

Policy Committee

Secretariat memorandum

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Casework report for quarter three October to December 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 Rail Ombudsman 'went live' on 26 November 2018 but this did not have any real reduction impact on incoming casework in quarter three. More information on the rail Ombudsman is in vii.

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. Rail ombudsman briefing
- viii. Appendix A shows the incoming casework over the previous years
- ix. 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 the incoming casework received from October to December 2018 and includes the previous four quarters for comparison.

This part of the report records the volume of casework received during October to December 2018. London TravelWatch received 1,698 casework contacts via telephone, email and web forms.

Case types*	Oct to Dec 2018	Jul to Sep 2018	Apr to Jun 2018	Jan to Mar 2018	Oct to Dec 2017
Casework related telephone enquiries	164	237	315	442	248
Enquiries email	37	28	66	58	95
Initial cases	356	509	392	345	343
Initial plus cases	145	143	127	149	108
Request for papers	221	272	192	196	173
Appeals made to operator	292	319	239	226	231
Appeals responded to directly	322	275	191	256	225
Appeals responded to directly plus	161	98	115	143	95
Appeals sub total	775	692	545	625	551
Total of new contact	1,698	1,881	1,637	1,815	1,518
Appeals carried over from last quarter	32	22	32	49	40
Total cases	1,730	1,903	1,669	1,864	1,558

*See following page for case definitions

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 passenger's 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	October to December 2018		July to September 2018	
	No of cases closed	Percentage closed	No of cases closed	Percentage closed
Days 0-10	150	75%	179	84%
Days 11-20	27	14%	20	9%
Days 21-40	16	8%	12	6%
Day 41+	6	3%	1	1%
Total	199		212	

The rail operator response times within 20 days fell slightly in quarter three. This is because the casework team were challenging some decisions not to offer passengers the additional industry compensation that was established by the DfT and GTR for those caught up in the disruption following changes to the National Rail timetables launched in May 2018.

There was also a reduction in appeals received when compared to the previous quarter. However, when compared to the same period last year, there is an increase in rail operator appeals.

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	October to December 2018		July to September 2018	
	No of cases closed	Percentage closed	No of cases closed	Percentage closed
Days 0-10	61	87%	51	89%
Days 11-20	4	6%	5	9%
Days 21-40	5	7%	1	2%
Day 41+	0	0%	0	0%
Total	70		57	

The Customer Executive team at Transport for London have continued to proactively monitor the appeals received from London TravelWatch in order to respond within the 10 days period. The Customer Executive team does not deal with appeals regarding congestion charge, dial a ride, cycles, streets and penalty fare/prosecutions so they cannot impact the response time of all modes. Appeals regarding congestion charge, dial a ride and penalty fares can take longer than 10 days due to the investigation involved. The casework team expects this and looks for the majority of appeals to be responded to within 10 working days.

TfL appeals are increasing although this appears to be because the signposting to London TravelWatch is more robust than has been in previous years.

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

Operator	Oct to Dec 2018		July to Sept 2018		Apr to June 2018		Jan to Mar 2018		Oct to Dec 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										
BTP										
c2c	5	10	2	7	4	35	5	18	4	9
Chiltern	12	3	11	3	1	1	5	2	2	1
CrossCountry										
Department for Transport										
Deutsche Bahn										
VTEC/LNER	5	24	9	9	5	12	7	29	7	13
East Midlands Trains	1	6			3	10			1	2
Eurostar	14	1	30	4	30	4	10	3	17	4
GTR	70	11	44	8	18	6	28	12	22	9
GWR	12	17	10	14	5	16	12	18	17	11
Grand Central	2	12					1	24		
Greater Anglia	8	2	4	6	6	5	5	8	10	11
Heathrow Express	7	10	3	2	9	15			1	0
Heathrow Connect	Now TfL Rail									
First Hull Trains			1	2						
AS*	3	11			3	1	2	1	1	0
PSL*			1	3						
LM/LNR					2	6	1	39	3	14
NR Enq			2	19						
Network Rail	7	8	2	8	2	20			1	1
ORR										
RailEurope					1	1				
RPSS*										
Rail Easy										
ScotRail										
Southeastern	9	4	21	5	17	8	12	7	17	6
Southern	11	11	10	7	22	11	26	10	33	15
SWR	27	4	47	5	30	5	52	7	33	10
Trainline	1	6	2	2	1	3				
Virgin West Coast	5	13	10	4	15	7	13	5	6	18
West Midlands			2	12						

