

## Policy committee meeting 20.03.18

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### **Secretariat memorandum**

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Agenda item: 11

PC134

Drafted: 13.03.18

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### Casework report for quarter three October to December 2017

#### **1. Purpose of report**

To record the operator performance in handling appeals made by London TravelWatch on behalf of passengers, and identify key concerns.

#### **2. Summary**

The error on the Transport for London (TfL) website has been corrected which means that the volume of initials received by London TravelWatch has returned to more usual levels. However, the appeal cases are getting more complex and time consuming in nature. Passengers are also indicating alongside their complaint that they are not getting value for money.

There are eight parts to this report

- i. Contacts received – breakdown of contacts received during the previous five quarters
- ii. National Rail operators and TfL response times to London TravelWatch appeals
- iii. National Rail operators and TfL response times for closed cases
- iv. Examples of appeals where the National Rail operator has taken longer than 20 days to respond or where TfL has taken longer than 10 days.
- v. Pie graphs depicting appeals received by category
- vi. Issues received - information on issues received by the casework team
- vii. Appendix A shows the incoming casework over the previous years
- viii. Appendix B shows the outcomes to appeals closed in quarter four.

#### **3. Equalities and inclusion implications**

There are no specific implications arising from this report.

#### **4. 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.

#### **5. Financial implications**

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

## 1: Contacts received

This report covers incoming casework received from October to December 2017 and includes the previous four quarters for comparison.

In quarter three a total of 1,518 new contacts were received by London TravelWatch via telephone, email and web form.

<b>Case types</b>	<b>Oct to Dec 2017</b>	<b>Jul to Sep 2017</b>	<b>Apr to Jun 2017</b>	<b>Jan to Mar 2017</b>	<b>Oct to Dec 2016</b>
<b>Casework related telephone enquiries</b>	<b>248</b>	<b>253</b>	<b>440</b>	<b>401</b>	<b>617</b>
<b>Enquiries email</b>	<b>95</b>	<b>88</b>	<b>83</b>	<b>173</b>	<b>140</b>
<b>Initial cases</b>	<b>343</b>	<b>497</b>	<b>1155</b>	<b>631</b>	<b>791</b>
<b>Initial plus cases</b>	<b>108</b>	<b>144</b>	<b>226</b>	<b>246</b>	<b>235</b>
<b>Request for papers</b>	<b>173</b>	<b>188</b>	<b>156</b>	<b>212</b>	<b>194</b>
<b>Appeals made to operator</b>	<b>231</b>	<b>208</b>	<b>208</b>	<b>227</b>	<b>248</b>
<b>Appeals responded to directly</b>	<b>225</b>	<b>196</b>	<b>209</b>	<b>212</b>	<b>223</b>
<b>Appeals responded to directly plus</b>	<b>95</b>	<b>110</b>	<b>107</b>	<b>107</b>	<b>58</b>
<b>Appeals sub total</b>	<b>551</b>	<b>514</b>	<b>524</b>	<b>592</b>	<b>529</b>
<b>Total contacts</b>	<b>1,518</b>	<b>1,684</b>	<b>2,584</b>	<b>2,209</b>	<b>2,506</b>
Appeals carried over from previous quarter	40	41	57	46	
<b>Total cases</b>	<b>1,558</b>	<b>1,725</b>	<b>2,641</b>	<b>2,255</b>	<b>2,506</b>

### Enquiries telephone

This is a record of all telephone calls that have been received by London TravelWatch.

### Enquiry

These are cases where the passenger has contacted London TravelWatch looking for information that is not a complaint.

### Initials

An initial case is one where the complainant has written to London TravelWatch but has not yet approached the operator.

**Initial plus**

An initial plus case is where the passenger has not yet approached the operator but where the caseworker has felt the need to respond to the passenger and/or forward the complaint to the operator.

An example of this type of case is one where a passenger's initial contact clearly demonstrates that they are struggling with the English language. In these cases, we forward the complaint to the correct operator and ask that they respond directly to the passenger and we then close the case. In these circumstances, we would usually also advise the passenger of our actions.

