our business. We know how important it is for you to get from A to B with the minimum of fuss and for your service to be punctual and reliable.

Sometimes we have to change the service we offer and operate with an alternative to your usual train. This alternative is normally a replacement bus or coach service and our commitment to meet a high standard of service extends to the bus or coach we provide as an alternative. To help you understand what to expect, we have developed this Charter. The Charter tells you what we do and why we do it and is supported by our work with our industry partners, First Rail Support, who provide the substitute service.



# When will we use a bus or coach?

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There are different situations when we have to use a replacement bus or coach service, such as during pre-planned engineering works or unplanned emergency engineering works which includes unforeseen events that cause serious service disruption. Whatever the situation, you can be sure that we will only use buses when absolutely necessary and that the service will be provided by suppliers who meet our required standards and fulfill all safety-related legislation.

So what is the definition of pre-planned engineering works and unplanned emergency engineering works?

## **Pre-planned engineering work**

This is when a bus or coach replaces the normal rail service when scheduled engineering works are in progress. Network Rail carries out widespread planned engineering work across the rail network. This work is normally published in advance and the changes are timetabled or displayed on station posters and on our website. We work closely with Network Rail to minimise the impact of engineering work, however there will be times when a replacement bus is inevitable.

## **Unplanned emergency engineering work**

This is when a bus or coach replaces the normal rail service when emergency or short notice unplanned engineering works are needed. For example if there are infrastructure problems or weather problems or other issues affecting parts of our service we may have to operate at short notice a bus or coach service between certain stations until the problem is resolved. This work may not be published in advance and we may not have had the opportunity to pre-warn you about the changes to your service.

# Our commitment to you

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## Our service

The rail replacement service will, wherever possible, reproduce the station calling pattern of the train it replaces.

When we need to operate rail replacement services we will:

- Provide the advertised rail replacement service. If this doesn't happen we'll tell you why through our station teams or by using the help points at stations (where available). We'll then provide an alternative bus or coach where possible
- If there is significant service disruption and we need to operate an emergency rail replacement service, we'll do what we can to have the rail replacement service up and running within 60 minutes of being notified of the problem\*

\* During emergency engineering work, our ability to supply a rail replacement bus service within the stipulated time is dependent on the time of the day and day of the week and factors such as severe weather conditions. Our suppliers may have limited vehicle and driver availability due to other organisations having pre-booked vehicles to operate other services, for example school runs. Under such circumstances First Capital Connect will provide rail replacement services as quickly as possible

- Hold the departure of the last connecting train for your journey if the rail replacement service is running late for any reason. If this isn't possible, alternative onward transport arrangements will be made. Road travel can be affected by many factors but we'll do what we can to keep delays to an absolute minimum.

## Customer information

Information is critical to our customer's ability to make travel choices so:

- When planned engineering work is due to take place, we'll tell you as soon as possible if there are changes that could affect your journey. This includes telling you if a rail replacement service will be running in place of trains. Information on engineering work is normally available 12 weeks in advance from National Rail Enquires (please call 08457 48 49 50, or visit [www.nationalrail.co.uk](http://www.nationalrail.co.uk)). Planned engineering work is advertised on posters at our stations and on our website, [www.firstcapitalconnect.co.uk/changes](http://www.firstcapitalconnect.co.uk/changes)
- If there is train service disruption or we have to operate an emergency rail replacement service, we will provide information through our website, National Rail Enquiries, text alerts (to sign up for free text alerts, please register your details on our website), local radio and through our station teams
- We'll display clear signage to make it easy for you to identify the correct rail replacement service for your particular journey. Bus co-ordinators will be available at key stations to assist you
- We'll make on-board announcements (where facilities exist) outlining the station calling pattern of each rail replacement service.



## Our people:

It's not enough to just tell you what's happening via the web or by poster; we also know how important it can be to speak to someone, so we'll:

- Have easily identified staff in high visibility vests at key stations especially where the train service and rail replacement services connect
- Make sure rail replacement drivers are familiar with the route they are operating
- Ensure all staff (drivers, bus co-ordinators and station staff) are smartly dressed and can provide you with up-to-date and accurate information
- Give staff access to real time information to help them keep you up to date.



## Our vehicles:

Although a bus or coach can't replicate the train it replaces, as a minimum:

- The bus will be clean inside and out and free from litter, where possible
- The bus will meet all maintenance and safety standards
- We'll ensure that anti smoking legislation is applied on all vehicles.

## Special assistance:

Some of our customers need more help than others to carry out their journey so we are committed to helping those with restricted mobility or special needs. As part of the support we offer, we operate a dedicated telephone and textphone service. This provides travel information and help with booking tickets, and travel assistance can be booked through our specialist team. Ideally arrangements should be made 24 hours in advance, particularly during train service disruption, to make sure we can best meet your needs.

If you telephone to make arrangements, we'll help you plan the easiest route to your destination, book your ticket, and make sure staff are aware of your needs. (We'll need three working days to post tickets to you or 24 hours if you plan to collect from one of the specifically enabled self-service ticket machines). Although we would prefer 24 hours notice, we'll still do what we can to assist even if you haven't prebooked.

And on your trip, we will:

- Aim to provide vehicles with level access and a wheelchair space during pre-planned engineering work. Fully accessible vehicles are not universally available so we may have to provide alternative transport such as a taxi to make sure those with restricted mobility can complete their journey to their destination station. This will be at no additional charge
- Do what we can to assist you with luggage. Do remember though that the help we can give is dependent on staff availability and the physical limitations of those individuals trained in manual handling. Please bear in mind the size and weight of any item you would like us to help you with.

### First Capital Connect Special Assistance Helpline:

Telephone: 0800 058 2844

Text Phone: 0800 975 1052

Open 7 days a week, from 0700-2200 (except Christmas Day)

# How did we do?

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We welcome your feedback on any aspect of our service, so please either email us at **[customer.relations.fcc@firstgroup.com](mailto:customer.relations.fcc@firstgroup.com)** or call Customer Relations on 0845 026 4700.







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