

# Policy Committee

11.09.18

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## **Secretariat memorandum**

Author: Susan James

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Casework report for quarter one April to June 2018.

### **1. Purpose of report**

To record the operator performance in handling appeals made by London TravelWatch on behalf of passengers, and identify key concerns.

### **2. Summary**

The appeal cases are getting more complex and time consuming in nature. More information about this is given in part vi - Issues received by the casework team.

There are eight parts to this report

- i. Contacts received – breakdown of contacts received during the previous five quarters
- ii. National Rail operators and TfL response times to London TravelWatch appeals
- iii. National Rail operators and TfL response times for closed cases
- iv. Examples of appeals where the National Rail operator has taken longer than 20 days to respond or where TfL has taken longer than 10 days.
- v. Pie graphs depicting appeals received by category
- vi. Issues received - information on issues received by the casework team
- vii. Appendix A shows the incoming casework over the previous years
- viii. Appendix B shows the outcomes to appeals closed in quarter four.

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

There are no specific implications arising from this report.

#### **4. Legal powers**

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 it to be desirable, to make representations with respect to – any matter affecting the services and facilities provided by TfL which relate to transport (other than freight) and which have been the subject of representations made to it by or on behalf of users of those services and facilities. Section 252A of the same Act (as amended by Schedule 6 of the Railways Act 2005) places a similar duty upon it in respect of representations received from users or potential users of railway passenger services provided wholly or partly within the London railway area.

#### **5. Financial implications**

There are no specific financial implications for London TravelWatch arising from this report.

## (i) Contacts received

This report covers incoming casework received from April to June 2018 and includes the previous four quarters for comparison.

This part of the report records the volume of casework received during April to June 2018. London TravelWatch received 1,637 casework contacts via telephone, email and web forms.

<b>Case types</b>	<b>Apr to Jun 2018</b>	<b>Jan to Mar 2018</b>	<b>Oct to Dec 2017</b>	<b>Jul to Sep 2017</b>	<b>Apr to Jun 2017</b>
Casework related telephone enquiries	315	442	248	253	440
Enquiries email	66	58	95	88	83
Initial cases	392	345	343	497	1155
Initial plus cases	127	149	108	144	226
Request for papers	192	196	173	188	156
Appeals made to operator	239	226	231	208	208
Appeals responded to directly	191	256	225	196	209
Appeals responded to directly plus	115	143	95	110	107
<b>Appeals sub total</b>	<b>545</b>	<b>625</b>	<b>551</b>	<b>514</b>	<b>554</b>
<b>Total of new contact</b>	<b>1,637</b>	<b>1,815</b>	<b>1,518</b>	<b>1,684</b>	<b>2,584</b>
Appeals carried over from last quarter	32	49	40	41	57
<b>Total cases</b>	<b>1,669</b>	<b>1,864</b>	<b>1,558</b>	<b>1,725</b>	<b>2,641</b>

### **Enquiries telephone**

This is a record of all telephone calls that have been received by London TravelWatch.

### **Enquiry**

These are cases where the passenger has contacted London TravelWatch looking for information that is not a complaint.

### **Initials**

An initial case is one where the complainant has written to London TravelWatch but has not yet approached the operator.

### **Initial plus**

As initials above but where the caseworker has felt the need to respond to the passenger and/or forward the case to the operator. An example of this type of case is

one where a passenger's initial contact clearly demonstrates that they are struggling with the English language. In these cases, we forward the complaint to the correct operator for them to respond directly to the passenger. For this type of case, we would usually also advise the passenger of our actions.

Such cases are resource heavy which is why they have their own category.

### **Papers requested**

A case classified as request for papers is one where we have asked the passenger to forward copies of all correspondence between themselves and the operator. We cannot consider taking forward a case without this information.

### **Appeals made to the operator**

Where the passenger has already complained to the operator and London TravelWatch has taken it forward as an appeal.

### **Appeals responded to directly**

A 'direct' categorised case is one where London TravelWatch responds directly to the passenger without needing to contact the operator. This is because London TravelWatch already has the information needed to answer the passengers query.

