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## Casework report

Agenda item LTW726

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### Glossary of terms

Appeal	A complaint that has already been made to a transport provider or ticket retailer.
Case	Electronic file where all information from a passenger contact is held.
Consultation	The industry seeks to make changes and invites formal responses.
Enquiry	A passenger is asking questions directly or London TravelWatch or Transport Focus or other contacts that do not fall within the categories of appeals and initials.
Initial	The passenger has complained directly to London TravelWatch or Transport Focus before first approaching the transport provider or ticket retailer.
Rail Ombudsman	The alternative dispute resolution (ADR) provision for rail passengers in England, Scotland, and Wales. NB. Not all issues are considered in scope for the Rail Ombudsman.
Tickets Retailers	Sell rail tickets but do not provide any form of transport.
Ventrica	The current outsourced contact centre who manages the telephone calls and first contacts. This provision is currently being market tested.

## July to September 2023

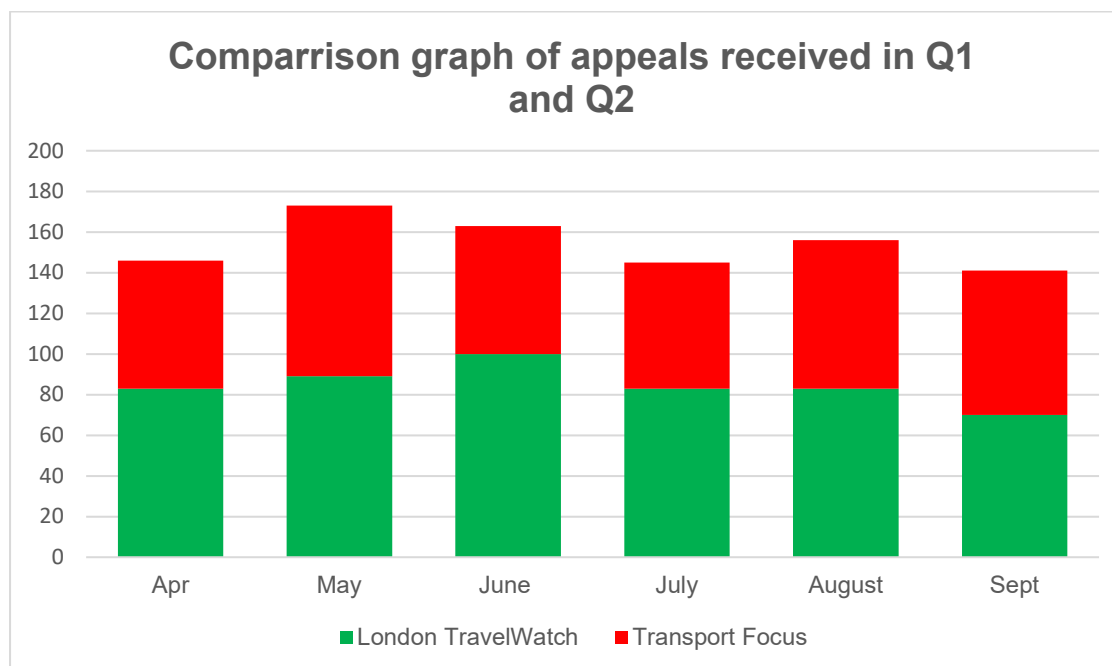
### Overview

This report gives details on the types and numbers of cases we have received and our responses. Information is also provided about contacts with Ventrica and the Rail Ombudsman, plus appendix one contains the anonymous responses to our passenger survey.

