

Policy Committee

Secretariat memorandum

Author: Susan James

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PC152

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Casework report for quarter two July to September 2018.

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 appeal cases are getting more complex and time consuming in nature. More information about this is given in part vi - Issues received by the casework team.

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. Rail Ombudsman

The new rail ombudsman scheme will come into operation on 26th November. Further information on this will be given at the next Policy Committee.

5. 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.

6. Financial implications

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

(i) Contacts received

This report covers incoming casework received from July to September 2018 and includes the previous four quarters for comparison.

This part of the report records the volume of casework received during July to September 2018. London TravelWatch received 1,881 casework contacts via telephone, email and web forms.

Case types	Jul to Sep 2017	Apr to Jun 2018	Jan to Mar 2018	Oct to Dec 2017	Jul to Sep 2017
Casework related telephone enquiries	237	315	442	248	253
Enquiries email	28	66	58	95	88
Initial cases	509	392	345	343	497
Initial plus cases	143	127	149	108	144
Request for papers	272	192	196	173	188
Appeals made to operator	319	239	226	231	208
Appeals responded to directly	275	191	256	225	196
Appeals responded to directly plus	98	115	143	95	110
Appeals sub total	692	545	625	551	514
Total of new contact	1,881	1,637	1,815	1,518	1,684
Appeals carried over from last quarter	22	32	49	40	41
Total cases	1,903	1,669	1,864	1,558	1,725

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

As initials above but where the caseworker has felt the need to respond to the passenger and/or forward the case 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 for them to respond directly to the passenger. For this type of case, we would usually also advise the passenger of our actions.

Such cases are resource heavy which is why they have their own category.

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 the 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 passengers 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.

This category was created to demonstrate additional work and correspondence between a passenger and caseworker but where the case cannot be fairly classed as an appeal.

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.

(ii) 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	July to September 2018		April to June 2018	
	No of cases closed	Percentage closed	No of cases closed	Percentage closed
Days 0-10	179	84%	136	77%
Days 11-20	20	9%	22	13%
Days 21-40	12	6%	11	6%
Day 41+	1	1%	7	4%
Total	212		176	

There has been a 21% increase in appeals from passengers travelling with rail operators (further information on this is on page 14). Most of the rail operators have been successful with managing the appeals from London TravelWatch, responding to over 90% of them within the 20 day time frame.

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	July to September 2018		April to June 2018	
	No of cases closed	Percentage closed	No of cases closed	Percentage closed
Days 0-10	51	89%	35	53%
Days 11-20	5	9%	24	36%
Days 21-40	1	2%	5	8%
Day 41+	0	0%	2	3%
Total	57		66	

The Caseworker Manager and a newly designated contact at TfL have been working closely together to reduce response times to appeals sent from the casework team. The quarter's reduced response times indicate the success of this liaison.

(iii) National Rail operators' response times – closed cases

Operator	July to Sept 2018		Apr to June 2018		Jan to Mar 2018		Oct to Dec 2017		July to Sept 2017	
	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	2	7	4	35	5	18	4	9	1	31
Chiltern	11	3	1	1	5	2	2	1	2	5
CrossCountry										
Department for Transport										
Deutsche Bahn										
VTEC/LNER	9	9	5	12	7	29	7	13	9	22
East Midlands Trains			3	10			1	2	2	33
Eurostar	30	4	30	4	10	3	17	4	16	4
GTR	44	8	18	6	28	12	22	9	23	10
GWR	10	14	5	16	12	18	17	11	27	7
Grand Central					1	24				
Greater Anglia	4	6	6	5	5	8	10	11	5	4
Heathrow Express	3	2	9	15			1	0	2	8
Heathrow Connect	Now TfL Rail								1	1
First Hull Trains	1	2								
AS*			3	1	2	1	1	0		
PSL*	1	3								
LM/LNR			2	6	1	39	3	14	1	33
NR Enq	2	19							1	46
Network Rail	2	8	2	20			1	1	1	2
ORR										
RailEurope			1	1						
RPSS*										
Rail Easy										
ScotRail										
Southeastern	21	5	17	8	12	7	17	6	17	18
Southern	10	7	22	11	26	10	33	15	24	7
SWR	47	5	30	5	52	7	33	10	11	16
Trainline	2	2	1	3						
Virgin West Coast	10	4	15	7	13	5	6	18	10	3
West Midlands	2	12								