### **Appeals responded to directly (plus)**

These are cases where more correspondence is required but London TravelWatch is not appealing. Examples of this type of case would be one where we do not have to appeal to an operator but we do need some additional information, usually from the passenger, in order to respond fully.

This category was created to demonstrate additional work and correspondence between a passenger and caseworker but where the case cannot be fairly classed as an appeal.

### **Appeals carried over from previous quarter**

Where the appeal was started at the end of one quarter and carried over to the next. It was previously very difficult to separate cases carried over from cases received. However, with some system changes, we can now separate the existing cases from those newly received.

## (ii) Operator response times – closed cases

### National Rail operators

This target, agreed with the rail operators, requires them to respond to 75% of appeals referred to them within 10 working days, and 100% within 20 working days. It is accepted that in some complex cases it may not always be possible to meet these deadlines. We expect to receive an acknowledgment from an operator followed by regular updates on progress. Performance to this target relates to the substantive response received from the operator rather than the acknowledgment.

Working days elapsed	April to June 2018		January to March 2018	
	No of cases closed	Percentage closed	No of cases closed	Percentage closed
Days 0-10	136	77%	137	77%
Days 11-20	22	13%	18	11%
Days 21-40	11	6%	11	6%
Day 41+	7	4%	11	6%
Total	176		177	

Most rail operators usually respond to LondonTravelWatch appeals quickly. However, when a caseworker wants further information or to continue their efforts to persuade for a different outcome, this affects the response times recorded and can seem, for some cases, as if the operator has not responded within a reasonable timeframe.

## Transport for London

TfL has no franchise obligation to respond to London TravelWatch but has traditionally followed the same policy as the rail operators. TfL have set their response targets for complaints from passengers and appeals from London TravelWatch at 10 working days.

TRANSPORT for LONDON				
Working days elapsed	April to June 2018		January to March 2018	
	No of cases closed	Percentage closed	No of cases closed	Percentage closed
Days 0-10	35	53%	18	40%
Days 11-20	24	36%	12	27%
Days 21-40	5	8%	10	22%
Day 41+	2	3%	5	11%
Total	66		43	

TfL are slowly improving their response times by making small but sustainable changes to manage the London TravelWatch appeals. They remain vigilant and ask for regular updates to assess the situation.

### (iii) National Rail operators' response times – closed cases

Operator	Apr to June 2018		Jan to Mar 2018		Oct to Dec 2017		July to Sept 2017		Apr to June 2017	
	No of cases	Average working days	No of cases	Average working days	No of cases	Average working days	No of cases	Average working days	No of cases	Average working days
ATOC							1	7		
BTP										
c2c	4	35	5	18	4	9	1	31	1	2
Chiltern	1	1	5	2	2	1	2	5	1	13
CrossCountry										
Department for Transport										
Deutsche Bahn										
VTEC/LNER	5	12	7	29	7	13	9	22	1	0
East Midlands Trains	3	10			1	2	2	33	1	17
Eurostar	30	4	10	3	17	4	16	4	6	3
GTR	18	6	28	12	22	9	23	10	21	9
GWR	5	16	12	18	17	11	27	7	18	15
Grand Central			1	24						
Greater Anglia	6	5	5	8	10	11	5	4	3	7
Heathrow Express	9	15			1	0	2	8	4	9
Heathrow Connect							1	1		
First Hull Trains										
AS*	3	1	2	1	1	0			6	4
IPFAS/PFS*										
LM/LNR	2	6	1	39	3	14	1	33	1	5
NR Enq							1	46	1	2
Network Rail	2	20			1	1	1	2		
ORR										
RailEurope	1	1								
RPSS*										
Rail Easy										
ScotRail										
Southeastern	17	8	12	7	17	6	17	18	15	10
Southern	22	11	26	10	33	15	24	7	20	6
SWR	30	5	52	7	33	10	11	16	22	6
Trainline	1	3							1	1
Virgin West Coast	15	7	13	5	6	18	10	3	7	1