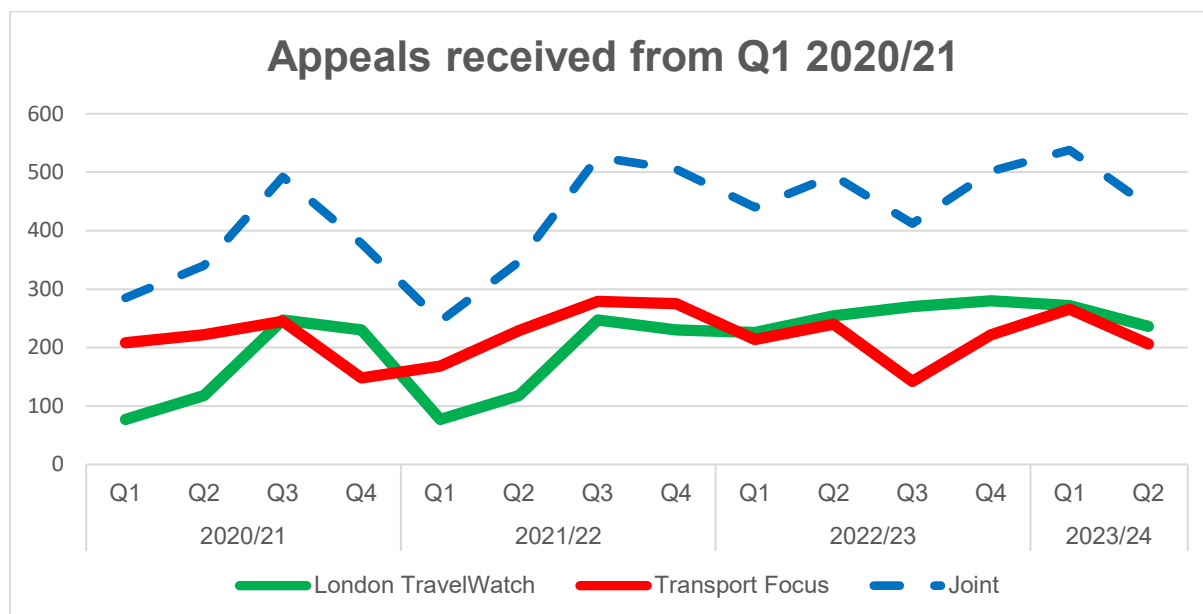
### Appeals Casework

442 appeals were received in total in Q2 compared with 482 in Q1. The figures for London TravelWatch were 236 vs 272 and for Transport Focus were 206 vs 210.

The graph below shows the comparison between appeals received in Q1 (April to June) with that of Q2 (July to August). May and June were the busiest months for London TravelWatch and May and August the busier months for Transport Focus.



The graph below shows appeals received since April 2020.



### Forecasting casework for 2023/4

With the ongoing industrial action, timetable changes, consultation for ticket office closures, it is difficult to accurately forecast the number of contacts and appeals the casework team are likely to receive over the next six months. The number of appeals has been low although both the Rail Ombudsman and the Local Government Ombudsman are also reporting lower number of appeals received.

### Other casework

In partnership with Transport Focus, London TravelWatch have market tested the outsourced contact centre provision this summer with a view to award before Christmas. We are currently evaluating the documents from the two bids received and will visit both organisations.

Transport Focus will be providing a library of information, standard text, and their position on some policy matters that the caseworkers will be able to access. This will enable the caseworkers to respond more quickly to Transport Focus passenger contact, but this has been delayed due to the ticket office consultation.

### Rail operators

A large proportion of cases received in Q2 were from passengers who had incurred penalty fares or other revenue protection measures. Neither London TravelWatch nor Transport Focus is a penalty fare appeal body, and we are extremely limited in our ability to help for individual appeals. The Casework Team do appeal to the rail

operators for those cases that they perceive to have mitigating circumstances or to be unfair, but success is based entirely on the persuasion and negotiating powers of the Caseworker.

### **Eurostar**

Eurostar appeals reduced by approximately 20 appeals in Q2 when compared to Q1 and most complaints are regarding the policy of refunds. London TravelWatch does have concerns about children not being seated near their accompanying adult and we will be discussing this with a subgroup of the European Passenger Federation to see if pressure can be applied to resolve this issue.

### **TfL**

The Casework team have an excellent relationship with the team who process TfL Santander Cycle complaints and therefore achieve many successful outcomes. We have also seen an increase in bus complaints although there is no particular route or theme that causes concern.