Transport for London

Operator	Jul to Sept 2018		Apr to Jun 2018		Jan to Mar 2018		Oct to Dec 2017		Jul to Sept 2017	
	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	10	1	11	4	9	2	25	1	17
London Overground	7	6	1	11	3	29	4	15	5	9
TfL London Buses	10	6	15	12	20	20	9	3	11	15
TfL London Underground	8	6	13	16	12	20	4	17	8	9
TfL Roads & Streets			2	20	1	9	2	2	11	10
TfL Dial-a-Ride	1	12					1	9	1	17
Oyster	19	8	25	10			12	13	11	7
TfL Other	1	4	4	7	1	1			1	8
Tramlink	1	28	1		1	13				
TfL Rail	1	1					2	4		
TfL/Cycles			1	9			2	18		
Victoria Coach Station										
TfL Policy	4	9								
TfL penalty fares and prosecutions										

**AS – Appeals Service, PSL – Penalty Services Ltd and RPSS – Revenue Protection Support Service are all penalty fare bodies.*

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.

(iv) 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 13 cases where the rail operator took over 20 days to send a response to London TravelWatch. Below are some representative examples of these cases.

Eurostar

Mr B and party experienced a delay on Eurostar from Amsterdam to London. Mr B felt that he had not been offered the full compensation he was owed so approached London TravelWatch for help. The appeal revealed that Mr B and his party had not been offered all compensation owed to them and this was resolved immediately. Mr B felt that more should have been offered because no complimentary refreshments had been offered during the delay. Eurostar advised no refreshments were offered on the day as the delay wasn't considered significant.

Govia Thameslink Railway (GTR)

Mr T submitted a request to Thameslink for a copy of their monthly Performance Improvement Plan update, and their 4-week performance statistics. After a month, and no response he came to London TravelWatch. After several further weeks of chasing the reports were finally obtained and sent out to Mr T with apologies from Thameslink for the delay.

Great Western Railway (GWR)

Mr D had been offered a refund for his delay which was supposed to be sent to him in the form of a cheque. However, he had not yet received the cheque despite his efforts to resolve this matter himself. On appeal, the caseworker asked GWR to expedite his refund and look into why he had had no further response to his online communications. GWR issued a refund cheque and sent a complementary ticket by way of an apology for the delay in processing his cheque. They also found that his further contacts had been placed automatically into his closed complaint meaning that no-one had seen it. GWR are amending their processes with a view to ensure that further contacts from passengers do not end up in closed cases.

South Western Railway (SWR)

Ms B and another had to abandon their journey to Gatwick Airport when their train was terminated en-route. They made a claim for a refund of their ticket and a refund request for reimbursement of their taxi fare. However, they sent this claim together with the tickets and taxi receipt to the wrong rail operator - SWR. The receipt of their claim was acknowledged and the passenger was advised that it had been forwarded to the correct rail operator (GWR). It later emerged that SWR had not actually forwarded the claim, so they offered the passenger a goodwill gesture by way of apology. However, because the correct rail operator had never received Ms B's claim, they also never received the tickets and taxi receipt. As the passenger had sent the originals to SWR she could no longer provide them the correct rail operator who said that without them they were unable to process her taxi fare claim. London TravelWatch asked the SWR to check whether they still had Ms B's tickets and taxi receipt but they were unable to find them and instead offered a further goodwill gesture in relation to the taxi fare.

London North Eastern Rail (LNER)

Ms F submitted a delay repay claim but did not get a response after a month so she contacted London TravelWatch. Following our appeal, LNER tried to find the claim and the tickets Ms F attached to the claim but could not locate them. Following negotiations with the casework team, LNER agreed to pay the refund in full regardless.

Network Rail

Ms P did not receive the assistance at Euston which she had booked so she complained to Network Rail. Due to Network Rail's failure to respond or even acknowledge her complaint, Ms P then contacted London TravelWatch. Network Rail's eventual response was that the relevant staff had been informed of their failure to assist, and apologies were offered for any inconvenience caused. Unfortunately the second part of Ms P's complaint regarding poor customer service handling was not addressed so the case was appealed again. In the further response, Network Rail explained that Ms P's original complaint had been logged at a time when they had recently transitioned to a new contact centre. So, although the case was logged, it was sent to the wrong individual to deal with. There was not a note to call Ms P back that had been logged onto the new system. Once again, sincere apologies were offered.