## Transport for London

Operator	Apr to Jun 2018		Jan to Mar 2018		Oct to Dec 2017		Jul to Sept 2017		Apr to Jun 2017	
	No of cases	Average working days	No of cases	Average working days	No of cases	Average working days	No of cases	Average working days	No of cases	Average working days
Docklands Light Railway	1	11	4	9	2	25	1	17		
London Overground	1	11	3	29	4	15	5	9	1	7
TfL London Buses	15	12	20	20	9	3	11	15	3	5
TfL London Underground	13	16	12	20	4	17	8	9	2	11
TfL Roads & Streets	2	20	1	9	2	2	11	10	8	8
TfL Dial-a-Ride					1	9	1	17		
Oyster	25	10			12	13	11	7	9	11
TfL Other	4	7	1	1			1	8	4	5
Tramlink	1		1	13						
TfL Rail					2	4				
TfL/Cycles	1	9			2	18				
Victoria Coach Station										

*\*Penalty Fare Services, IPFAS, AS and RPSS are all appeal or revenue collection bodies. AS also manages the first stage penalty fare appeal for Transport for London.*

*AS was formerly known as IAS and IPFAS is closing and being replaced by Penalty Services Limited.*

The table above and on the preceding page shows the average time taken by each operator or TfL mode, to respond to appeal cases. The average response times should be treated with caution, as a delay in responding to a single case may significantly affect the average.



#### **(iv) Response delays**

Not all cases that are open longer than usual are because the operator has not responded to the caseworker. Some cases take longer to deal with as they require further investigation and other cases can be kept open to allow ongoing negotiation between London TravelWatch and the operator. This is acceptable as long as the caseworker keeps the appellant updated on a regular basis.

Some cases where the transport operator has taken what could be considered too long to respond to London TravelWatch, have nevertheless been resolved to the passenger's satisfaction. The caseworkers are aware that response delays from operators do not necessarily mean negative outcomes for passengers and keep this in mind when chasing the transport operator for a response.

The transport operator sometimes asks for further information that can delay the case being closed while the caseworker requests this from the passenger. Such cases can become lengthy; particularly if the passenger is away at the time the request is made.

#### **Rail cases with longer than 20 days response times**

During quarter two there were 18 cases where the rail operator took over 20 days to send a response to London TravelWatch. Below are some representative examples of these cases.

##### **C2C**

- i. Mr C wanted to buy a zone 2-6 daily return ticket on the c2c website. Neither the information on the website or the responses from c2c explained that this type of ticket is unavailable and only TfL's price for 1-6 travelcards were given. A passenger should be able to buy a ticket from a station in zone 2 to another in zone 6. On appeal c2c admitted that they wouldn't be able to change anything with immediate effect but towards the end of the year they would be updating their systems including their fares directory.
- ii. Mr D maintained that during the week he travelled, the usual train had been reduced from eight carriages to four. This meant that passengers were left waiting for subsequent trains because they were unable to board the overcrowded shorter trains although these trains were generally running on time. Mr D maintained that he waited an hour at Dagenham Dock from 8:30 until 9:30 before he could finally board a train. Mr D made a delay repay claim because he could not board the train but this was declined so he wrote to London TravelWatch. London TravelWatch asked C2C to look into his allegation that the number of carriages were severely reduced during that week and caused passengers to be unable to board trains. C2C said some trains had been short formed and offered to refund the cost of a single fare in rail travel vouchers.

## **EMT**

Mr A was unhappy that he was unable to use the return portion of his ticket he had purchased in advance and was unsatisfied with the response from East Midlands trains. On appeal, East Midlands Trains explained more clearly that the reason Mr A's ticket was not valid for the service he wished to travel on was because he was had a super off-peak ticket and was trying to travel in the peak period.

## **GWR**

Ms T's delay claim was rejected by GWR as the cause of her four hour delay was outside their control and the GWR long distances routes only refund if there delay is within their control. On this occasion the delay had been the result of theft of cabling. On appeal it was argued that had Ms T been informed of the problem in advance she could have made other travel arrangements. GWR, however, produced evidence that they had in fact issued a statement to passengers and were therefore justified in turning down the claim.

## **Heathrow Express**

Mr N was charged for eight carnet tickets but was sure that he had only used one. However, Heathrow Express's record showed that eight tickets had been scanned on the day and time in question. They refused to refund or reissue the other seven tickets. Mr N approached London TravelWatch who appealed to Heathrow Express to investigate further. Given the difficulty of finding out what had actually happened on the day, Heathrow Express offered a compromise of a reissue of four of the carnet tickets to Mr N as a gesture of goodwill.