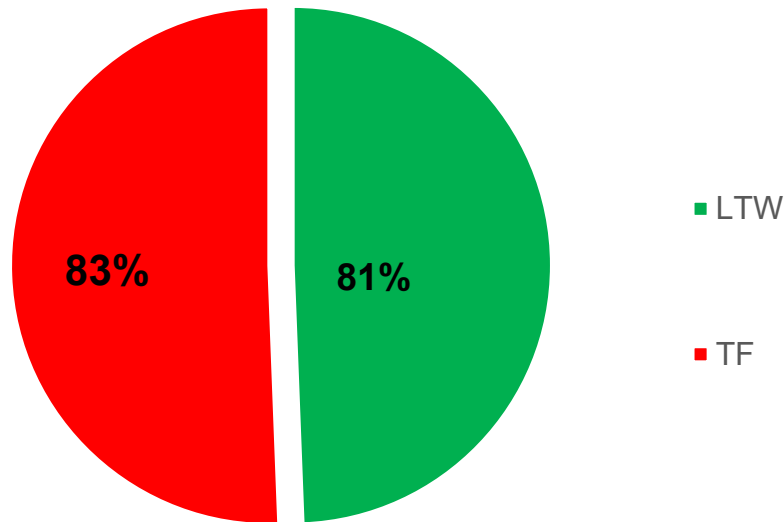
### **Ticket retailers (including Trainline)**

London TravelWatch and Transport Focus are the appeals bodies for all ticket retailers because these organisations do not currently fall within the remit of the Rail Ombudsman. Any uplift in passengers using ticket retailers to purchase tickets will increase the number of contacts to London TravelWatch and Transport Focus.

### **Casework performance**

The aim for closure for appeal cases is 35 working days. This aim has not changed since prior to the start of the Rail Ombudsman. Cases are now more complicated and require additional challenge, with repeated contacts to provide the passenger with additional value. In Q2, a higher percentage of cases were closed within 35 days than the previous two quarters.

### Appeals closed within 35 working days



### Rail operators/ticket retailers with highest number of closed appeals in Q2

<b>Operators receiving the most complaints</b>	<b>No of complaints</b>	<b>Subject of complaint</b>	<b>Outcome</b>
Eurostar	50	Refund policy and complaints handling	20 successful, 15 neutral*
Trainline	21	Refunds and complaints handling	10 successful, 3 neutral
Northern	18	Penalty fares	7 successful, 9 neutral

\* An example of a neutral outcome would be one where the passenger is complaining about a penalty fare including its issuing and the appeal process. The caseworker would explain the passenger's rights and responsibilities with regards to penalty fares and the appeal process.

### TfL appeals by mode with the highest number of received appeals.

<b>TfL by mode</b>	<b>No of complaints</b>	<b>Subject of complaint</b>	<b>Outcome</b>
TfL Santander cycles	11	Refunds, refund policy, complaints handling and penalty fares.	10 Successful, 2 neutral
TfL Buses	11		

## Closed appeals for Q2

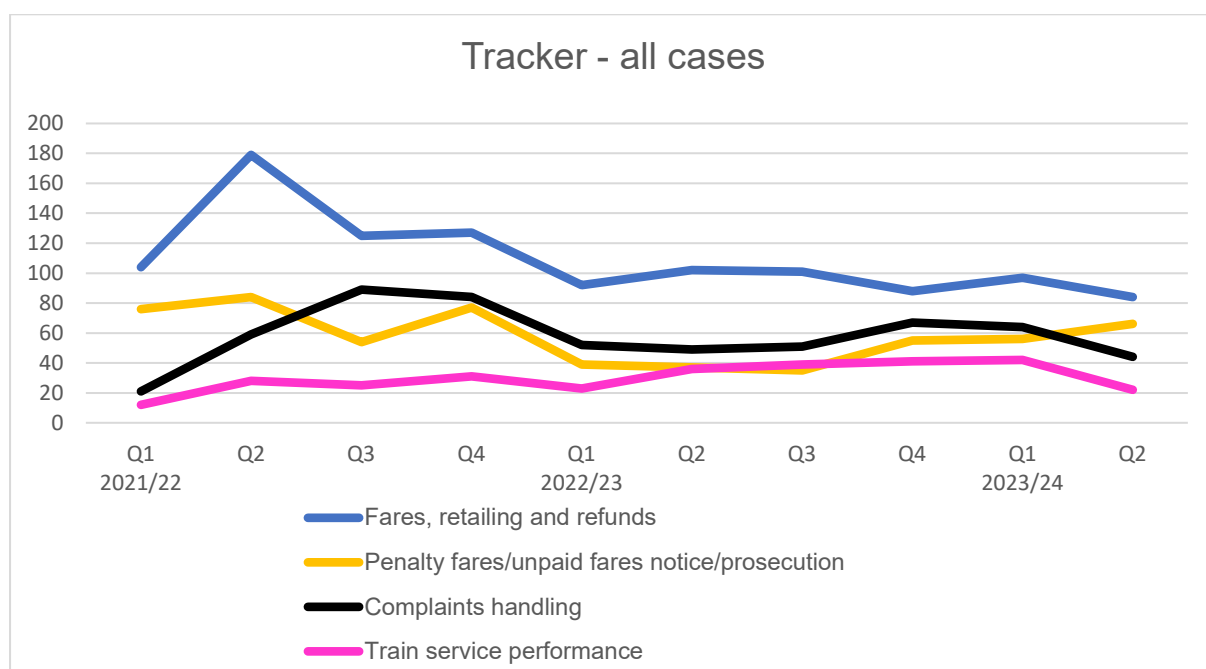
The casework team do not have the authority to insist that a transport provider or ticket retailer respond favourably to our appeals. All the successes are achieved using negotiation, persuasion, and the relationships the casework team cultivate with their industry contacts.

