
Casework Report Q1 2019-20

Susan James

3 July 2019

Casework report for quarter one April to June 2019.

1. Purpose of report

To provide information on the issues raised by passengers and the Rail Ombudsman with London TravelWatch.

2. Summary

Since the start of the Rail Ombudsman scheme in November 2018, the number of appeals received by London TravelWatch has reduced, although the level of other casework enquiries has remained steady. The type of contacts made to the casework team has changed and, with the exception of appeals, the way the cases are categorised has been amended to reflect this change. This means that while it is difficult to provide comparable data for previous periods, it does reflect the most recent information about the contacts received by London TravelWatch. The way this data is presented in this report can be amended to incorporate any suggestions or requests from members.

We have concerns with the signposting and information provided by some rail operators to the Rail Ombudsman. Scrutiny of the Rail Ombudsman's quarter one statistics reveals a substantial drop (over 1,600) in appeals when compared to the combined number of appeals managed by London TravelWatch and Transport Focus for the same period last year. In partnership with Transport Focus, London TravelWatch is continuing its efforts to bring consistency to the signposting process and investigate why the reduction in appeals is so large.

It was expected that appeals for TfL Rail and Overground and the Heathrow Express would be sent to the Rail Ombudsman for any journeys after 1 July 2019. This has not yet happened and the RDG are currently liaising with the ORR regarding when these rail operators will start to refer appeals to the ombudsman scheme but a specific date is not yet known.

A penalty fare case received by London TravelWatch revealed that The Railways (Penalty Fare) Regulations 2018 implemented in April 2018 has a condition that is potentially being incorrectly applied by the rail operators, penalty fare appeal bodies and the independent (penalty fare) appeal panel. The clarification of this condition by the Rail Delivery Group (RDG) suggests a different interpretation of the condition which could impact thousands of penalty fares already issued and includes some passengers who may have faced or have already been prosecuted for non payment of a penalty fare. The Department for Transport have not offered an opinion on the subject and deferred it back to the RDG. This issue has now been escalated internally within London TravelWatch and Transport Focus.

3. Report contents

There are two parts to this report.

- i. Contacts received – breakdown of contacts received
- ii. Appeals data
 - a) Rail appeals
 - b) Rail appeals received from the Rail Ombudsman
 - c) TfL appeals
 - d) Eurostar appeals

4. Equalities and inclusion implications

There are no specific implications arising from this report.

5. 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.

6. Financial implications

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

7. Recommendations

Members are asked to note the contents of this report and advise if there is information that they would like to see in future reports from Casework.

(i) Contacts received

This report covers the incoming casework received from April to June 2019 and includes information from the previous quarter to demonstrate changes in work practices. The way cases are classified has changed from this quarter to better reflect the changing workload of the casework team.

Telephone enquiries will now feature in the communications report and are also provided for purposes of comparison.

New contact types*	Apr to Jun 2019	Previous contact types (no longer used)	Jan to Mar 2019	Oct to Dec 2018	Jul to Sep 2018	Apr to Jun 2018
Telephone enquiries	331	Telephone enquiries	304	164	237	315
		Enquiries email	18	37	28	66
Initial cases	69	Initial cases	227	356	509	392
		Initial plus cases	64	145	143	127
Appeals Rail	29	Request for papers	120	221	272	192
Appeals from Rail Ombudsman	40	Appeals made to operator	227	292	319	239
Appeals TfL and Eurostar	86	Appeals responded to directly	263	322	275	191
Other contacts Rail	293	Appeals responded to directly plus	136	161	98	115
Other contacts TfL & Eurostar	292					
		Appeals sub total	626	775	692	545
Total of new contacts (not including telephone contacts)	809	Total of new contact	1,359	1,698	1,881	1,637
Appeals carried over from last quarter	30	Appeals carried over from last quarter	32	32	22	32
Total contacts (including telephone calls)	1,170	Total cases	1,391	1,730	1,903	1,669

*Case type explanation on following page

Initials

Complaints that have not yet been made to the operator

Appeals Rail

Appeals received from passengers

Appeals from Rail Ombudsman

Appeals that are out of the Rail Ombudsman scope and within our geographical remit.

