

---

**Secretariat memorandum**

Author: Susan James

Agenda item: 10

PC079

Drafted: 10.12.15

---

Casework report for the period July to September 2015.

**1 Purpose of report**

- 1.1. To record the performance of operators in handling appeals for the period July to September 2015. 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 five 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 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.

## 1: Cases received

This report covers incoming casework received from July to September 2015.

This part of the report records the volume of casework received during July to September 2015. A total of 1,685 contacts were received by London TravelWatch via telephone, email and web form.

Case types	Jul to Sep 2015	Apr to Jun 2015	Jan to Mar 2015	Oct to Dec 2014	Jul to Sep 2014	Apr to Jun 2014
Casework related telephone enquiries	504	233	188	188	392	451
Enquiries email	51	29	25	111	36	24
Initial cases	562	352	445	418	446	434
Request for papers	90	77	107	103	95	110
Appeals made to operator	228	237	306	210	287	296
Appeals responded to directly	250	247	302	244	306	320
<b>Appeals sub total</b>	<b>478</b>	<b>484</b>	<b>608</b>	<b>454</b>	<b>593</b>	<b>616</b>
<b>Total contacts</b>	<b>1,685</b>	<b>1,175</b>	<b>1,381</b>	<b>1274</b>	<b>1562</b>	<b>1635</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.

During quarter two, TfL put London TravelWatch details on an extremely visible part of their web page without any qualification of who we are. Over the course of two days over 400 additional contacts of calls, enquiries and initials, were received.

### 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.

### Appeals made to operator

Where the passenger has already complained to the operator and London TravelWatch take 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.

## 2: Operator response times – closed cases

### 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 2015		April to June 2015	
	No of cases closed	Percentage closed	No of cases closed	Percentage closed
Days 0-10	90	69%	91	61%
Days 11-20	16	13%	17	12%
Days 21-40	12	9%	21	14%
Day 41+	12	9%	20	13%
Total	130		149	

The rail operators have made improvements in their response times which should be within 20 days. Therefore, 82% of appeal response from the rail operators is received by the caseworker within the 20 day target.

The new complaints handling policy issued by the ORR to rail operators has not changed the response target.

## Transport for London

Transport for London has no franchise obligation to respond to London TravelWatch but have traditionally followed the same policy. In late 2013 TfL reduced their response targets for passengers and London TravelWatch from 20 to 10 days.

TRANSPORT for LONDON				
Working days elapsed	July to September 2015		April to June 2015	
	No of cases closed	Percentage closed	No of cases closed	Percentage closed
Days 0-10	<b>31</b>	<b>48%</b>	<b>21</b>	<b>57%</b>
Days 11-20	<b>15</b>	<b>24%</b>	<b>3</b>	<b>8%</b>
Days 21-40	10	16%	8	22%
Day 41+	8	12%	5	13%
Total	64		37	

The casework manager has been working with the contact team at TfL to improve their response times. This improvement will be better reflected within quarter three report. The above table does demonstrate slight improvement as the response times within 20 days has risen from 65% in quarter one to 72% in quarter two. However, close monitoring must continue to ensure that response times improve.

## National Rail operators' response times – closed cases

Operator	Jul to Sept 2014		Apr to June 2015		Jan to Mar 2015		Oct to Dec 2014		Jul to Sept 2014	
	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	3	59		4	1	2	1	11	1	1
BTP										
c2c			3	36	1	7	3	2	2	1
Chiltern	2	33	1	55	2	53	1	5	5	28
CrossCountry										
Department for Transport							1	29		
Deutsche Bahn										
V East Coast	7	18	12	50	3	2	4	14	11	18
East Midlands Trains	1	1	1	60						
Eurostar	15	2	4	0	7	2	4	1	7	1
FCC/Thameslink/GTR	11	11	14	7	22	10	11	1	16	12
First Great Western	2	11	2	8	4	11	4	9	5	19
Grand Central										
Gatwick Express										
Greater Anglia	5	5	20	15	17	10	13	13	14	13
Heathrow Express	1	3								
First Hull Trains			1	0	1	9			17	4
IAS	18	1	10	0	19	1	10	1	14	0
IPFAS	10	1	18	0	12	2	5	1	1	0
London Midland	6	13			2	37	2	50		
National Rail Enquiries					1	29	1	8	3	12
Network Rail	1	25	5	35	1	31	1	42		
ORR										
RailEurope										
RPSS	1	1	2	1	6	1	1	1		
Rail Easy										
ScotRail										
Southeastern	13	16	17	40	6	31	7	11	12	14
Southern	14	27	15	11	29	18	20	6	26	6
South West Trains	16	9	18	11	18	15	15	9	19	7
Trainline	1	15							1	0
Virgin West Coast	3	9	2	82	1	58			1	0