## **Southern**

- i. Dr S considered that he had been under refunded on the unused portion of his season ticket but Southern disagreed. London TravelWatch appealed and asked Southern to provide their calculations by way of explanation. Southern were unable to find the original calculations, so offered Dr S a goodwill payment and an apology.
  
- ii. Ms D missed her flight due to failure of Gatwick Express service and lack of text alerts warning of disruption to service. After a lot of correspondence with Southern Ms D came to London TravelWatch. Upon investigation it was revealed that text alerts are not used for planned engineering works which this was. The amended timetable for that weekend that Ms D travelled took into account the planned engineering work and clearly showed the alternative arrangements that were in place. This information was also available on Southern's live departures page, on the National Rail Enquiries websites and at stations. For this reason, our appeal for a refund of the missed flight was turned down.

## **Virgin Trains**

Mr L made a mistake with the return date on his tickets from Lincoln back to London. He contacted Virgin Trains East Coast to cancel the return tickets but they cancelled all the tickets so he had to rebook tickets for the outward journey as well as the return journey, at a non-discounted price. Mr L came to London TravelWatch as Virgin were not prepared to refund him for the more expensive tickets he'd had to book as a result of their error. A couple of months after appealing the case, Mr L informed London TravelWatch that Virgin had settled in full.

## **Transport for London cases with longer response times than 10 days**

There are 31 cases that took longer than TfL's 10 day response target and a representative example of these are detailed below.

### **Buses**

- i. Mr F originally complained regarding regular curtailments on his bus route. Not satisfied with TfL's explanation that this was down to under-resourcing, he came to London TravelWatch. The case was appealed and TfL could see that there was an issue with the route but looked into it further. They found that there had been emergency works to the sewers on a main road. This caused diversions on the route, which in turn, took much longer than usual that many buses were curtailed. TfL recognised that Mr F had been poorly advised so apologised and offered a goodwill gesture.
- ii. Mr K was concerned about the closure of his local bus stop so complained to TfL. On appeal, TfL advised the bus stop was closed due to emergency works that needed to be carried out by Thames Water. Because TfL's influence is much reduced with emergency works, they were unable to affect traffic management as much as when there are planned works. TfL has advised that when considering where to place a temporary stop, a risk assessment is made to ensure the safety of their passengers and all other road users. They were unable to find a suitable place for a temporary bus stop as placing a temporary bus stop further along the road would have been too close to the junction which needs to be kept clear for left turning vehicles and bicycles. Mr K was unhappy with this explanation and re entered into direct correspondence with TfL. London TravelWatch wrote to Mr K to acknowledge his decision and the case was closed.
- iii. Mr S reported a bus shelter light not working at night. Originally, he was told that the light was working as an Asset Operations Officer tested it and it worked. On appeal, the Asset Operations Officer returned at 4am and found the light wasn't working but when it was tested it was found to be working. On appeal, the caseworker contacted TfL and requested that the Asset Operations Officer revisit at night and with an engineer. They found that the street lights either side of the bus shelter were so bright that the sensors in the bus stop light thought it was daylight and automatically turned the light off. The engineer tried to adjust the sensors but the streetlights were too bright. TfL then contacted the local authority to see if downlights could be put on the street lights but was advised that there was no intention to do this on a main road. The passenger was informed of the situation and the case was closed.

## **Congestion Charge**

Ms L had paid her ex-husband's PCNs for the Congestion Charge to prevent bailiffs taking any action but her ex husband, Mr F, said that the car was registered in his name only so his ex wife should not have been allowed to pay the charge. TfL had not resolved this matter so Mr F came to London TravelWatch. TfL agreed to make a refund but the caseworker did not close the case until the passenger advised us that the refund had been received.

