
Secretariat memorandum

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PC029

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Confidential

Casework report for the period October to December 2013

1 Operator performance

- 1.1. That the report is received for information.
- 1.2. London TravelWatch has always been cautious with naming and shaming operators where the performance, response times or customer services is poor. This is because the organisation relies on the good working relationship built up with the operator to be able to secure a more positive outcome for individual appellants or service users generally. Taking steps to 'shame' an operator is very likely to negatively affect the outcome of the cases for future appellants.
- 1.3. However we would and have publicly named operators performing badly if we judge this the most effective way to secure improvements.
- 1.4. Naming operators who have 'gone the extra mile' with good practice and offered passengers an improved experience of their customer services could be a more positive approach to customer services although none of the operators are excelling in all areas.

A Rail operators

All of the rail operators are having difficulties coping with a backlog of cases caused by infrastructure, weather, other general issues or a combination of all three. It is a challenge for London TravelWatch to encourage all operators to properly advise passengers of the response delays and offer a time line of when a response is likely to be received.

First Capital Connect

A large proportion of their customer services function, including delay repay, is outsourced. First Capital Connect have increased the dedicated staff in these organisations until the situation is managed. First Capital Connect are also paying delay repay where there have been general issues on top of already existing problems regardless of whether the refund applies.

Southern

Southern have advised the casework team that they are experiencing delays in responding to passengers at the moment. They have amended their auto acknowledgement to advise passenger of the delay and on advice from London TravelWatch, they are looking at adding a message to their internet page.

South West Trains

On top of introducing a new IT and case management system, South West Trains were proactive in advising London TravelWatch of the large backlog of complaints and compensation requests. On advice from London TravelWatch, South West Trains amended their auto acknowledgement and their website to reflect their current issues which would advise passengers of the situation and the subsequent delays they may experience in receiving a response.

London Midland

London Midland are advising their passengers, via their website, of what time frame is currently being worked on. For example, just after Christmas their website stated that the London Midland customer service team were working on correspondence received the first week of December 2013.

Southeastern

Southeastern have advised that they are managing to keep within the 20 day turnaround target with their responses to passengers, but that this was proving more difficult. They will update London TravelWatch should this situation change.

Greater Anglia

London TravelWatch has not received complaints regarding lack of response from Greater Anglia passengers but has noticed a rise in initials. Information regarding London TravelWatch is absent from Greater Anglias website. The Casework Manager chased Greater Anglia for the second time at the beginning of February to rectify this issue.

Chiltern

Chiltern cleared the correspondence backlog by hiring temporary staff to assist. Chiltern have advised that the temporary staff are still in employ because the weather threatens to continually disrupt the service which increases the correspondence they receive.

B Transport for London

TfL are not reporting any backlog and London TravelWatch has been unofficially advised that the current levels of correspondence are quite low. This will change with the recent strike action although passenger charter refunds are not applicable during industrial action.

2 Role of the Local Government Ombudsman (LGO) in respect of TfL

- 2.1. When London TravelWatch closes an appeal case it notifies the appellant of their right to take the matter further with the LGO if they feel that we have not handled the appeal in accordance with our internal procedures. Similarly the LGO has always had a role in investigating complaints (once these have been through TfL's internal processes) where it is felt that TfL have not properly followed their own procedures. To our knowledge they have not previously become involved in appeals related to how TfL provides or manages its transport operations.
- 2.2. At the request of TfL, the Chief Executive and Casework Manager recently attended a meeting they had scheduled with LGO representatives. TfL were concerned that the LGO was intending to take on a casework appeals role similar to ours and that would lead to confusion for them as well as for transport users.
- 2.3. At the meeting it transpired that, with a change of leadership, the LGO have reinterpreted and widened their remit and would now be prepared to investigate appeals about TfL's service provision from passengers. However they have a very rigorous internal filtering process for incoming work and are unlikely to investigate individual appeals if they judge that the cost of doing so will be significantly higher than the remedy being sought or if (in their words) "the injustice is quite small". The majority of TfL appeals that London TravelWatch investigates would probably fail to meet the LGO's criteria if the transport user had chosen to go to the LGO rather than London TravelWatch, hence, in practice, it seems that there is unlikely to be much duplication of work between the two organisations.
- 2.4. Following their own criteria the kind of transport related appeals that the LGO would be likely to take forward are those at higher level with wider organisational implications (such as the treatment of money sat in TfL's account for example Oyster pay as you go balance, which has been accrued because they have not done their job properly, issues related to fleet management or emissions charging). They think it unlikely that they would be investigating more than about twenty cases a year and the best approach in future would be for them to liaise with us in respect of any transport related appeals they were handling. This is important not just to avoid any actual or potential duplication of work but also to avoid the possibility of appellants playing one organisation off against the other, or even using this as a mechanism for appealing against closed appeals cases where they were unhappy with the outcome.
- 2.5. It was agreed at the meeting that, since the majority of appeals against TfL would continue to be dealt with by us, complainants should continue to be signposted to London TravelWatch when a case was closed. However the LGO were keen that nothing should be done that might fetter their discretion as an ombudsman by not telling the public about their existence. It was felt that a notice to go on the website setting out the respective roles of London TravelWatch and the LGO in respect of complaints appeals would be sufficient for this purpose and we agreed to suggest a suitable wording.
- 2.6. The risks associated with not managing this situation properly are:
 - Confusion for transport users
 - Duplication of effort by two bodies
 - Transport users could lose out if the LGO took on the appeals work done currently by London TravelWatch because of a lack of specialist

knowledge to investigate transport appeals, particularly when these relate to national rail in some way.

- Funding given to London TravelWatch could be cut disproportionately if it was thought that another body could take on statutory appeals work that had previously been done by London TravelWatch.

2.7. The opportunity this presents is to work more closely with the LGO where we identify issues of potentially wider administrative significance where we might jointly be able to secure improvements that will benefit transport users.

2.8. The wording we suggest for the respective websites is to be confirmed after the meeting with the LGO.

2.9. Set out below is a diagram that shows how we think the process will work but we will be meeting with the LGO to confirm details