## Transport for London

Operator	Jul to Sept 2015		Apr to Jun 2015		Jan to Mar 2015		Oct to Dec 2014		Jul to Sept 2014	
	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	16	4	1
London Overground	6	10	4	1			1	1	3	4
TfL London Buses	20	19	13	13	21	15	21	10	20	11
TfL London Underground	16	22	7	24	20	10	4	14	16	6
TfL Roads & Streets	3	7	1	1	4	17	1	1	6	14
TfL Dial-a-Ride					1	4			2	0
Oyster	12	18	6	6	22	12	18	7	27	6
TfL Other	7	9	6	10	6	3	3	9	16	15

*\*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 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.

## **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 necessary investigation and other cases can have 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 which 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 operator's cases with longer than 20 days response times**

7 of the rail operator cases took 21 days to respond. As these are only just over the time limit, an explanation is not given here.

### **South West Trains**

The passenger did not know their complaint was with Southern or South West Trains as they were not sure which operator that they had travelled with. Therefore this case as open longer than usual while the caseworker found the responsible operator to appeal to.

The passenger was claiming a refund for the first time and was unaware that he needed to keep his tickets in order to claim. His original request for refund was refused due to his not being able to submit the original tickets purchased. The caseworker appealed giving a bank statement as evidence and was also refused. However the caseworker appealed again (which meant the case was open longer than usual) and asked for the refund as a good will gesture. South West Trains accepted the appeal and the refund was issued.

### **London Midland**

The passenger appealed to London TravelWatch in order to obtain a refund. An appeal was sent London Midland but did not receive a response. When the caseworker chased London Midland they were advised that a refund had already been made based on the passenger's initial complaint to them. The case was closed but over 20 days had elapsed during this time.

A second London Midland refund case involved the third party retail company Trainline. The caseworker is aware that these cases take longer than usual to manage as liaising with two operators normally causes a delay. The passenger was advised of this at the start of the appeal process. The refund was given.

## **Network Rail and ATOC**

Although not many cases are received for these two companies, they do not normally give a final response within the 20 days period.

## **Virgin**

A passenger wanted a refund but his advance tickets were non refundable so his request was refused. The caseworker appealed twice because we felt strongly that Virgin should apply discretion in this case but the refund was still refused.

## **Southern and Thameslink**

Thameslink took the escalated customer service appeals over for Southern during this period which caused delays in response for some cases. However, the casework team were advised of this and were able to inform passengers at the beginning of the appeal process.

## **Virgin East Coast**

Two Virgin East Coast appeals were not passed internally to the correct staff member at VTEC so there was a delay in the appeal being closed. VTEC recognised that this was their error and a good will gesture was given in acknowledgement for the response delay and poor service.

## **Transport for London cases with longer response times**

### **LOROL**

As a rail operator, appeals made to London Overground response times are currently within 20 working days as with the other rail operators.

### **Congestion charging**

Congestion charging cases are not currently dealt with by the escalation team. These cases are not usually straightforward and can take longer than 20 days to close as more information is normally required from the appellant.

### **Refunds**

As with the rail operators, some passengers do receive refunds from TfL after complaining directly to them. However, while the refund is being processed, the passenger appeals to London TravelWatch as they are unaware that their refund will be sent. There is then a delay closing the case until it is established from TfL that their refund has been sent and with the passenger that the refund has been received.

### **London Underground**

London Underground complaints can sometimes be more complicated because the network is large and passenger does not know which line they were on or another example is that a passenger will ask for a delay refund instead of entry and exit refund. This causes TfL to request more information from the passenger which as caused delays in closing four cases in this quarter.

The passenger asked London TravelWatch to find out why he had experienced delays on the underground. On receipt of the response from TfL [which was within 10 days], the passenger then asked London TravelWatch to obtain compensation for the delay. The case therefore took longer than usual to close.



## **Oyster**

An appeal was received as the passenger had not received a new Oyster card. The delay was caused because on investigation the caseworker discovered that the refund was due from South West Trains which would then be loaded onto the new card. The delay was while the caseworker clarified with all parties that this had been done.