National Rail Enquiries

Mr A complained to National Rail Enquiries that their journey planner was showing incorrect night time connection times between Blackfriars and Victoria. This meant that he could not connect between the rail services he wanted. They advised their website does show that more time needs to be allowed to transfer from Blackfriars to Victoria but this is only relevant if travel is made by tube. The 21 minutes quoted would be accurate if London Underground services were running, but would not be achievable by bike. London TravelWatch asked National Rail Enquiries if the information given on their website could be made clearer and they offered assurance that their web team would make the appropriate changes.

Transport for London cases with longer response times than 10 days

There are 31 cases that took longer than TfL's 10 day response target and a representative example of these are detailed below.

Dial-a-Ride (DaR)

Ms L asked DaR for confirmation of the official drop-off point for her local swimming pool as this was in dispute. DaR's failure to respond resulted in Ms L contacting London TravelWatch. Unfortunately due to a spelling error in the email address Ms L emails were not received by DaR. London TravelWatch advised Ms L that DaR wanted to liaise directly with her regarding the issue and Ms L agreed

London Underground

Mr W made a Service Delay Refund claim after he hadn't been able to take the Central Line to his destination. He took the Piccadilly Line instead and was delayed by more than 20 minutes. His claim was turned down because he had taken an alternative route that wasn't delayed so Mr K came to London TravelWatch. The caseworker found that Mr W should have been told he could make a delay claim under 8.1.2 and 8.1.5 of TFL's Conditions of Carriage instead of a Service Delay Refund claim.

The first condition indicates that passenger may be compensated for delays, and the second indicates that passengers are not eligible for a refund if the passenger has used an alternative route 'due to planned or advertised service changes'. If the passenger had to take an alternative route and was delayed when the changes weren't planned or advertised, they should be entitled to be compensated for the delay. Appendix 2 of the Conditions of Carriage implies the same thing. London TravelWatch asked TfL to look into Mr W's complaint and reconsider his claim for delay compensation. TfL agreed to refund Mr W and look into the information being given to their advisors about non-Service Delay Refunds.

Oyster

- i. Mr W attempted to top up his Oyster card using cash at a London Overground station for a weekly travel card 1 and 2 zones for £34.10. He maintained that although the machine took his money it had failed to top up his Oyster card and station staff couldn't refund his money at the time. He was asked to fill out a form and told that somebody would call him about it by the following day. TfL advised that no refund could be made as no faulty transactions were found for that day and time. London TravelWatch asked TfL to recheck the transactions on the machine in question and advise on the outcome. Mr W's version of events was confirmed and TfL authorised a refund. An error by the London TravelWatch caseworker delayed this case from being closed within timeframe.
- ii. Mr G felt that he was provided with incorrect advice when making his journey and as a result paid a higher fare than expected. He contacted TfL prior to making the journey from London Bridge to Horley to confirm the cost with a 16-25 railcard discount applied to an Oyster card. He claimed he was told by an advisor at the time that this would cost £4.40. He arrived at Horley and was charged £10.90 when tapping out. He missed four calls from TfL but faced an automated disconnect each time he tried to call back. He eventually spoke to an agent whom he claimed was "belligerent", and he was not offered more than a £5