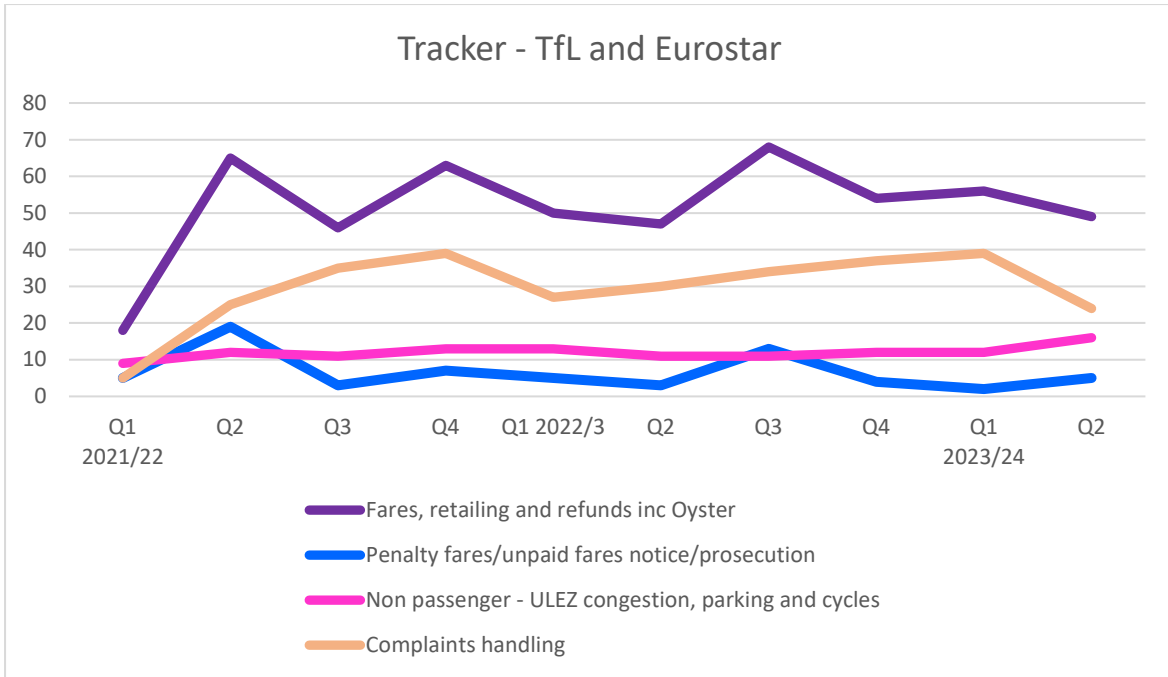
In this period, 195 appeals were closed for London TravelWatch and 165 appeals were closed for Transport Focus.

