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**Secretariat memorandum**

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Casework report for the period July to September 2014

**1 Purpose of report**

- 1.1. To record the performance of operators in handling appeals the period July to September 2014. To identify any issues of concern regarding operator performance and highlight key issues reported by the public.

**2 Performance report**

- 2.1 The report is divided into three parts. The first part records the volume and the type of incoming work. The second part monitors the time taken by transport operators to deal with appeals and the third part gives more information about the issues passengers are bringing to us.
- 2.2 There is one appendix which summarises the volume and case type received over the past four years.

**3 Equalities and inclusion implications**

- 3.1 Due account will be taken whenever any such implications arise from cases brought to the attention of London TravelWatch.

**4 Legal powers**

- 4.1 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 Financial implications**

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

## 1: Cases received

This report covers incoming casework received from July to September 2014.

This part of the report records the volume of casework received during July to September 2014. A total of 1,562 contacts were received by London TravelWatch via telephone, email and web form. These statistics show similarities to quarter two in 2013.

Case types	Jul to Sep 2014	Apr to Jun 2014	Jan to Mar 2014	Oct to Dec 2013	Jul to Sep 2013	Apr to Jun 2013
Casework related telephone enquiries	392	451	436	355	398	436
Enquiries email	36	24	30	87	48	43
Initial cases	446	434	472	405	320	326
Request for papers	95	110	93	74	88	53
Appeals made to operator	287	296	274	237	291	341
Appeals responded to directly	306	320	347	235	250	331
<b>Appeals sub total</b>	<b>593</b>	<b>616</b>	<b>621</b>	<b>472</b>	<b>541</b>	<b>672</b>
<b>Total contacts</b>	<b>1562</b>	<b>1635</b>	<b>1652</b>	<b>1393</b>	<b>1395</b>	<b>1530</b>

### Enquiries telephone

This is a record of all telephone calls that have some connection to casework. It is not a record of all incoming telephone calls received by London TravelWatch.

### Initials

An initial case is one where the complainant has not yet approached the operator.

### Papers

A case classified as request for papers is asking the passenger to forward full correspondence between themselves and the operator. Historically this request was classified as a direct case.

### Appeals made to operator

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

The number of passenger appeals to London TravelWatch have remained steady over the previous 12 months.

### Appeals responded to directly

A 'direct' categorised case is one where London TravelWatch responds directly to the passenger without needing to contact the operator.

## 2: Operator response times

### National Rail operators

This target, agreed with the rail operators, requires them to respond to 75% of referrals from London TravelWatch within 10 working days, and to 100% within 20 working days. It is accepted that in some complex cases it may not always be possible to meet these deadlines, and in these cases we expect to receive a holding response from an operator followed by regular updates on progress. Performance to this target relates to the substantive response from the operator rather than the holding response. The tables show the performance achieved during the period under review.

NATIONAL RAIL				
Working days elapsed	July to September 2014		April to June 2014	
	No of cases closed	No of cases closed	No of cases closed	No of cases closed
Days 0-10	123	79%	123	74%
Days 11-20	8	5%	21	13%
Days 21-40	17	11%	16	10%
Day 41+	7	5%	6	3%
Total	155		166	

The National Rail operator's responses have slipped to 84% within 20 days rather than the 95% within 20 days achieved in the previous quarter.

The transport operating companies (TOCs) have targets to respond to passenger complaints within 20 days. Many of the transport operating companies are looking to further reduce their response times to passenger complaints and have changed their passenger charters to reflect these. However, their responses will be monitored to ensure that quality is not being sacrificed for speed.

Whilst any reduction in response times is welcome, passengers complaining to more than one TOC could be confused by the different response targets. Also, some targets are open to translation. For example, First Great Western has an advertised response time of five days or up to 20 days for more challenging cases. This can mean that First Great Western will allow themselves up to 20 days if they have a large quantity of responses outstanding.

Competition may be a key factor for encouraging TOCs to place more emphasis on customer services and improve their response times. Eurostar, who is in competition with ferries and airlines, have an advertised response time of 24 hours which they generally meet.

Open access TOCs such as Grand Central railway and Heathrow Express do not advertise any times in which they will respond to passengers' complaints.

## Transport for London

Transport for London (TfL) have no official agreement to respond to London TravelWatch however they have reduced their response targets for passengers and London TravelWatch from 20 to 10 days.