**Papers requested**

A case classified as request for papers is one where we have asked the passenger to forward copies of all correspondence between themselves and the operator. We cannot consider taking forward a case without this information.

**Appeals made to operator**

Where the passenger has already complained to the operator and London TravelWatch has taken 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. This is because London TravelWatch already has the information needed to answer the passenger's query.

**Appeals responded to directly (plus)**

These are cases where more correspondence is required but London TravelWatch is not appealing. Examples of this type of case would be one where we do not have to appeal to an operator but we do need some additional information, usually from the passenger, in order to respond fully.

**Appeals carried over from previous quarter**

Where the appeal was started at the end of one quarter and carried over to the next. It was previously very difficult to separate cases carried over from cases received. However, with some system changes, we can now separate the existing cases from those newly received.

## 2: Operator response times – closed cases

### National Rail operators

This target, agreed with the rail operators, requires them to respond to 75% of appeals referred to them within 10 working days, and 100% within 20 working days. It is accepted that in some complex cases it may not always be possible to meet these deadlines. We expect to receive an acknowledgment from an operator followed by regular updates on progress. Performance to this target relates to the substantive response received from the operator rather than the acknowledgment.

Working days elapsed	October to December 2017		July to September 2017	
	No of cases closed	Percentage closed	No of cases closed	Percentage closed
Days 0-10	117	67%	109	71%
Days 11-20	29	17%	18	11%
Days 21-40	21	12%	20	13%
Day 41+	8	4%	7	5%
Total	175		154	

In this quarter, most of the rail operators have received a couple of appeals from London TravelWatch that have taken longer than usual to close. This is acceptable as they have been engaged with the caseworker throughout the process, who in turn has kept the passenger updated. The largest portion of cases open for longer than 20 days are where the rail operator has responded to the passenger directly, as per our request, but forgotten to inform us when this was completed.

## 2. Transport for London

TfL has no franchise obligation to respond to London TravelWatch but has traditionally followed the same policy as the rail operators. TfL have set their response targets for complaints from passengers and appeals from London TravelWatch at 10 working days.

TRANSPORT for LONDON				
Working days elapsed	October to December 2017		July to September 2017	
	No of cases closed	Percentage closed	No of cases closed	Percentage closed
Days 0-10	26	60%	29	59%
Days 11-20	8	19%	14	29%
Days 21-40	7	16%	5	10%
Day 41+	2	5%	1	2%
Total	43		49	

The customer service executive team at TfL respond to most of the London TravelWatch appeals. They went through a lot of changes between November 2017 and January 2018 that caused delays in their sending responses. They have a new interim manager who has resolved many of their challenges and these improvements should be noticeable from now (February) and going forwards.

### 3. National Rail operators' response times – closed cases

Operator	Oct to Dec 2017		July to Sept 2017		Apr to June 2017		Jan to Mar 2017		Oct to Dec 2016	
	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	7						
BTP										
c2c	4	9	1	31	1	2	4	2	5	18
Chiltern	2	1	2	5	1	13	6	30		
CrossCountry										
Department for Transport										
Deutsche Bahn										
V East Coast	7	13	9	22	1	0			1	5
East Midlands Trains	1	2	2	33	1	17				
Eurostar	17	4	16	4	6	3	4	1	6	1
GTR	22	9	23	10	21	9	22	9	32	5
GWR	17	11	27	7	18	15	35	15	7	14
Grand Central									1	33
Greater Anglia	10	11	5	4	3	7	11	6	6	7
Heathrow Express	1	0	2	8	4	9	6	1	7	9.5
Heathrow Connect			1	1			1	0		
First Hull Trains										
AS*	1	0			6	4	2	0	2	1
IPFAS/PFS*							0	0	1	1
London Midland	3	14	1	33	1	5	1	0		
NR Enq			1	46	1	2				
Network Rail	1	1	1	2					1	11
ORR										
RailEurope										
RPSS*										
Rail Easy										
ScotRail										
Southeastern	17	6	17	18	15	10	8	14	15	7
Southern	33	15	24	7	20	6	30	12	38	10
SWT/SWR	33	10	11	16	22	6	15	8	20	6
Trainline					1	1			2	4
Virgin West Coast	6	18	10	3	7	1	16	4	10	5