## Case types received

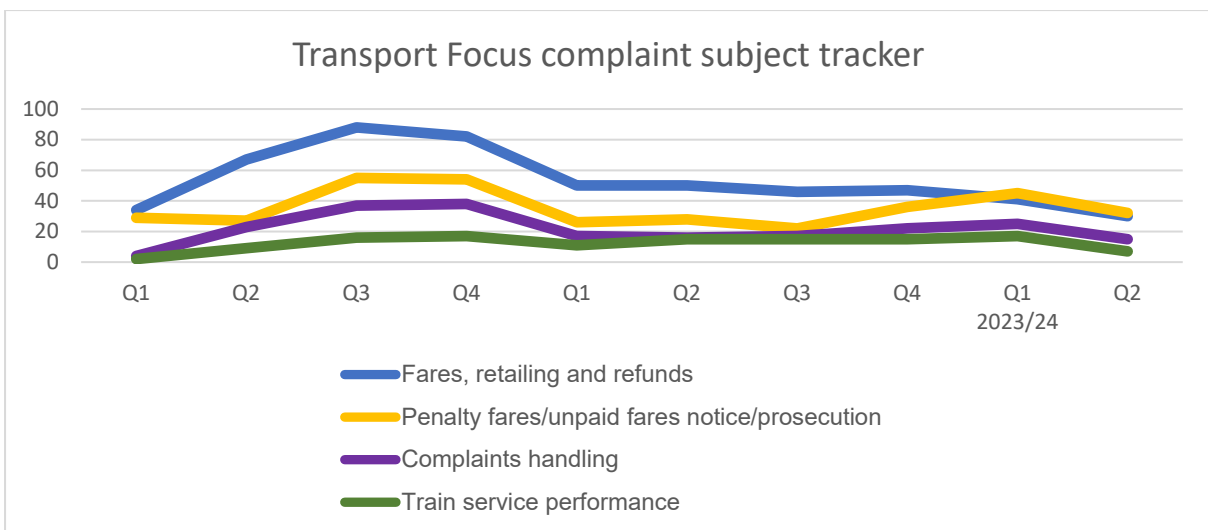
The four categories of appeal which London TravelWatch and Transport Focus usually receive relate to fares (including refunds), penalty fares, service performance and complaints handling. We track these categories to look for any trends.

Compared to Q1, appeals regarding fares including retailing and refunds have decreased slightly with contact about penalty fares slightly increasing.





The top four complaint categories received in the London TravelWatch-only geographical remit are slightly different, as we also take complaints from drivers who have incurred parking, congestion and ULEZ fines. Appeals from drivers increased in Q2 and also passengers who have incurred penalty fares. TfL have reported lost revenue of approximately £130m due to unpaid fares.

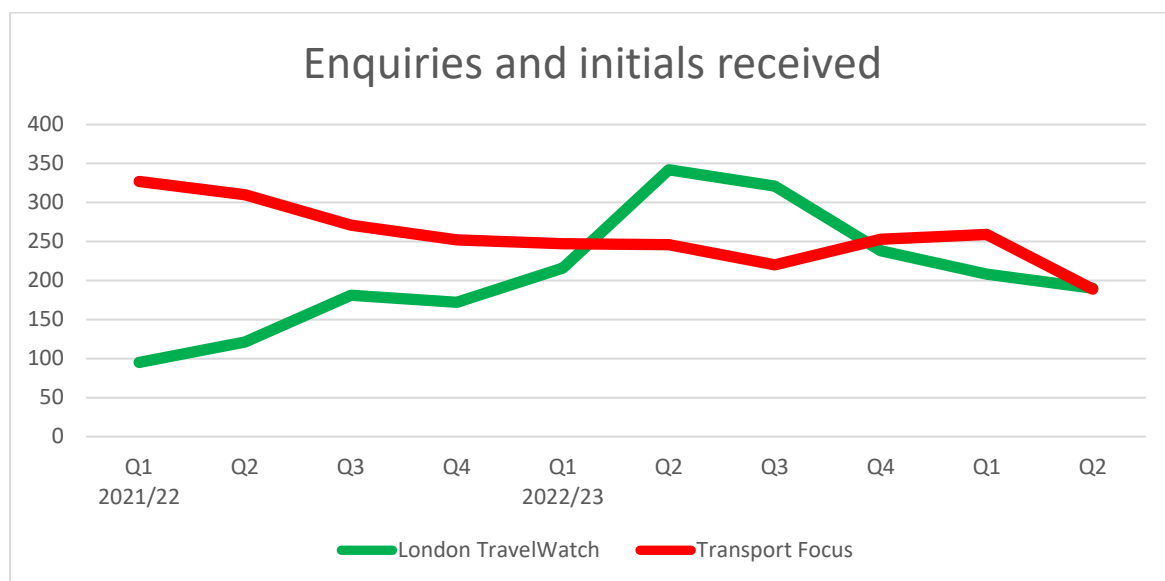


Over the past 12 months the number of Transport Focus appeals received regarding fares, retailing and refunds have fallen.