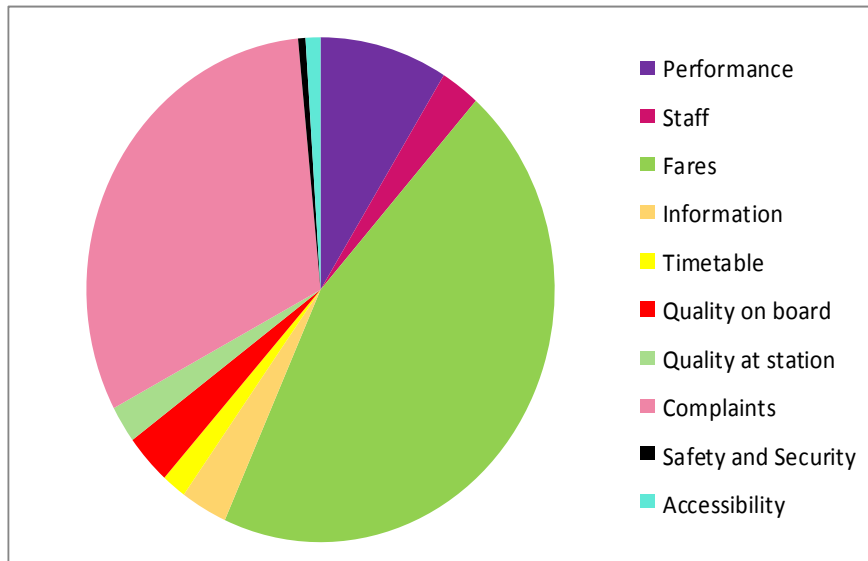
refund to his Oyster card which was neither half the journey cost or the actual refund – which he strongly believed he was due. He felt as though TfL had not responded to his three other complaints and that the agent was looking to close the case by simply responding to the refund request. London TravelWatch asked TfL to respond to Mr G's other complaints and to consider whether he was entitled to a refund for the difference paid for his journey. TfL advised that although no further refund was due, he had been given wrong information by one of their advisors. They therefore offered him £15 as a goodwill gesture.

(v) Appeals by category

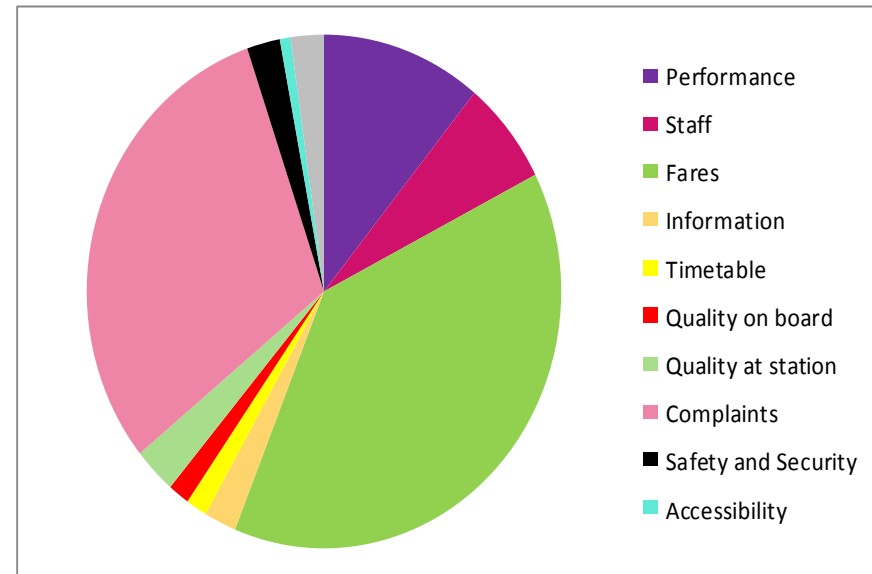
The charts below summarise the main types of appeals received by London TravelWatch regarding both National Rail operators and Transport for London.

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

Rail



TfL



(vi) Main issues received

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

National Rail operators

There has been a marked increase in appeals from passengers of all London rail operators although the increase regarding GTR (not including Southern) and SWR is particularly noticeable.

GTR

The severe problems with the new timetable on the Thameslink and Great Northern have led to increased appeals from passengers. We have also received a number of appeals from passengers regarding the additional industry compensation scheme which was set up in conjunction with the Department for Transport for passengers affected by the disruption caused by the new timetable.

SWR

Appeals from SWR passengers have increased substantially in this quarter. Delay replay has been offered to all SWR passengers since September 2017. As SWR have had strikes and disruption over the spring and summer months in 2018, large numbers of passengers have been claiming delay repay and then appealing if it was refused.

Prior to September 2017, a different compensation process was used and many passengers were unable to claim for any delay compensation until they renewed their season ticket when they may or may not have qualified for a discount. Passengers were also unable to claim if the cause of the delay was not the responsibility of the rail operator. Therefore, London TravelWatch received very few SWR (previously SWT) contacts regarding delay compensation making the current increase in contacts noticeable, but expected.