## Transport for London

Operator	Oct to Dec 2017		Jul to Sept 2017		Apr to Jun 2017		Jan to Mar 2017		Oct to Dec 2016	
	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	2	25	1	17			1	18	2	5
London Overground	4	15	5	9	1	7	2	31	4	40
TfL London Buses	9	3	11	15	3	5	9	13	10	9
TfL London Underground	4	17	8	9	2	11	4	11	2	10
TfL Roads & Streets	2	2	11	10	8	8	13	14	1	9
TfL Dial-a-Ride	1	9	1	17						
Oyster	12	13	11	7	9	11	9	13	13	9
TfL Other			1	8	4	5			1	1
Tramlink										
TfL Rail	2	4					4	20	4	1
TfL cycles	2	18								
Victoria Coach Station										

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

*AS was formerly known as IAS and IPFAS is closing and being replaced by Penalty Fare Services.*

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.



#### **4. 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 investigation and other cases can be kept open to allow 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 that 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 cases with longer than 20 days response times**

During quarter two there were 29 cases where the rail operator took over 20 days to send a response to London TravelWatch. Below are some representative examples of these cases.

##### **Greater Anglia**

Mr K was finding it difficult distinguishing between tickets available on Greater Anglia's ticket machines as the only visible difference between the tickets was the price. Greater Anglia did advise Mr K that they would look into it but then it appeared no further action was taken so Mr K approached London TravelWatch. Greater Anglia made a very thorough investigation and tested the system. Greater Anglia confirmed that corrections would be made. We informed the passenger and closed the case. Mr K was happy and did not come back to London TravelWatch so it appears that the system corrections were made.

##### **GTR**

Mr D wrote to GTR regarding proposed timetable changes for 2018 but as he got nothing other than an automatic acknowledgement and no final reply after two months, he came to London TravelWatch. The case was appealed and chased. GTR gave assurance that their consultations team would shortly be replying to Mr D and the case was closed on this understanding.

## **GWR**

Mr L missed his train due to late platform change announcement at Paddington. He complained to GWR but was unhappy with the standard response which didn't address all the issues including his complaint about the lack of communication between staff and general bad handling of the situation. London TravelWatch appealed the case but received no response within the timeframe. Before chasing GWR, Mr L then contacted London TravelWatch to say that GWR had responded directly to him in error. They told him the fault was down to the crew taking longer than normal to prepare the train and offered him £20 worth of vouchers as a goodwill gesture. Mr L was happy with the outcome to his complaint.

## **Southeastern**

Mr C submitted claims to Southeastern for extra travel costs incurred as a result of train cancellations. He was incorrectly informed that these claims were the responsibility of Southern Railway and documents were forwarded to them. No response from Southern was received so Mr C appealed to London TravelWatch who wrote to Southeastern. Their investigation revealed that the case was Southeasterns and agreed to a part refund of the additional travel costs and a good will gesture.

## **Southern**

Ms A was unable to print out her pre-ordered tickets due to her no longer having the same credit card she booked with. She was advised to purchase new tickets and then claim the money for the additional ticket back, but the claim was rejected. She contacted London TravelWatch who appealed to Southern. After requests for further information Southern agreed to a part refund but this was substantially less than the cost of the original tickets. The caseworker appealed again and Southern agreed to refund in full.

## **SWR**

Mr P submitted a Delay Repay claim, but other than an acknowledgment heard nothing from SWR for two months. London TravelWatch appealed the case, and SWR responded that they had written to the passenger for his card details and were waiting for his reply. London TravelWatch wrote to Mr P copying in the original card request email. His response was sent to SWR who made the refund.