## Initial and enquiry contacts

Our outsourced provider Ventrice manages all the initial contacts and enquiries on behalf of London TravelWatch and Transport Focus. The casework team provide Ventrice with advice and support on managing complicated or unusual contacts.

The sharp increase in Q2 and Q3 last year were due to the increased contact we had from Eurostar passengers at this time.



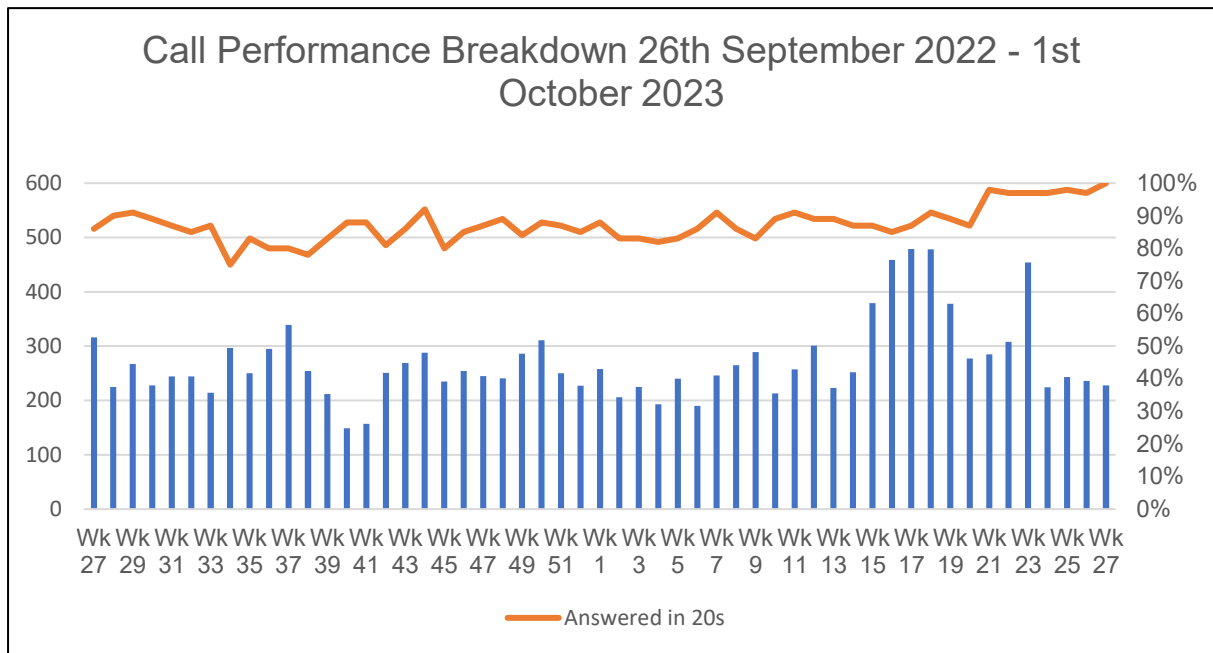
In Q2, our outsourced provider Ventrice received 190 contacts for London TravelWatch and 189 for Transport Focus.

The top three categories about which we received the most initial contact in Q1	
<b>London TravelWatch</b>	
Fares, retailing and refunds	53
Train service performance	11
Staff conduct and availability	18
<b>Transport Focus</b>	
Fares, retailing and refunds	85
Train Service performance	21
Penalty fares	20