TfL's response time have maintained their 75% within 10 day target response times, although it is recognised that more effort should be made to improve

<b>TRANSPORT for LONDON</b>				
Working days elapsed	July to September 2014		April to June 2014	
	No of cases closed	No of cases closed	No of cases closed	No of cases closed
Days 0-10	<b>70</b>	<b>75%</b>	<b>65</b>	<b>75%</b>
Days 11-20	<b>15</b>	<b>16%</b>	<b>15</b>	<b>17%</b>
Days 21-40	7	7%	6	7%
Day 41+	2	2%	1	1%
Total	94		87	

## National Rail operators' response times

Operator	Jul to Sept 2014		Apr to June 2014		Jan to Mar 2014		Oct to Dec 2013		Jul to Sept 2013	
	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	1			2	7	1	52	3	6
BTP										
c2c	2	1	2	8	2	5				
Chiltern	5	28	6	3	1	1	3	18	1	7
CrossCountry										
Department for Transport									1	3
Deutsche Bahn										
East Coast	11	18	6	15	6	10	1	61	3	17
East Midlands Trains			1	1					1	0
Eurostar	7	1	1	1	4	3	3	3	8	4
FCC/Thameslink (GTR)	13	3	16	13	15	13	16	5	25	10
First Great Western	5	19	8	22	2	1	3	6	2	5
Grand Central							5	3		
Gatwick Express										
Greater Anglia	14	13	11	12	15	2			8	14
Heathrow Express	3	21	4	10	1	0	2	11		
Hull Trains			2	18	1	0				
IAS	17	4	21	2	20	3	13	3	13	2
IPFAS	14	0	6	2	11	1	8	1	10	0
London Midland	1	0	2	8	5	1	3	2	7	16
National Rail Enquiries			1	5				6	2	8
Network Rail	3	12								
ORR										
RailEurope									1	20
RPSS					1	1			2	4
ScotRail							1	1		
Southeastern	12	14	12	8	13	1	13	9	12	5
Southern	26	6	40	10	41	5	39	6	32	5
South West Trains	19	7	27	6	23	4	12	5	19	6
Trainline	1	0					2	4		
Virgin West Coast	1	0			4	3	1	1	5	1

## Transport for London

Operator	Jul to Sept 2014		Apr to Jun 2014		Jan to Mar 2014		Oct to Dec 2013		Jul to Sept 2013	
	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	4	1	7	2	6	3			2	1
London Overground	3	4	5	2	4	1			5	2
TfL London Buses	20	11	24	9	40	9	20	5	26	3
TfL London Underground	16	6	16	8	14	4	14	6	10	14
TfL Roads & Streets	6	14	4	9	4	8	2	5	2	23
TfL Dial-a-Ride	2	0	1	2						
Oyster	27	6	25	9	25	4	16	8	31	4
TfL Other	16	15	5	1	13	5	17	2	17	4

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

The table above and on the preceding page shows the average time taken by each operator 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.

## **Information regarding cases open longer than 41 days**

### **National Rail Operators**

#### **East Coast**

This case was regarding the absence of a cheaper ticket in a ticket vending machine (TVM) at Kings Cross station. Delays in investigation were due to TOC and London TravelWatch staff annual leave. The investigation revealed that the cheaper ticket the passenger thought should be available was actually for a different TOC and could not be purchased at an East Coast TVM. However, due to the unnecessarily long time taken to establish this, East Coast refunded the passenger the difference between the ticket he purchased and the ticket he wanted as a good will gesture.

#### **First Great Western**

A passenger did not realise that he could obtain intermediate refund for an unused portion of his season ticket when he was off work on sick leave until advised by another passenger. The passenger's ticket was purchased through First Great Western but the journeys are taken on South West Trains. This caused a delay in getting the matter resolved. Even though the appellant had been back at work for some time before making the claim and both the TOCS were not receptive to the claim, the caseworker continued to make representations for the appellant as the appellant would not have known the charters between South West Trains and First Great Western would be so different. The caseworker achieved a full refund (of over £500) for the appellant.

#### **Greater Anglia**

There was confusion with passengers of the same name and similar email addresses led to a delay in resolving the case.

#### **Heathrow Express**

The passenger approached London TravelWatch as he was refused compensation for a severely delayed train. The Heathrow Express took a long time to respond to London TravelWatch but did give the passenger the refund due.