Transport for London

Operator	Oct to Dec 2018		Jul to Sept 2018		Apr to Jun 2018		Jan to Mar 2018		Oct to Dec 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	6	1	10	1	11	4	9	2	25
London Overground	5	10	7	6	1	11	3	29	4	15
TfL London Buses	18	8	10	6	15	12	20	20	9	3
TfL London Underground	18	8	8	6	13	16	12	20	4	17
TfL Roads & Streets	5	2			2	20	1	9	2	2
TfL Dial-a-Ride	1	26	1	12					1	9
Oyster	12	6	19	8	25	10			12	13
TfL Congestion charge	6	5	1	4	4	7	1	1		
Tramlink			1	28	1		1	13		
TfL Rail	1	10	1	1					2	4
TfL/Cycles	1	17			1	9			2	18
Victoria Coach Station										
TfL Policy			4	9						
TfL penalty fares and prosecutions	2	6								

**AS – Appeals Service, PSL – Penalty Services Ltd and RPSS – Revenue Protection Support Service are all penalty fare bodies.*

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 22 cases where the rail operator took over 20 days to send a response to London TravelWatch. Below are some representative examples of these cases.

GTR

- i. Mr M is a Great Northern season ticket holder. He boarded a train at Kings Cross intending to travel one stop to Finsbury Park. Confusion in the control room about the services that were supposed to stop at Finsbury Park led to the train not stopping and continuing to the next stop which was Cambridge. Mr M then had to take the next service back to London and a journey that was supposed to take a few minutes, took over two hours to complete. Mr M complained to GTR and asked for compensation. GTR refused his request and advised him to claim delay repay which was incorrect as the train was not delayed and also not representative of the inconvenience Mr M incurred due to GTR's error. On appeal, London TravelWatch asked that GTR consider a goodwill gesture and this was agreed.
- ii. Mr S's booked train from Kings Cross to Peterborough was cancelled. He claimed there were no staff on hand to advise regarding other trains or route suggestion. The staff also did not know if other trains were going to run so he took a taxi. GTR offered him the standard delay repay but on appeal, London TravelWatch asked GTR to reconsider as they could not guarantee the staff at Peterborough station were visible to passengers. Mr S accepted GTR's goodwill gesture of half of the cost of the taxi fare.

GWR

GWR agreed to refund Mr P for a train cancellation but after some months he still hadn't received his cheque despite GWR insisting that they had sent it. On appeal it was found that the issue was that during this period Mr P had moved to a new address so GWR sent a new cheque to the correct address.

Heathrow Express

Mr B was on a broken down train and the passengers had to be de-trained by walking along the train to West Ealing station. Mr B took a taxi to Heathrow but missed his flight and claimed for costs which were refused as Heathrow Express did have coaches available to passengers at West Ealing. Following the London TravelWatch appeal Heathrow Express refunded the taxi fare as a gesture of goodwill.

LNER/Caledonian Sleeper

Ms F injured herself in an accident on the Caledonian Sleeper. She submitted a compensation claim to LNER but they failed to respond, so she came to London TravelWatch. London TravelWatch knew that LNER were not responsible for the Caledonian Sleeper and wrote to LNER as they should have informed Ms F. London TravelWatch referred the complaint to Caledonian Sleeper who offered the passenger a reasonable goodwill gesture.

Network Rail

Ms M did not receive the passenger assistance she had booked and as a result sustained further injury walking down the platform. Network Rail offered her a walking tour as compensation which was insensitive considering her condition. London TravelWatch appealed for further compensation due to the overall scenario and mishandling of the complaint but this was declined. The case was escalated to the Casework Manager but they still turned down her claim although an improved response was sent.

Southern

Ms J's husband submitted delay repay claims for both him and his wife, but only one was accepted. He resubmitted his wife's claim on its own and which was then declined as a duplicate, and they were advised that a separate claim had to be made. Ms J then made her own claim, but by that time it was declined for not being made within the 28 day claim timeframe. London TravelWatch asked Southern to look into it and arrange for her delay repay claim to be processed, as her original claim was made at the same time as her husband's. Southern offered Ms J a £20 cashable rail travel voucher and apologised to her for the problems. Southern also said that they would investigate why this issue happened as their claims systems should not have rejected Ms J's claim.