Appeals TfL and Eurostar

Appeals received from passengers

Other contacts - rail

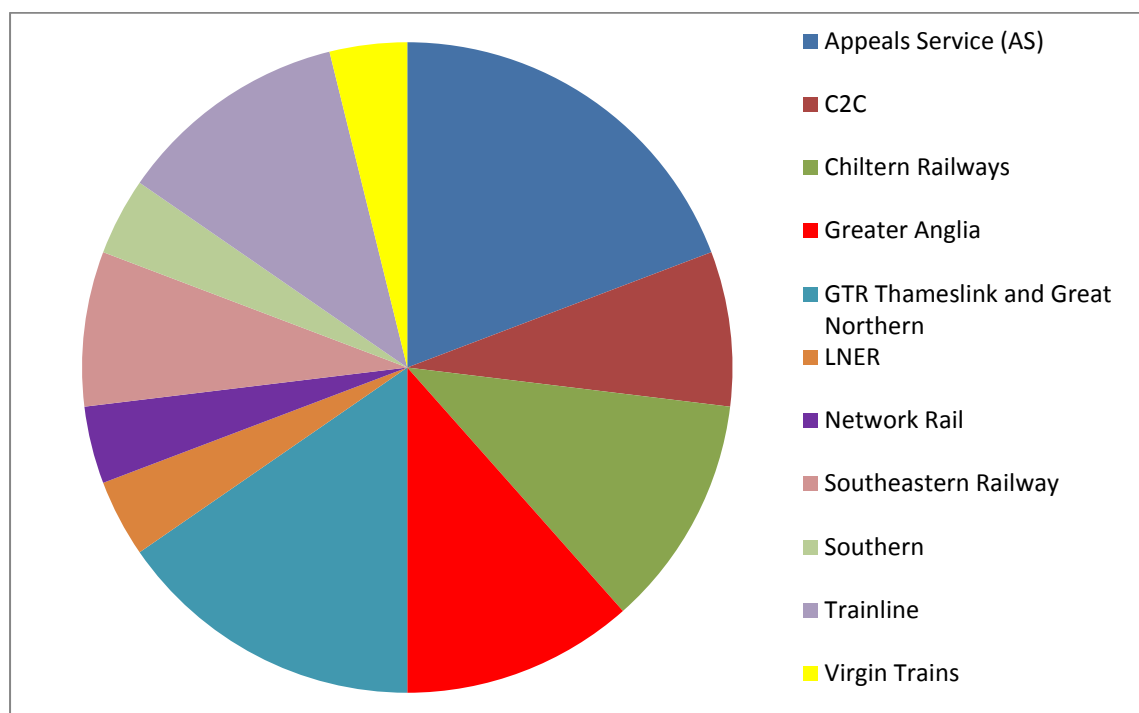
All other contacts from passengers, such as requesting information, further comebacks, unable to find transport provider contact details, and responses to complaints that London TravelWatch would not appeal.

Other contacts TfL & Eurostar

Other contacts from passengers.

Appeals data

a) Rail appeals by organisation



Appeals by rail operator and the issues raised

Appeals Service (AS)	5
Penalty fares and prosecutions	1
Late appeal with good reason	1
Complaints Handling	1
Unhappy with operator reply	1
C2C	2
Complaints Handling	1
Unhappy with operator reply	1
Chiltern Railways	3
Information	1
Transport company's reply did not fully address complaint/all the issues	1
Unhappy with operator reply	1
Greater Anglia	3
Penalty fares and prosecutions	1
Information	1
Withdrawal/retiming of service	1
GTR Thameslink and Great Northern	4
Repeated poor performance	1
Penalty fares and prosecutions	1
Layout/design of train/bus/other vehicle	1
Complaints Handling	1
LNER	1
Follow up actions unfulfilled by transport company	1