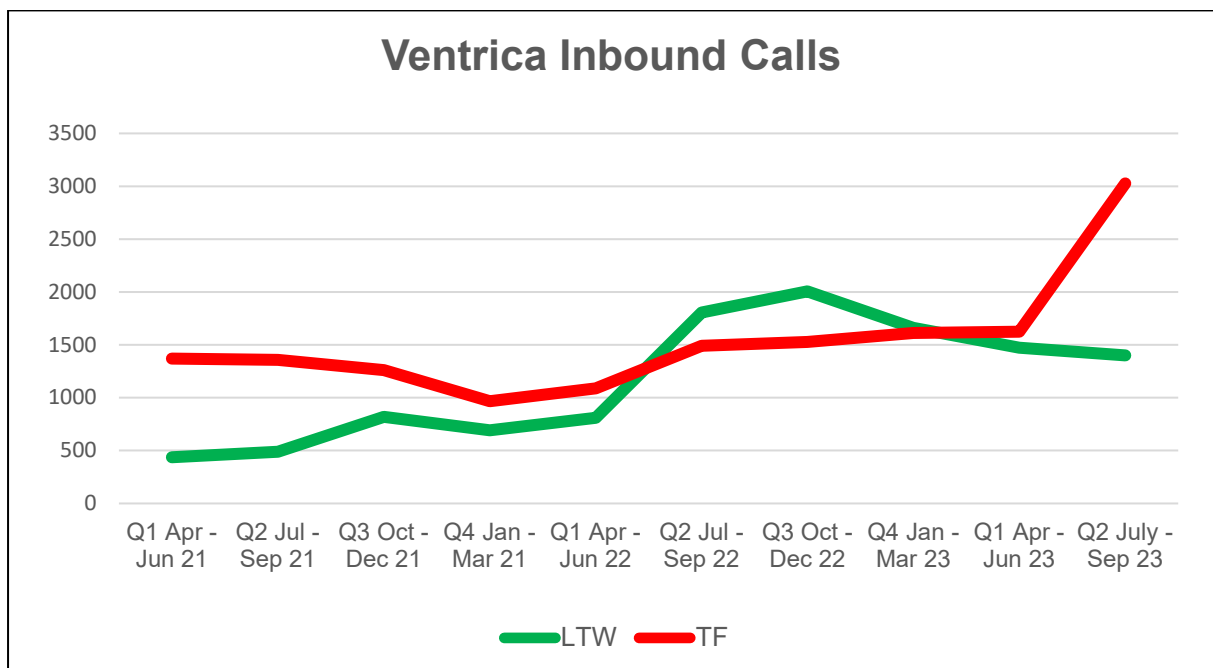


### Calls answered in 20 seconds by Ventrica

The aim of calls being answered within 20 seconds was met by Ventrica during Q2.



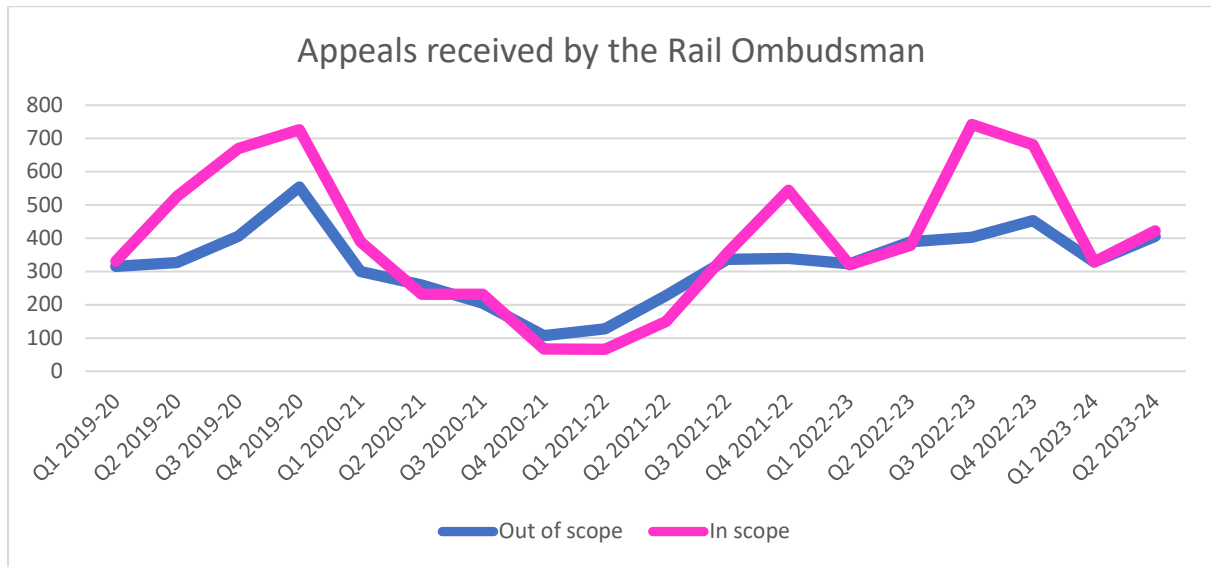
The graph below shows that the number of contacts received by Ventrica on behalf of London TravelWatch decreased during Q2 but rose sharply for Transport Focus as passengers wished to make a complaint and discuss the ticket office consultation.