Virgin Trains

Mr U went to collect tickets from a machine but it wouldn't print them. He called Virgin and spent 1-2 hours being passed along on the phone, but no one could say why the ticket wasn't printing. He missed his train and was forced to pay a much higher price for another ticket. He therefore requested a refund for the second set of tickets plus compensation for the time and inconvenience. After 28 days had passed he received an email from Virgin asking him for proof of payment which he had already provided. On appeal, London TravelWatch asked Virgin to expedite the processing of his refund and to consider a good will gesture. Virgin offered him a refund of his original tickets as well as the additional tickets for the delay in processing his claim.

Transport for London cases with longer response times than 10 days

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

Congestion charging

Mr A approached London TravelWatch because he was having difficulties paying his penalty charge notice and TfL were not responding to his enquiries. Following our appeal, TfL's investigations revealed a technical fault. To resolve the matter they requested that they contact Mr A directly so that they could refund all costs.

Dial a Ride

Ms D lodged a complaint against a Dial-a-Ride driver whom she claimed had been rude and unhelpful. Dial-a-Ride's initial response was very bland and without any information. Following London TravelWatch's involvement, Dial-a-Ride admitted that the complaint had been poorly handled and they apologised for this. Dial a Ride also confirmed that the driver in question had been identified and appropriate action taken.

London Underground

Ms S and her husband went to Turnham Green to travel on to Heathrow airport but there was disruption. They approached a staff member who did not know of any disruption and could not therefore advise when the next train would arrive. Ms S took a taxi which she asked TfL to refund but this was refused. On appeal, the taxi fare was refunded and a further gesture of goodwill offered as the staff member should have been able to advise them more appropriately.

Oyster

Ms D wanted to buy a weekly Travelcard at a Tube station but when she realised she was buying the wrong one, she attempted to cancel the transaction and did not scan her Oyster card. She asked for help from the staff at the time but the machine froze and stopped working. Ms D then found that the money had still been taken from her bank account. She complained to TfL who offered to refund her ticket but Ms D had incurred bank charges as having to buy the correct ticket on the same day caused financial issues so she approached London TravelWatch. Following our appeal, TfL agreed to refund the cost of her ticket, plus the bank charges and made a good will gesture as they said Ms D should have been offered a refund of the bank charges in their initial response.

Santander

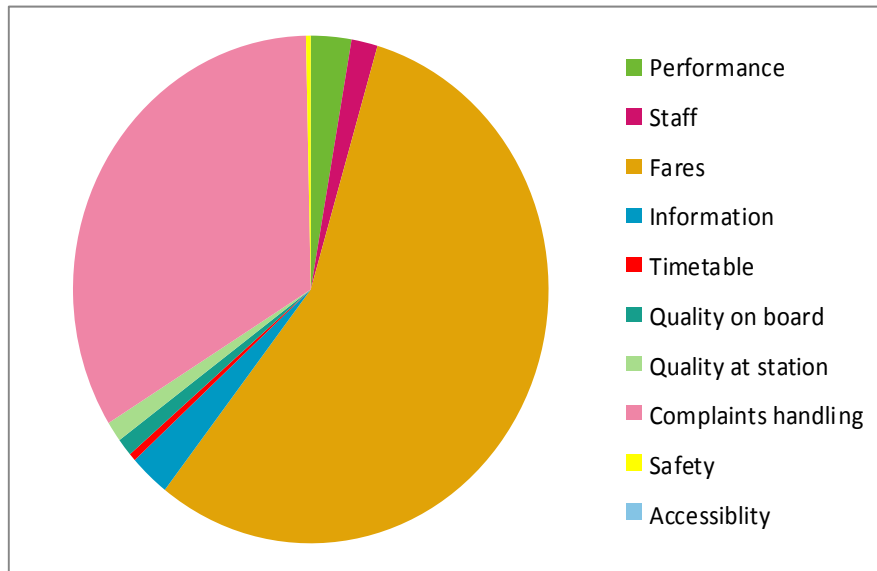
The cycle Mr M hired went missing. He had hired two cycles, one of which was docked within 30 minutes. The other journey did not close off successfully and Mr M could not recall which light was displayed when the bike was docked. He was fined £300 for the missing bike. Mr M phoned TfL to request a refund. As he did not clarify if a green light was shown (dock successful) the refund request was declined as the cycle was still missing. On appeal London TravelWatch pointed out that if Mr M had said the light was green, he still would not have been able to evidence this and therefore he still would not have got a refund. TfL agreed that Mr M's user history was perfect and as a gesture of goodwill TfL arranged for all £300 to be refunded.