## **Virgin Trains**

Mr T alleged unfair treatment when denied boarding at Euston. He was told he could not board but other passengers were being allowed on. Virgin's response was that their staff had acted correctly. Mr T came to London TravelWatch seeking an apology from Virgin. After our appeal Mr T was fully refunded and given a complimentary return first class ticket to any destination on their network. London TravelWatch's case remained open until confirmation of these actions had been received.

## **Virgin Trains East Coast**

Although Virgin Trains East Coast had agreed to refund Mr L, he did not receive it. After several weeks with still no refund he came to London TravelWatch. The case was appealed and a month later chased. Virgin Trains East Coast had attempted to transfer the money to Mr L but made a mistake with the banking co-ordinates. They said they would try again with the right details and the case was closed.

## **Transport for London cases with longer response times than 10 days**

There are 17 cases that took longer than TfL's 10 day response target and a representative example of these are detailed below.

### **TfL Congestion charge**

Mr G had been issued with a penalty charge notice (PCN) that was overturned by the London Tribunals but he couldn't get a response from TfL to say that no further action would be taken. On appeal TfL responded with an admission that there had been errors and delays in the handling of this case, offering their apologies and confirming no further action.

### **TfL DLR**

Ms G complained to DLR regarding a broken ticket machine at Elverson Road station, but after three months it had still not been fixed. She then contacted London TravelWatch and the case was appealed. After six weeks and still no response a chaser was sent. It turned out DLR had replied direct to Ms G within a week of London TravelWatch's appeal referral. TfL said the DLR had been waiting for spare parts needed to fix the machine, and made an apology for any inconvenience caused. TfL forgot to advise London TravelWatch that they had incorrectly responded directly to Mr G.

### **TfL Oyster (zip card)**

Ms X's son's Child Oyster card was blocked for alleged "breach of behaviour". Ms X entered into lengthy correspondence with TfL but was unsatisfied about the way her complaint was being handled. London TravelWatch appealed against the blocking and this was upheld by TfL. Due to the sensitive nature of the case it was agreed with all concerned that TfL would respond directly to Ms X.

### **TfL Oyster**

Due to a technical error, journeys paid for with an American Express card stopped appearing on Ms S's TfL journey history. Ms S needs the journey history as evidence in order to be reimbursed by her employer. She raised the issue with TfL, but after four months it remained unresolved so she came to London TravelWatch. The case was appealed and TfL responded that engineers were still looking into the problem and offered to liaise with Ms S to find a short term resolution.

### **TfL Santander Cycles**

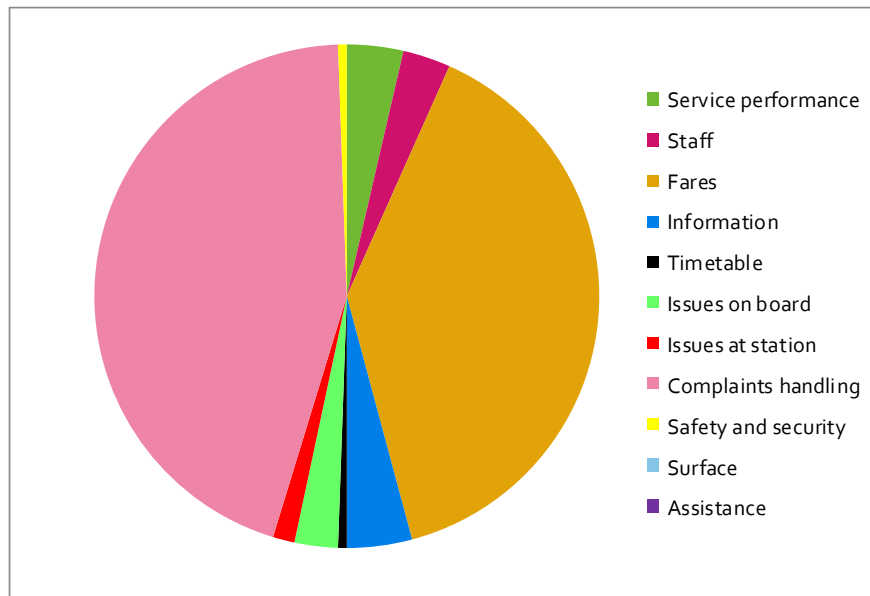
Mr F disputed TfL's claim that a £2 refund had already been paid. He also disputed the amount. He came to London TravelWatch who on appeal were advised by TfL that the refund had been made. Mr F was adamant that he had not received payment so the case was re-appealed requesting further evidence of payment from TfL. During this appeal TfL found that payment had not actually been made so the refund plus a good will gesture was offered.