#### **Southeastern**

The passenger complained about station CCTV footage which contained his image. The delay in resolving the case was because Southeastern and Network Rail disagreed about who had responsibility for the issue. Eventually, the caseworker convinced Southeastern to respond to the passenger advising that images captured in a public place cannot be declared private but the TOC made a good will gesture for the time taken to respond.

Another Southeastern passenger appealed due to strong concerns regarding a bridge at one of the stations which he considered (quite rightly) to be a suicide risk. London TravelWatch took up the appeal as the passenger had not received response. This type of case, due to its very nature, takes longer to deal with as every detail must be investigated and it is not an area which a caseworker would be encouraging the operator to respond quickly. The outcome is that although the bridge falls within the responsibility of the local authority, the operator working with the Samaritans were reviewing their options to see if the bridge could be caged.

## **Southern**

A passenger asked if we could help get information posters such as timetables put up outside his station. When the ticket office is closed, there is no access to the passenger information although the station is still open. Initially the area manager agreed and the case was closed. However, after some time the passenger contacted his caseworker again as the posters had not been put up. London TravelWatch looked into this again and found that the staff had changed and the new manager did not agree and would not honour the commitment of his predecessor. After long negotiations and certain amount of tenaciousness of the caseworker, the manager has agreed to meet with the passenger and listen to his concerns.

## **Transport for London**

A bus passenger complaint did not contain enough detail for an in-depth investigation to take place. After some time and not being able to identify the driver, a more generic response was sent with advice to the passenger of information to obtain for any future complaints about bus drivers

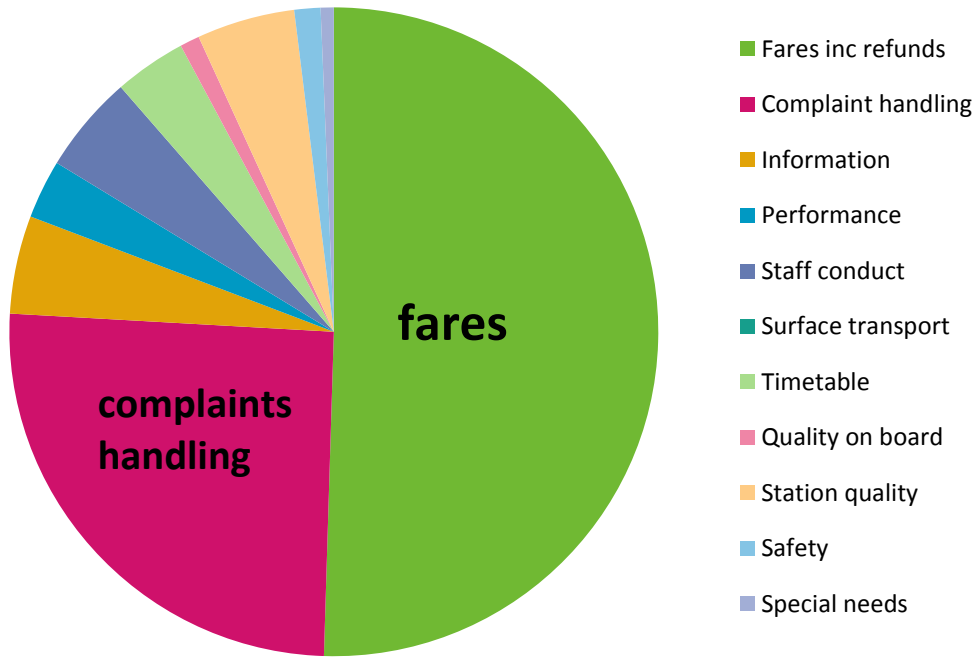
Another case which took longer to complete was a Penalty Charge Notice case. The case was not straightforward and obtaining specialist information from Transport for London (TfL) took additional time. In agreement with London TravelWatch, the response was sent directly to the appellant by TfL but they forgot to advise caseworker of when they sent the response so the case remained open for longer as a result.