A passenger (from overseas) holding a visitors Oyster was requesting a refund. On appeal the refund was attempted but as the amount was small the overseas bank kept rejecting it. After numerous attempts TfL agreed to increase the amount to ensure that the transaction could go through.

## **Bus complaints**

Despite leaving a quite extraordinary amount of time to make his journey, the passenger missed his train due a delay on the buses and wanted to make a claim. TfL refused this giving the reason of consequential loss. TfL also refused London TravelWatches' appeal. However the caseworker appealed again requesting a gesture of good will instead of a refund of the train tickets. The appeal was upheld and a good will gesture was accepted by the passenger.

A bus passenger appealed to London TravelWatch regarding the many delays occurring on his bus route and gave lots of examples. TfL investigated and responded to each example but the response took longer than necessary and TfL are aware of this.

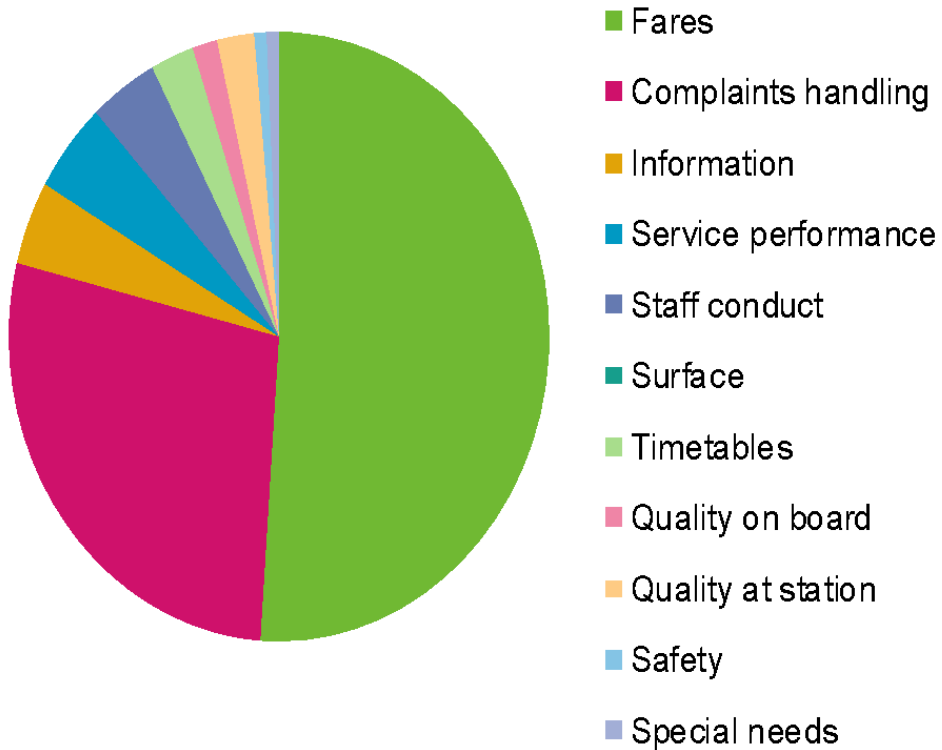
## **London TravelWatch**

The caseworkers did not correctly address approximately five appeals to TfL and there was therefore a delay in the case being processed. The passengers were made aware of the error.

