
Secretariat report

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Agenda item 7

CA044

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Policy issues for consideration

1 Purpose of report

- 1.1. To provide details of policy issues for consideration by the Committee which have arisen from recent cases dealt with by the London TravelWatch Casework team.

2 Information

- 2.1. Details of cases to be considered at this meeting are attached at Annex A.

3 Recommendations

- 3.1. London Underground refund and ticket office advice (Annex A, page 2)

Members are asked to whether and how they wish to pursue concerns about the company's complaint handling arrangements.

4 Equalities and inclusion implications

- 4.1. No specific issues regarding equalities and inclusion arise from this report.

5 Legal powers and financial implications

- 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 it to be desirable, to make representations with respect to – any matter affecting the services and facilities provided by Transport for London 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.

- 5.2. No specific financial implications arise from this report.

Annex A

London Underground Refunds

Mr A applied for a refund for his annual season ticket. The staff at two separate London Underground stations (Euston Square, Baker Street) and on two different occasions indicated that he would be eligible for a refund. Based on this advice, he proceeded to cancel his season ticket, expecting a refund. His ticket was immediately cancelled, but no refund was issued.

When he complained, London Underground (LU) informed him that there is a limitation on their system which prevents LU Station Staff from informing customers when refunds are due and when they are not.

However, Mr A considers that he was led to believe that he would be given a refund, and had he been made aware that he was not eligible for a refund, he would not have cancelled his season ticket. He believes it is London Underground's responsibility to inform their customers that cancelling season tickets will not result in a refund in such circumstances.

TfL argue that it is Mr A's responsibility to familiarise himself with the terms and conditions of his season ticket before surrendering it and that he accepted these Terms and Conditions at time of purchase.

Recommendation

We recognise that Transport for London's Conditions of Carriage state the following on the matter:

'At Underground stations, where a refund cannot be made immediately and has to be referred to the Oyster Ticketing and Refunds Office, you may be given a printout showing the estimated value of any refund due. Where, on processing by the Oyster Ticketing and Refunds Office, the amount shown on this printout does not correspond with the actual amount of the refund due (calculated by the Oyster Ticketing and Refunds Office in accordance with the conditions stated below) then the refund calculated by the Oyster Ticketing and Refunds Office will apply.

We will work out your refund by taking away from the cost of the season ticket you bought, one fifth of the 7 Day rate for each day of use (excluding Saturdays, Sundays and public holidays) and/or the cost of the cheapest equivalent ticket (or tickets) for the length of time you actually used it, plus an administration fee that we charge for this service. This means that the amount that we pay back will not usually be in direct proportion to the cost of the season ticket, and if it is near to its expiry date when you return it, there may be no refund due'.

While we consider that it is reasonable to expect passengers to make themselves aware of the terms and conditions of their season ticket, this does not remove the responsibility of the ticket office staff to provide them with basic information. We consider that ticket office staff should be able to inform a passenger that there is no refund value in the remaining 6 weeks of the ticket and this will affect the refund amount. This is basic information and should be provided to anyone enquiring about a season ticket refund. Where ticket office staff are unclear as to whether a refund is due or not, we consider that they should redirect passengers to the Oyster helpline rather than provide inaccurate information.

London Underground have offered a gesture of goodwill of £20. Members are asked to consider whether they consider that the actions of the company are reasonable in the circumstances appropriate and to consider whether further action is appropriate on this issue.