## **TfL Rail**

- i. Mrs L missed her train due to the length of time it took for the ticket office to issue her ticket. She could not wait for the next train so she took an Uber instead. Mrs L did not receive a response from TfL so complained London TravelWatch. On appeal, TfL investigated and found that a response had been sent but Mrs L did not receive it. TfL offered her a journey refund for the inconvenience, but not for the Uber fare as the next train would have arrived within 15 minutes.
- ii. Mr D topped up his Pay As You Go Oyster card but later found that the top up had not been done. To complicate matters he had also been given an incorrect receipt. He wrote to TfL for a refund but after six weeks did not get a reply so he came to London TravelWatch. TfL tried to find Mr D's complaint but could not find it. TfL asked the caseworker to request copies of emails Mr D had sent. It transpired that Mr D was using the wrong email address for TfL. However, TfL still agreed to refund Mr D plus a goodwill gesture for the difficulties he incurred.

## **Oyster**

- i. Ms T ordered an Apprentice Oyster photo card which never arrived. She contacted TfL and eventually another one was sent, but in the meantime she had had to buy full price tickets. TfL wouldn't refund the full cost of the fares as they aren't liable for lost Apprentice Oyster photocard but offered her £90. The passenger was not happy with this amount and approached London TravelWatch. On appeal, TfL agreed that the passenger was out of pocket and increased the amount of goodwill offered. The passenger was happy and accepted the offer.
- ii. Ms B was off sick and wanted to back date the surrender time of her season ticket that she used to commute to and from work. However, as she had used the ticket whilst off sick to travel locally, TfL said that as per the terms and conditions detailing surrendering a season ticket, she was not eligible for a refund. Ms B was unhappy with this and approached London TravelWatch. The caseworker appealed to see if the condition could be waived for this passenger. Unfortunately, as the passenger had used the ticket more than once when she was off sick, TfL refused to waive the condition on this occasion.
- iii. Mrs S experienced a technical error which resulted in a duplicate transaction charge for a fairly large amount of money. TfL followed the normal procedure to resolve this. However, Mrs S felt she was entitled to compensation for the inconvenience caused to her, the delay getting a refund and poor advice from TfL. Mrs S approached London TravelWatch who appealed on her behalf. TfL agreed the refund had taken longer than necessary to process and that the

information given to Mrs S had not been accurate. TfL offered a good will gesture and Mrs S was satisfied with this outcome.

### **TfL Underground**

Ms T had complained of harassment by a member of TfL staff at an underground station, and she came to London TravelWatch because she was also unhappy with TfL customer services' case handling. Ms T had requested a written response but TfL had phoned her instead. The case was appealed, and TfL found that the staff member had not been interviewed at the time of the initial enquiry so interviews conducted by the appropriate managers needed to be arranged. Following the interview TfL confirmed that while the staff members details and the interview outcome remained confidential, the staff member had been moved to another location.

### **TfL Overground**

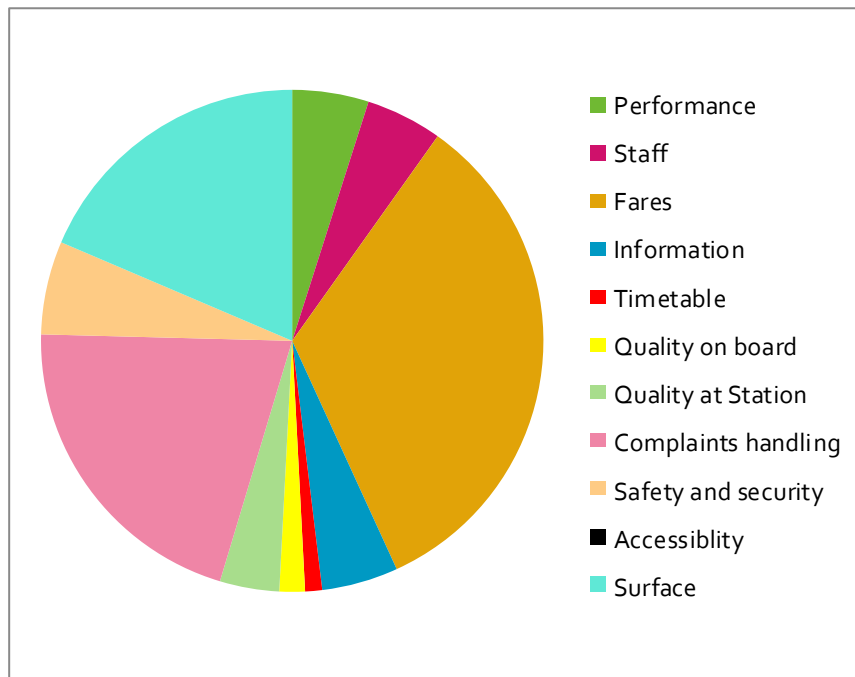
Mr F fell unconscious whilst travelling on a London Overground train. He asked TfL if the incident had been recorded on CCTV and was disappointed to find out that it had not. He contacted London TravelWatch who received confirmation from TfL that there were no CCTV cameras on this older type of train. During further correspondence TfL said that new trains were shortly being introduced that would have CCTV cameras on board.