### Three: appeals by category

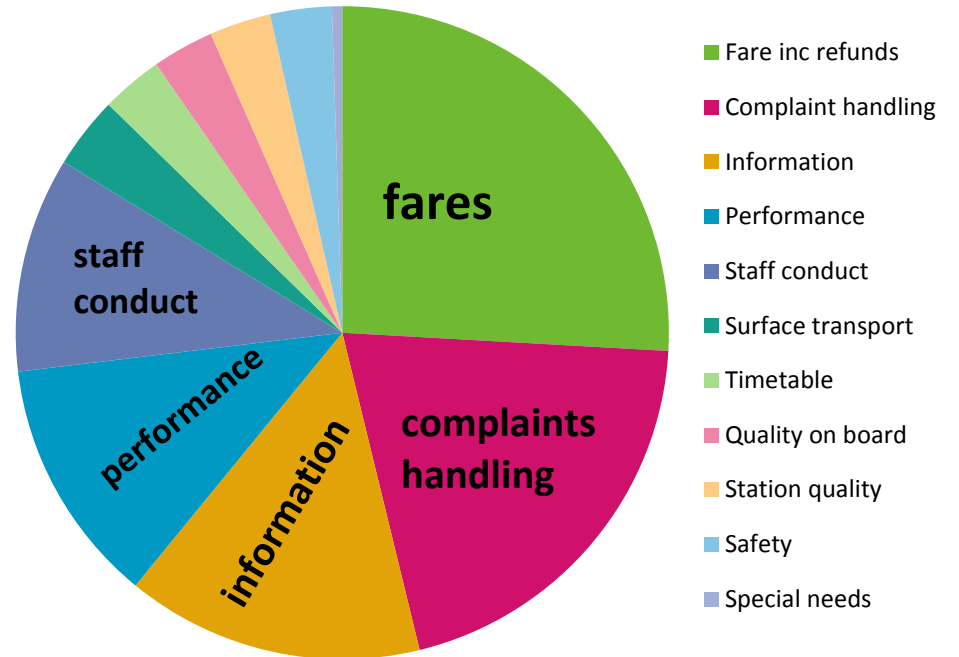
The charts below clearly demonstrate the categories of appeals received by London TravelWatch regarding both National Rail operators and Transport for London.

#### National Rail TOC complaint by category



Total of 155 cases

#### Transport for London complaint by category

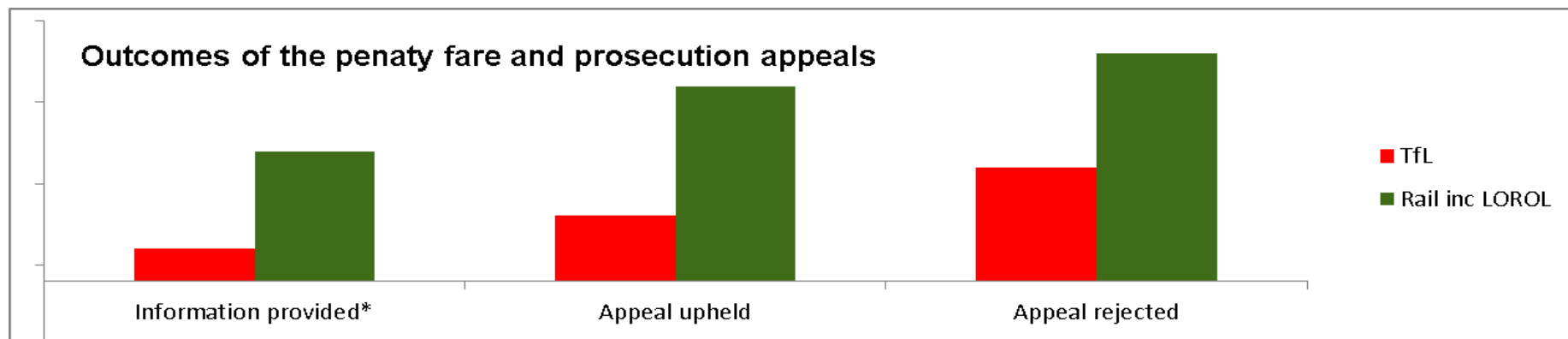
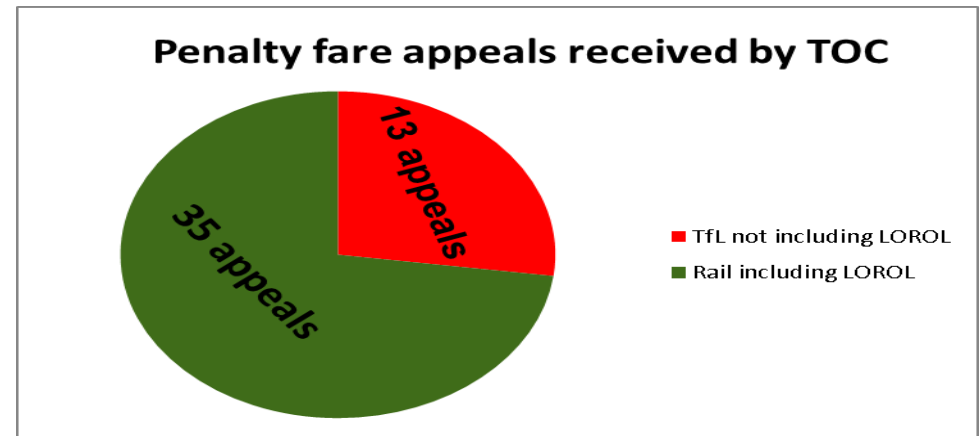