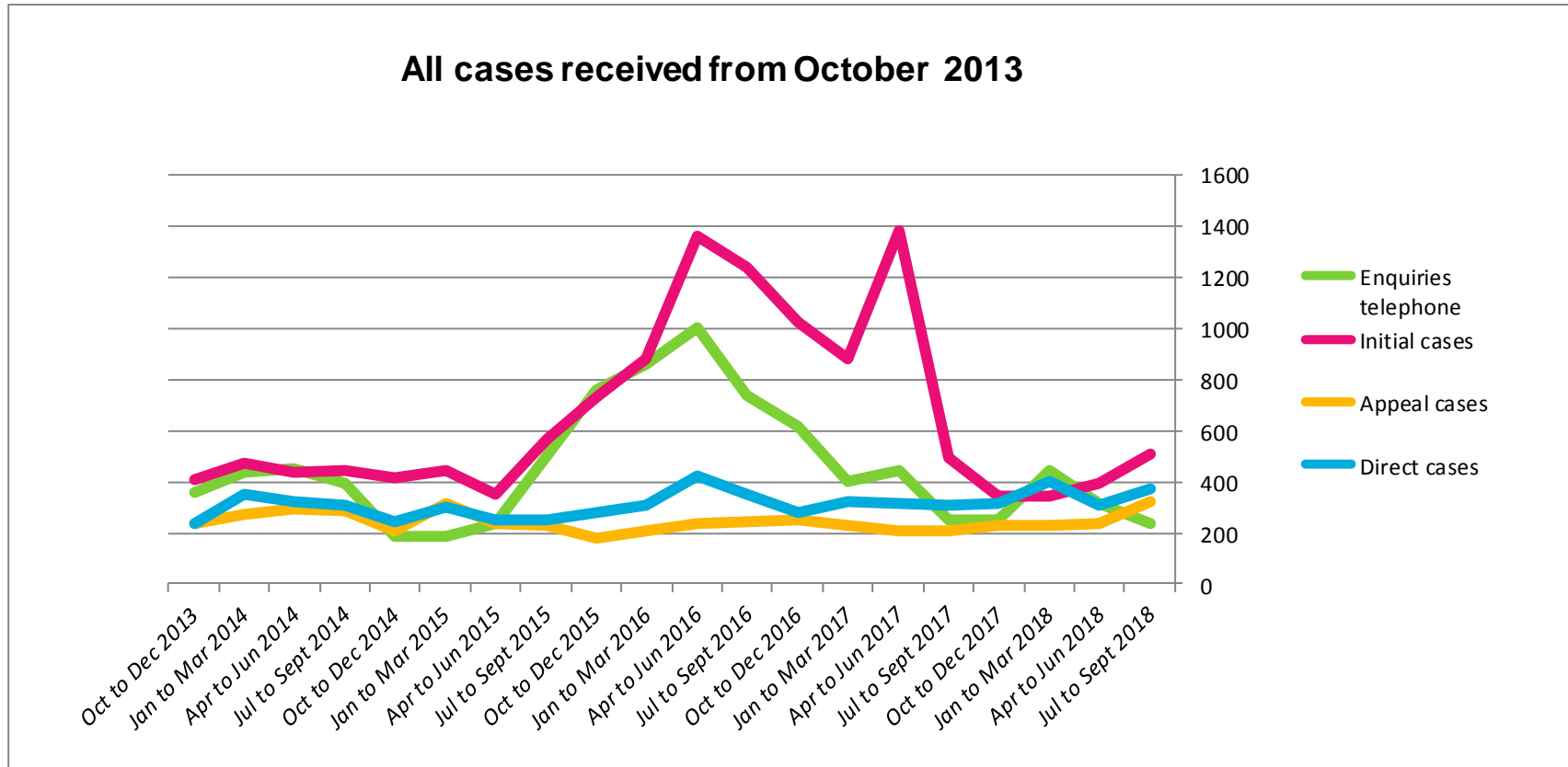
Transport for London

There are no current issues arising from TfL modes.

The casework team

During July and August the number of appeals received by London TravelWatch has increased by approximately 40%. Other than the rail issues mentioned above, there is no other common theme that arises.

Appendix A: Quantity of cases received



Appendix B: Outcomes to appeals – quarter one

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.