(v) Appeals by category

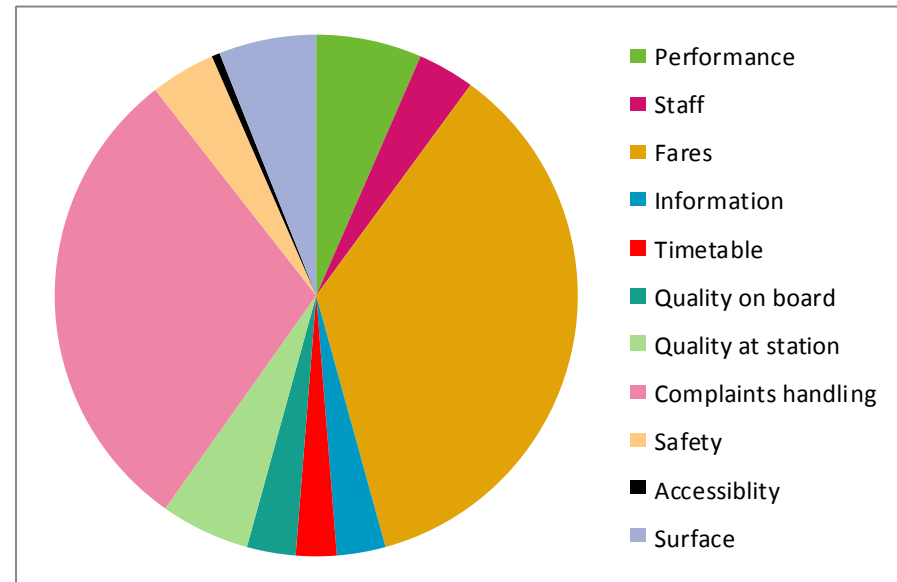
The charts below summarise the main types of appeals received by London TravelWatch regarding both National Rail operators and Transport for London.

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

Rail



TfL



(vi) Main issues received

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

Rail

Appeals from rail passengers have decreased. However, contacts from passengers who have been refused the additional industry compensation offered to qualifying passengers by GTR following the timetable changes in May 2018, has risen considerably.

Stansted Express

Passengers who have incurred penalty fares for using Oyster/contactless payment to travel from Liverpool Street or Tottenham Hale stations to Stansted airport, continue to voice their dissatisfaction at the lack of prominence of Oyster/contactless payment information at these London stations. This is particularly frustrating when ticket information is very visible and prominent at Stansted airport itself.

TfL

There is an increase of appeal cases regarding TfL modes although there is currently no noticeable common theme in these cases.

(vii) Rail ombudsman

Following a year of intense work with the Rail Delivery Group (RDG) to outline the scope of the rail ombudsman and the eligibility criteria, the rail ombudsman's start date was 26 November 2018. This means that appeals relating to rail journeys made after this date must be escalated to the rail ombudsman following a complaint being raised with the appropriate rail operator.

Currently, membership of the scheme is voluntary and with the exception of Eurostar and Heathrow Express, most rail operators will be mandated to participate in the ombudsman scheme from 1 June 2019.

In order to help the ombudsman staff understand rail passenger travel a senior staff member from the RDG, who are representatives of the rail operators, has been based at the ombudsman offices in Stevenage.

Accessing the ombudsman

Passengers who wish to access the ombudsman must first complain to the rail operator. If the rail operator and passenger cannot reach an agreement, the rail operator must issue a deadlock letter up to eight weeks after the complaint was first received. If the rail operator stops corresponding with the passenger, the passenger can approach the ombudsman without a deadlock letter when 40 working days have passed.

Passengers who have approached the ombudsman where their journey took place before the 26 November 2018 or the complaint is not within the eligibility criteria of the Ombudsman, have their appeals transferred electronically to the casework database. This process is fairly seamless following efforts by London TravelWatch to ensure the two systems were compatible.