Total of 94 cases

## Penalty fares and Prosecutions

Penalty fare cases are categorised under fares. As they form a large part of this category the graphs below show the breakdown of penalty fares, and the success of the casework team in having penalty fare appeals upheld.

Fewer TfL penalty fare appeals are received than for the rail TOCs. This may be because TfL have a more robust three stage appeal process. The TOCs have a single stage appeal process.



\*London TravelWatch frequently provide information to passengers regarding a penalty fare/prosecution as TOCs and or appeals bodies have not adequately explained the circumstances

## **Main issues received**

This part of the report highlights some of the issues that were raised in quarter two.

### **National Rail operators**

#### **Fares**

At Waterloo station a passenger could not purchase the cheapest ticket at the ticket vending machine (TVM). The passenger knew that the ticket available was not the cheapest but had to go to the ticket office in order to purchase the cheapest ticket. London TravelWatch appealed this for two reasons. The first that the passenger could not purchase the ticket he knew was the cheaper from the TVM. The second issue was that another more unaware passenger would not know that there was a cheaper alternative to travel on the same train at the same time.

Also at Waterloo the TVMS's did not sell promotional tickets and, again, this did not help passengers who were unaware of their options.

South West Trains realised the importance of our appeal and have taken steps to improve. Their promotional tickets are now available and the TVM will indicate the availability of a travelcard.

London TravelWatch casework team have noticed an increase in penalty fares at Dartford. We are aware that Southeastern have improved the technology used by the revenue inspectors but this is unlikely to be the cause of a sudden spike. Southeastern have not indicated any particular focus on Dartford for ticketless travel, so the casework team will monitor the situation for now.

We received a complaint from a passenger who had a season ticket on Oyster. The passenger wanted to take advantage of the £1 (at the time) Network rail card offer for his wife using his gold record card as the necessary documentation to support this purchase. Southeastern said that this could not be done as they do not have access to the Oyster database. The passenger later made enquiries at Marylebone, a Chiltern station and was able to purchase the £1 network rail card for his wife. The casework team requested a ruling on the matter from ATOC. It was found that Southeastern should have sold the Network card and they have been advised of this.

#### **Information**

All rail operators who work within the zones need to be reminded that Oyster and contactless payment are valid in the London area. Southeastern's initial draft of their passenger charter included statements that they would 'endeavour' to refund passenger who have paid by Oyster. They were requested to say that they 'will' refund passengers who have paid by Oyster and also to include contactless payment information within their charter.

The casework manager has been increasingly helping TOCs with updating their passenger charters and ensuring that London issues such as Oyster and contactless payment are adequately addressed.

As all providers of many services change their telephone number to cheaper call rates, the casework manager asked ATOC if the number for the National Rail Enquiries would be changed. They advised that as they don't offer a help-line facility as part of a service they have sold, the information they provide is without charge and no contract takes place. Therefore as per requirement s41 of the regulation (Consumer Contracts Regulation) the 0845 number will remain.

## **Transport for London**

### **Lost property on buses telephone calls**

When the London TravelWatch telephone number was removed from the buses, the unnecessary telephone calls reduced considerably but still remained a large part of the incoming casework calls. After lengthy research a caseworker finally found the London TravelWatch telephone number on a quite random but popular bus route website.

The caseworker contacted the website owner who agreed to remove the London TravelWatch telephone number which was done at the very end of September. As quarter two ended and quarter three began, our telephone number was removed and it appears that the incoming casework calls have reduced by two thirds but the quarter three statistics will give a clearer indication of success.

Appendix one: Quantity of cases received