## 5: Appeals by category

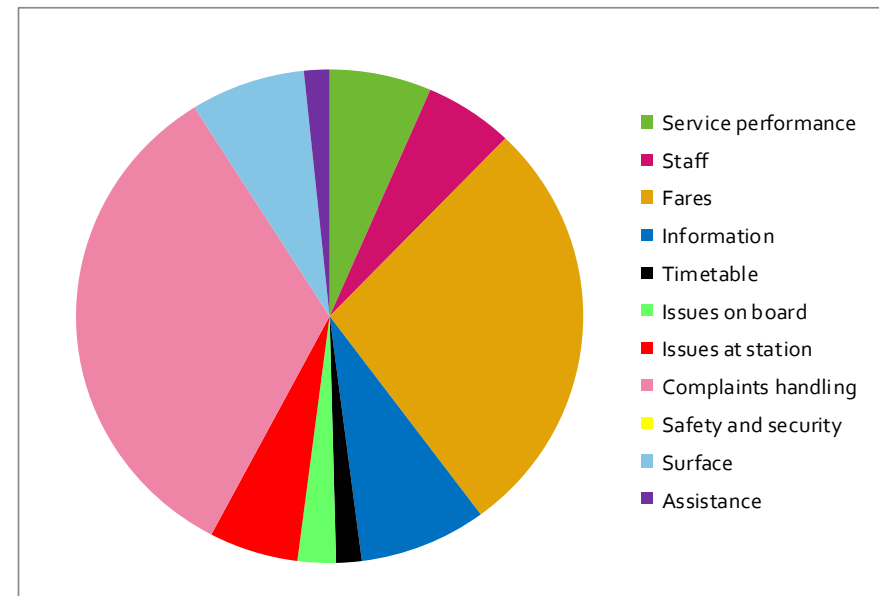
The charts below summarise the main types of appeals received by London TravelWatch regarding both National Rail operators and Transport for London.

There was an increase in appeals regarding TfL staff, service performance and surface issues such as PCNs.

Rail operators



Transport for London



## **6. Main issues received**

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

### **National Rail operators**

SWR are beginning to more effectively manage the response to their complaints although accuracy occasionally remains a challenge. They are keen to engage with the casework team and their key contact staff have made additional efforts to maintain response times. SWR have invited the Casework Manager to the head office in Southampton to present on the appeals received by London TravelWatch and to address the issue of accuracy.

More appeals regarding penalty fares have been recently received. The team try to help, advise and appeal where they can but it will be interesting to see whether or not the number of appeals reduce with the new railway (penalty fares) regulations coming into force in April 2018.

### **Transport for London**

Bus delays due to problems or roadworks on the route is an issue passengers are raising with the casework team.