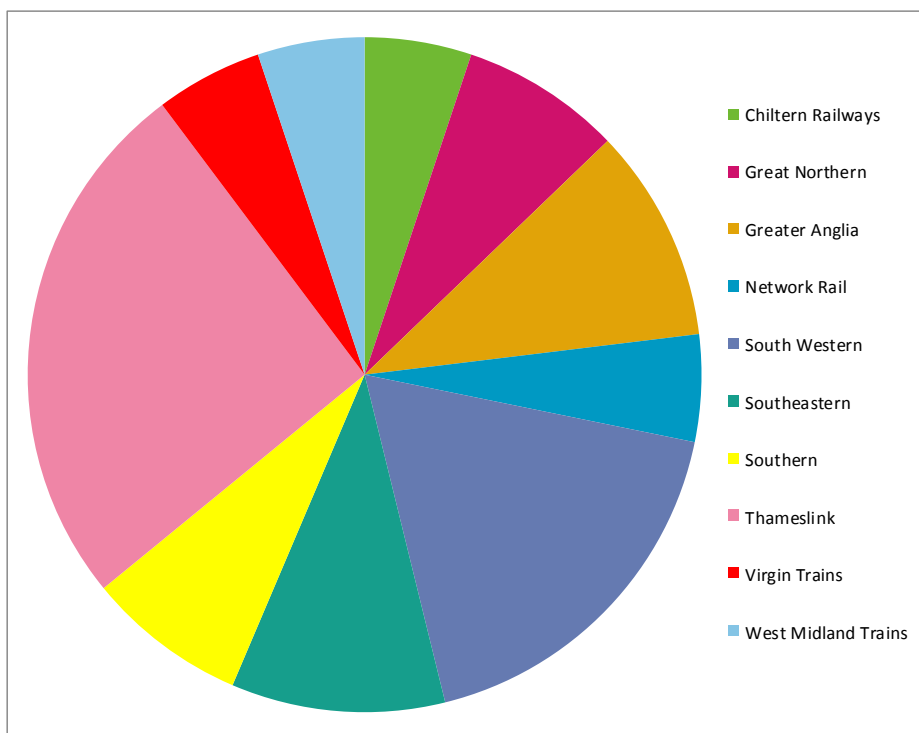
Network Rail	1
Availability/non-provision	1
Southeastern Railway	2
Penalty fares and prosecutions	1
Complaints Handling	1
Southern	1
Complaints Handling	1
Trainline	3
Fares, Retailing Policy and Refunds	1
Ticket Refunds and compensation (inc Oyster)	2
Virgin Trains	1
Unhappy at level of compensation/no compensation	1
Total cases received	26

Context

Other than penalty fares, there is no single issue raised repeatedly or railway operator that has caused concerns due to the number of appeals received.

London TravelWatch has a limited remit regarding penalty fares and therefore appeals only a few of the complaints. However, all cases are monitored to ensure that the regulations and processes relating to the issuing and administration of penalty fares are correctly followed.

b) Rail appeals received from the Rail Ombudsman by rail operator



Appeals (from Rail Ombudsman) by rail operator and the issues raised

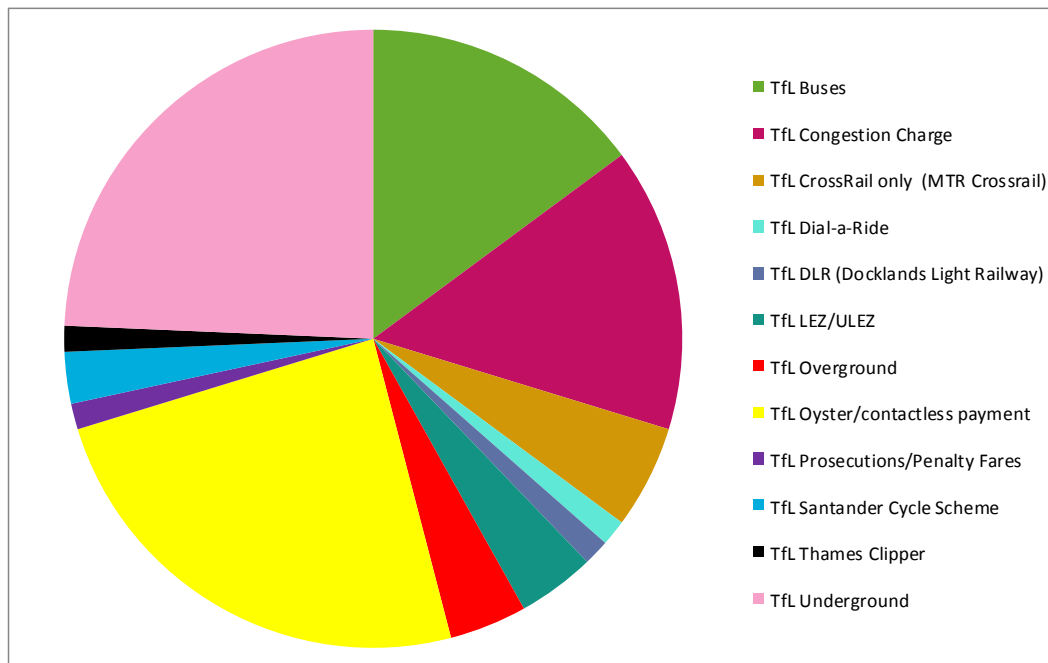
Chiltern Railways	2
Fares and retailing	1
Quality on train	1
Great Northern	3
Company policy	2
Fares and retailing	1
Greater Anglia	4
Company policy	1
Timetabling and connection issues	2
Train service performance	1
Network Rail	2
Accessibility issues	1
Company policy	1
South Western	7
Company policy	1
Complaints handling	1
Delay compensation schemes	4
Fares and retailing	1
Southeastern	4
Company policy	1
Fares and retailing	1
Staff conduct and availability	1
Station quality	1
Southern	3
Delay compensation schemes	3
Quality on train	1
Thameslink	10
Accessibility issues	1
Company policy	2
Delay compensation schemes	1
Provision of information	3
Quality on train	1
Train service performance	2
Virgin Trains	2
Delay compensation schemes	1
Fares and retailing	1
West Midland Trains	2
Fares and retailing	1
Timetabling and connection issues	1
Total cases received	40