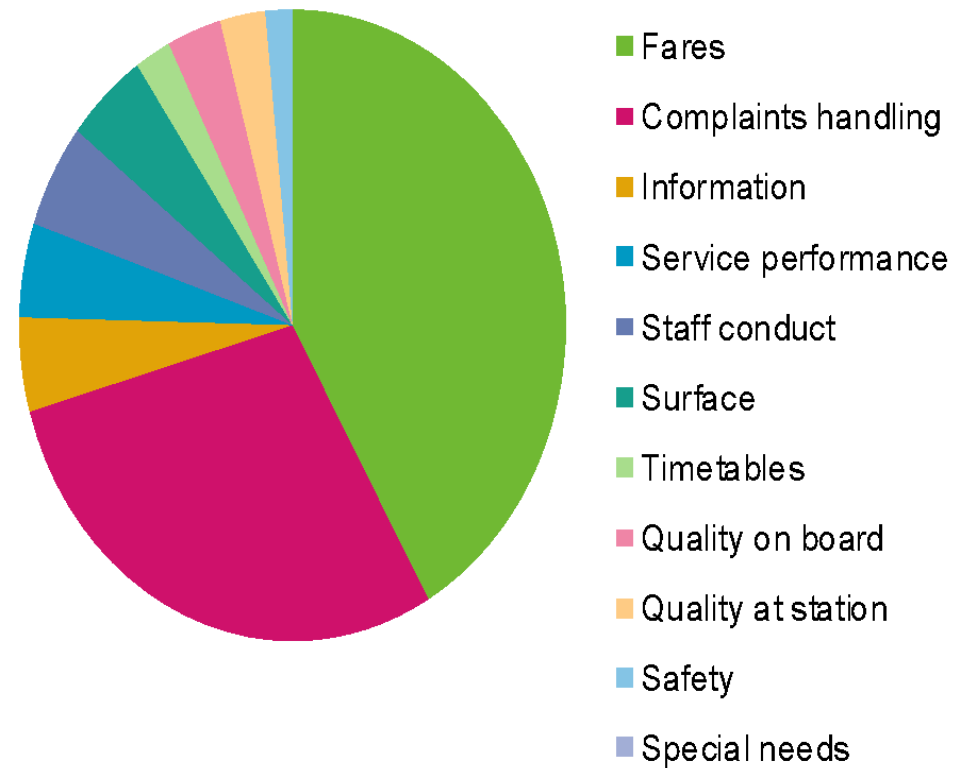
### Three: appeals by category

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

#### Rail by complaints category



#### TfL by complaints category



### **3. Main issues received**

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

#### **The Rugby World Cup - Great Western Railway and South West Trains**

A few complaints were received from passengers who experienced delays and overcrowding on trains taking fans to rugby fixtures. These passengers stated that they were not aware of any publicity making passengers aware of potential overcrowding during this time.

#### **Southern and Thameslink**

The contacts teams for both of these organisations have now merged and the team who liaise with the caseworkers is fully established. Southern appeals, in particular, had poor response times but early indication shows that the new team are managing them in a more timely way.

#### **All operators**

More contacts are being received by passengers who have incurred penalty fares. Most passengers feel that they have not had sufficient opportunity to make their case to the penalty fare appeals bodies. Neither body will accept phone calls regarding penalty fares because if the issue escalated and went to court, there can be no doubt of what information has been given to the passenger. Subsequently, passengers contact London TravelWatch with the expectation that their appeal can be upheld.

#### **Eurostar**

After the terrorist attacks in Paris, passengers expected to have a full refund if they decided not to travel. During the weekend immediately following the attacks, Eurostar were offering passengers with non refundable and non transferable tickets, the option to change their date of travel up to any date up to six months in the future. The airlines policies were checked at this time to ensure that the international transport operators were consistent with each other and with what each were offering. The airlines checked BA, Air France, Easy Jet and Fly be were offering their passengers the same option.

### **Transport for London**

#### **Dial a ride**

London TravelWatch does not generally receive many complaints from Dial a Ride (DaR) users. A small number of telephone calls are received and it is concerning that the formal complaint process may not be appropriate for this group of passengers. DaR no longer has a separate telephone number that can be given to complainants.

#### **Complaints**

TfL's website is very user friendly and the information passengers need is clear. Unfortunately, the complaints and feedback sections have not been updated and is still difficult to use particularly on tablet or other handheld devices. When a complaint form is completed, the passenger does not have the option of sending the complaint to themselves in order to retain a copy. Worryingly, appeals have been received from passengers who, when asking TfL for a copy of their complaint, have been told that they will have to make a data access request to obtain this and that a fee is charged. When London TravelWatch has appealed these cases, TfL have agreed that no charge should be made and that this will be fed back to the appropriate teams. These issues will be monitored to see if it continues.

### **London Overground and TfL Rail**

Both the above TfL modes will be subject to the new complaints handling policy protocols as part of the ORR initiative, and will be expected to produce a policy for both modes. TfL have indicated that once this has been completed they would look to roll the same initiative out to all modes for good practice and internal monitoring.

### **London Buses**

An increasing number of complaints have been received regarding buses being turned early and delays. Evaluation of TfL's initial responses to passengers revealed that some responses do not contain enough detail to explain why traffic issues, sometimes miles from the passengers part of the route has caused problems. The caseworkers continue to liaise with TfL with a view to improving the initial responses.

### **Crossrail**

The casework team continue to have dialogue with Crossrail and, at their request, a caseworker also made a presentation to the Crossrail customer service staff about who London TravelWatch is and what we do.

Appendix one: Quantity of cases received