### (v) Appeals by category

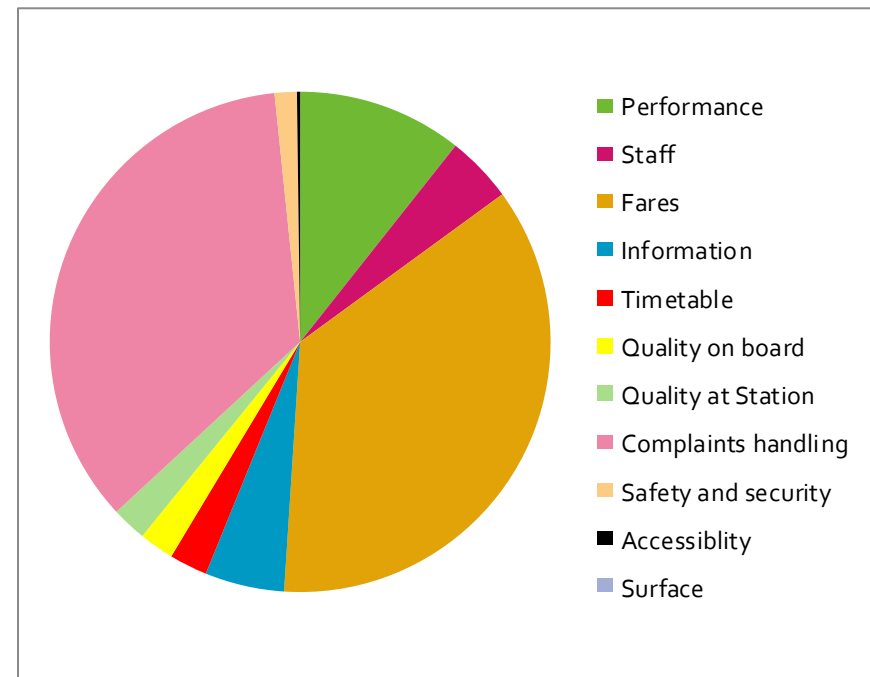
The charts below summarise the main types of appeals received by London TravelWatch regarding both National Rail operators and Transport for London.

There was an increase in appeals regarding TfL staff, service performance and surface issues such as PCNs.

Rail operators



Transport for London



## **(vi) Main issues received**

This part of the report highlights some of the issues that were raised from passenger contact.

### **National Rail operators**

The casework team received surprisingly few contacts about the timetable changes that came into affect on 20 May 2018. GTR has maintained contact with the casework team since the timetable change to update on their current workload.

There is an increase in contacts from SWR passengers about delay repay. This is understandable as previously passengers were only able to claim a discount on the renewal of their season ticket.

### **Eurostar**

Following a recent conversation with Eurostar about the quality of response to both passengers and London TravelWatch, it is evident that steps have been taken to make consistent improvements. Other senior staff at Eurostar who usually work outside of their executive contact team have become involved to ensure that the approach to continual improvement is more rounded and reflective of the entire organisation and not only the case handlers.