Context

From the appeals sent to London TravelWatch, there is no individual issue or any particular rail operator that has caused concerns.

(c)Transport for London

TfL appeals received by mode.



TfL appeals by mode and the issue raised

TfL Buses	11
Heating/ventilation/air conditioning	2
Complaints Handling	2
Transport company's reply did not fully address complaint/all the issues	2
Unhappy at level of compensation/no compensation	2
Response time	1
Unhappy with operator reply	1
Parking/etc.	1
TfL Congestion Charge	11
Information	2
Follow up actions unfulfilled by transport company	1
No reply received from transport company	1
Penalty Charge Notices (PCNs)	5
Congestion Charge	2
TfL CrossRail only (MTR Crossrail)	4
Penalty fares and prosecutions	1
Information	1
Complaints Handling	1
Unhappy with operator reply	1
TfL Dial-a-Ride	1
Unhappy with operator reply	1

TfL DLR (Docklands Light Railway)	1
Penalty fares and prosecutions	1
TfL LEZ/ULEZ	3
Refunds and compensation	1
Transport company's reply did not fully address complaint/all the issues	2
TfL Overground	3
Rude/Discourteous	1
Information	2
TfL Oyster/contactless payment	18
Ticket sales	1
Oyster Helpline issues	1
Ticket Refunds and compensation (inc Oyster)	9
Failure to Offer	1
Complaints Handling	1
Transport company's reply did not fully address complaint/all the issues	1
Follow up actions unfulfilled by transport company	1
No reply received from transport company	2
Transport company was impolite/unhelpful	1
TfL Prosecutions/Penalty Fares	1
Penalty fares and prosecutions	1
TfL Santander Cycle Scheme	2
Cycle charging and refund issues	2
TfL Thames Clipper	1
Service Performance	1
TfL Underground	18
Delay	1
Repeated poor performance	1
Ticket Refunds and compensation (inc Oyster)	2
Consequential loss	1
Inadequate information on screens	1
Cost/retailing/ticket machines	1
Complaints Handling	3
Transport company's reply did not fully address complaint/all the issues	2
No reply received from transport company	3
Response time	1
Safety and Security	2
Total cases received	74

Context

74 appeals were received from TfL users in quarter one compared with 84 appeals in the last quarter. All appeals were dealt with within their 10 day response times.

There is no particular issue arising from the appeals made to London TravelWatch, but caseworkers have noticed an increase in contacts about the Ultra Low Emission Zone scheme and the anticipated widening of the zone in 2021. Most contacts regarding ULEZ have been around the administration of the scheme and London TravelWatch will continue to monitor this.

Additional information

In 2018-19, TfL have reported complaints of over 104,000. It is therefore surprising that so few passengers contacted London TravelWatch in this timeframe although there is no current means of checking whether passengers are either satisfied with the way their complaint has been handled or if adequate signposting is in place. In addition, the TfL complaints webform is difficult to complete on a mobile device and this could be a barrier to passengers writing to TfL.

c) Eurostar

Fares, Retailing Policy and Refunds	2
Ticket cost too high	1
Ticket Refunds and compensation	3
Failure to Offer	1
Information	1
Complaints Handling	1
Transport company's reply did not fully address complaint/all the issues	1
Follow up actions unfulfilled by transport company	1
Unhappy at level of compensation/no compensation	5
Response time	1
Unhappy with operator reply	3
Accommodating assistance dogs	1
Total cases received	21

Context

Appeals about Eurostar reduced in this quarter after the issue with the French border control at Gare du Nord was resolved by the French government. The relationship between London TravelWatch and Eurostar has always been seen as valuable by both parties and Eurostar both react quickly to issues raised by London TravelWatch and advise us of any issues they experience as they arise.