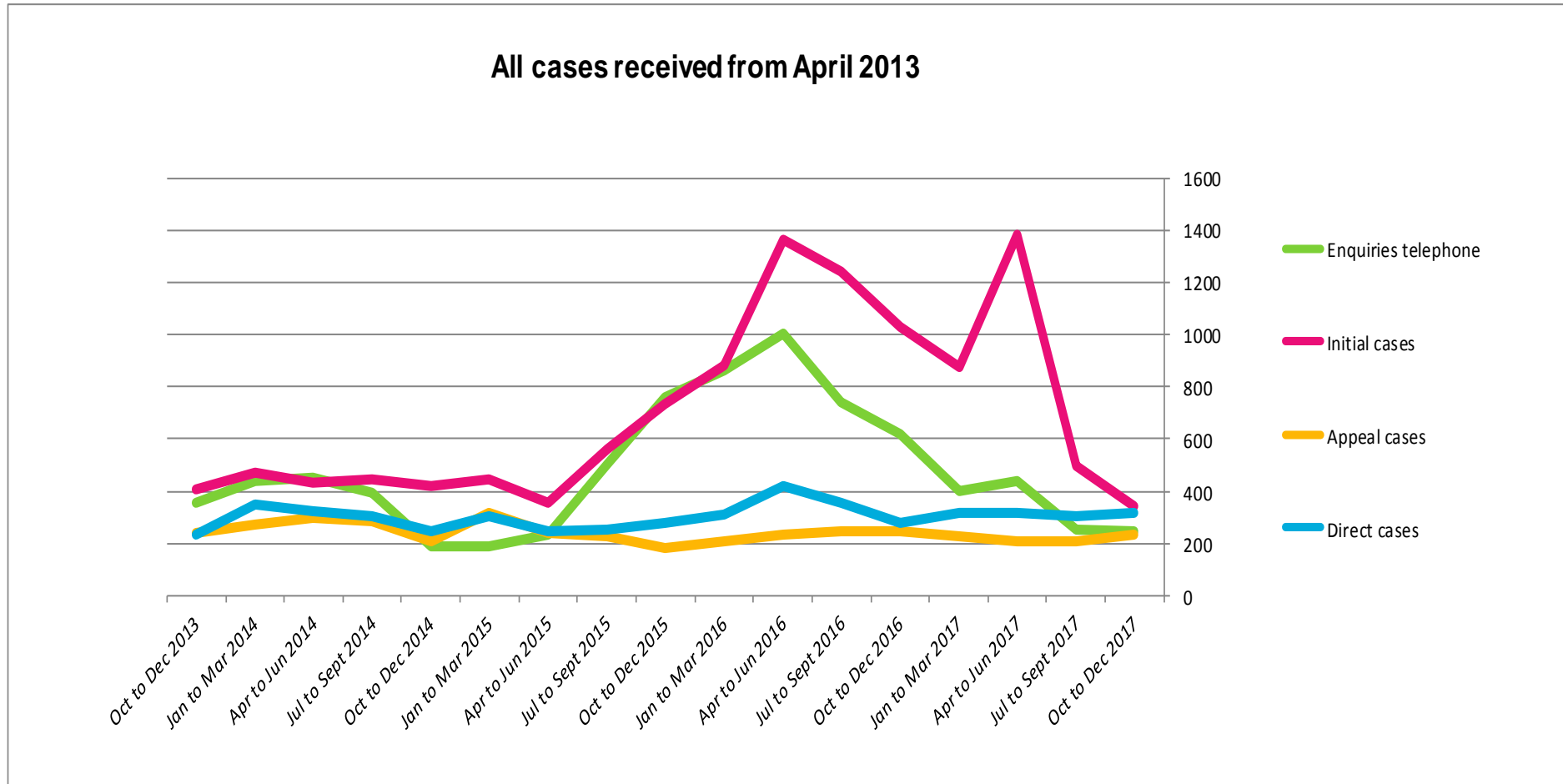
Difficulties understanding Oyster/contactless payment statements or bank statements have encouraged a number of contacts as passengers, usually incorrectly, think that they have been unfairly overcharged. Both Oyster and contactless payment options allow passengers great freedom of movement, but the statements are complicated and can be difficult to understand particularly when things go wrong.

The casework team were invited to accompany the board to a TfL customer services presentation and to do a walk around to meet the customer services executive team. All parties were enthusiastic to engage and share good practice.

### **The casework team**

Where the general initial contacts and telephone calls have reduced, the casework team have noticed an increase in complex cases or cases that take time to resolve, involve more than one operator and/or when further advice needed from the policy team.

**Appendix A: Quantity of cases received**



## Appendix B: Outcomes to appeals – quarter two

The casework team continue to achieve positive outcomes for passengers, despite not having the powers to compel the industry to respond favourably to their appeals.