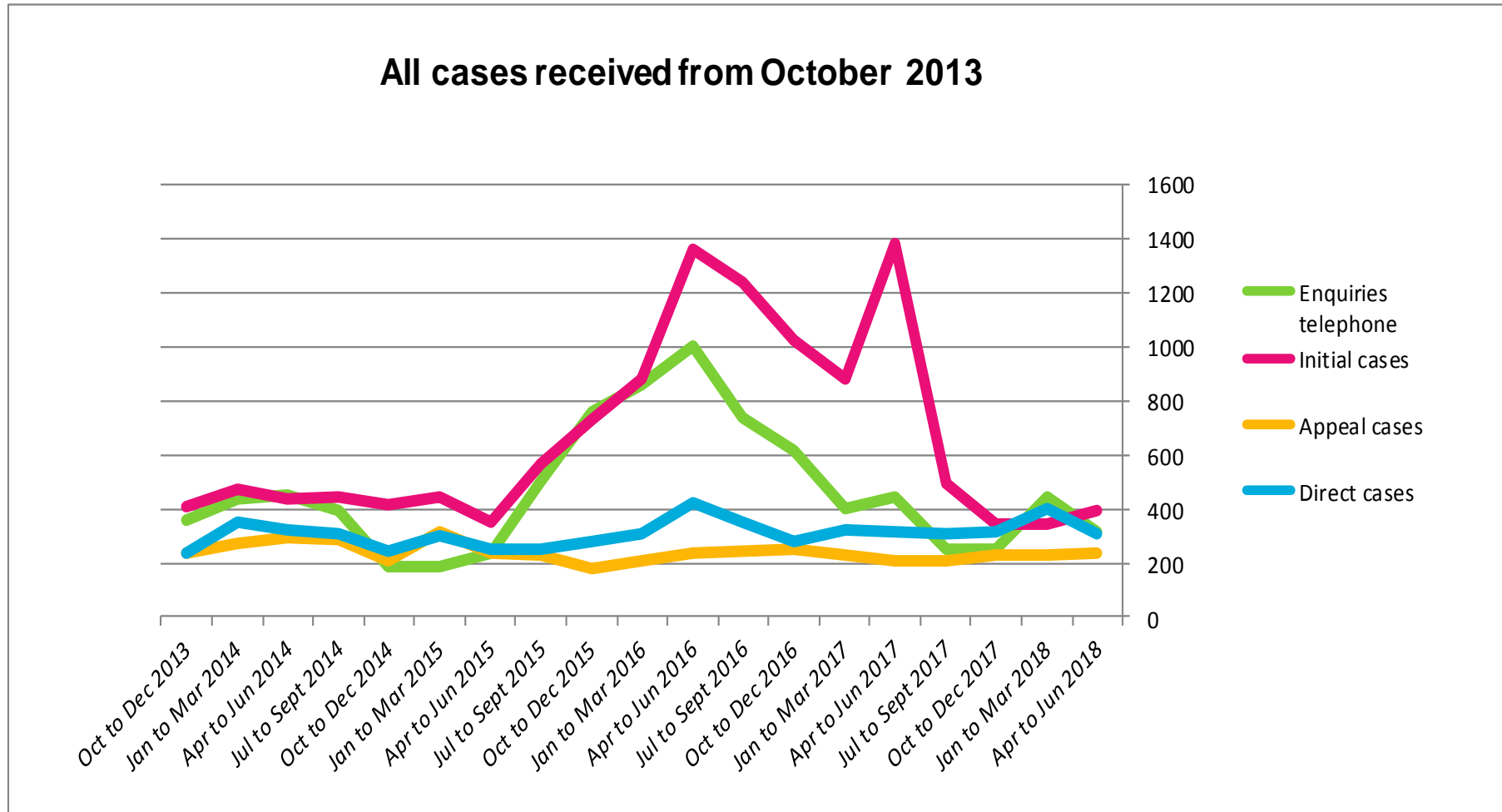
### **Transport for London**

TfL have appointed one of the existing executive team to be the liaison between themselves and London TravelWatch. This person is very aware of the outstanding caseload and regularly asks for updates and statistics to know more precisely the current workflow. The casework team have noticed an improvement in response times and frequency of contact.

### **The casework team**

During July and August the number of appeals received by London TravelWatch has increased by approximately 40%. Brief scrutiny of the data has not indicated that there are any common trends or themes but further in depth analysis needs to be carried out.

## Appendix A: Quantity of cases received





## Appendix B: Outcomes to appeals – quarter one

The casework team continue to achieve positive outcomes for passengers, despite not having the powers to compel the industry to respond favourably to their appeals.