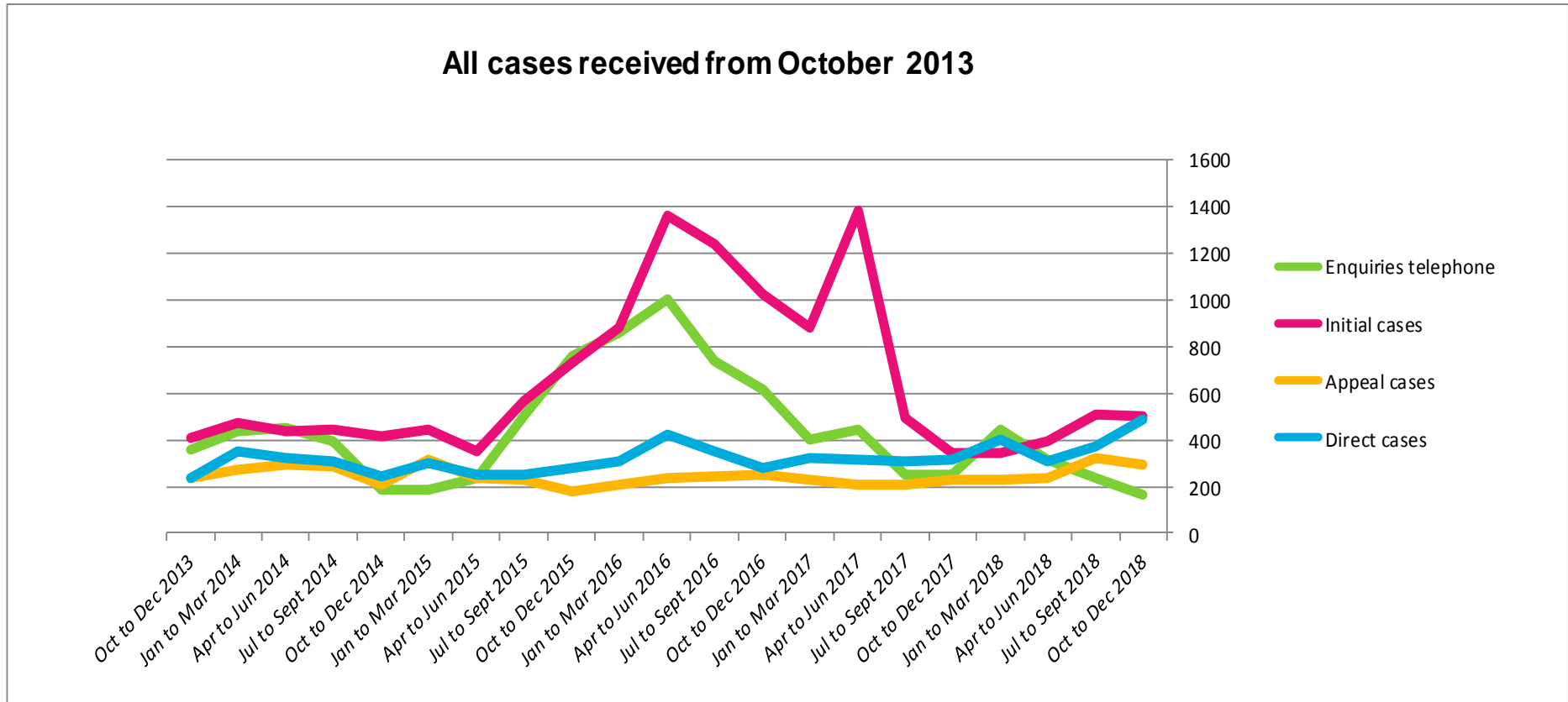
The ombudsman and TfL

TfL Rail and Overground appeals will be managed by the rail ombudsman from 1 June 2019. It is unlikely to have any effect as only one or two TfL Rail and Overground cases are received by London TravelWatch each quarter although any impact of these cases cannot be measured until the end of quarter two 2019/20.

London TravelWatch incoming casework and rail ombudsman

In January 2019, the London TravelWatch casework had a reduced number of overall contacts. However, the number of appeals increased. It is not yet clear what the impact the rail ombudsman will have on the number of cases received by London TravelWatch as we are continuing to receive appeals where the passenger's journey took place before 26 November 2018. The casework performance report for quarter four (January to March 2019) is likely to give a clearer picture and will also indicate the number of cases likely to be received over the next twelve months.

Appendix A: Quantity of cases received



Appendix B: Outcomes to appeals – quarter three

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.