## Rail Ombudsman

Provision of the Rail Ombudsman service has been market tested this year by the ORR with the award made to the incumbent providers in May 2023 with a go live date of November 2023. London TravelWatch (and on behalf of Transport Focus) are now working with the Rail Ombudsman to formalise the relationship between the three organisations by an MoU.

In Q2 the Rail Ombudsman received 422 and closed 637 in scope appeals. These numbers are marginally higher than the number of cases received in Q1.

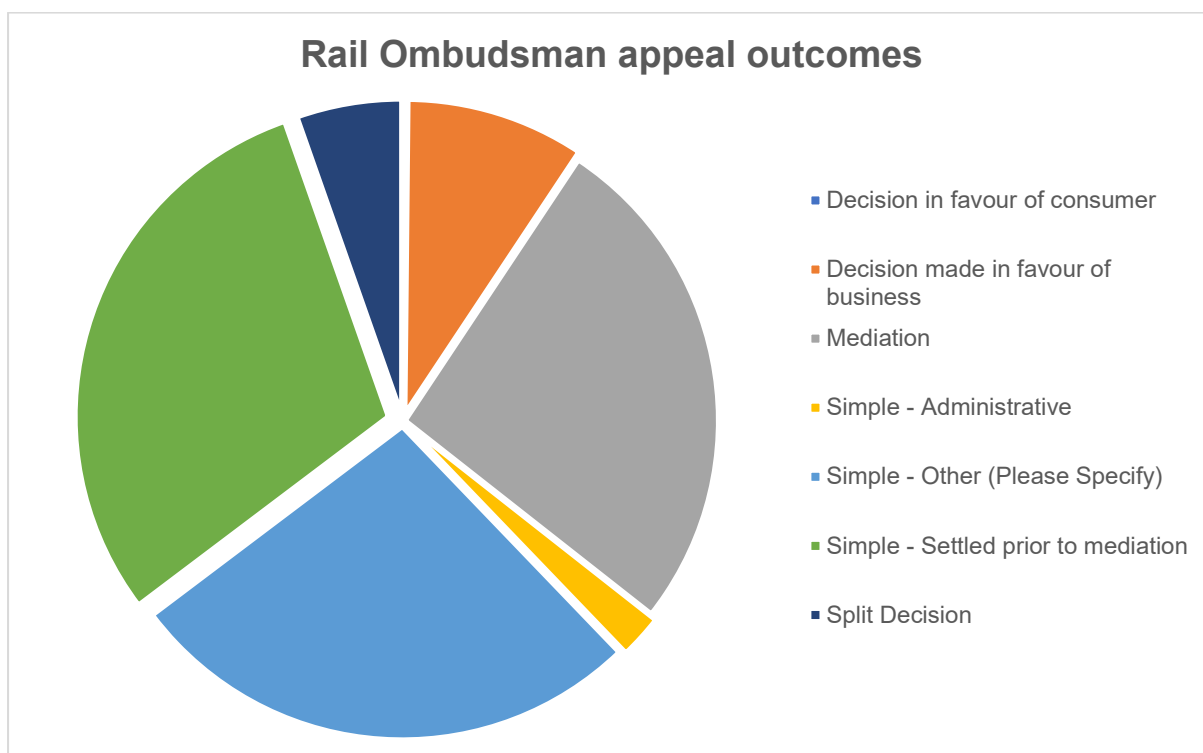


Most of the complaints received by the Rail Ombudsman were regarding how complaints were being handled and delay compensation. During this quarter, there were 402 cases that were considered out of scope of the Rail Ombudsman, 25 were considered in scope for London TravelWatch and 52 in scope for Transport Focus and these were transferred to us. The box below shows the subjects of most of the closed appeals:

Rail Operator	No of complaints	Subject of appeals	Outcome
Avanti West Coast	91	Complaints handling, delay compensation and performance	17 were settled prior to mediation, 27 went to mediation, 10 were in favour of operator and none in favour of passenger.

LNER	63	Company policy, delay compensation and performance	32 were settled prior to mediation, 17 went to mediation, 4 in favour of operator and none in favour of passenger.
GWR	85	Complaints handling, delay compensation and performance	29 were settled prior to mediation, 21 went to mediation, 7 were in favour of operator and none in favour of passenger.

### Rail Ombudsman appeal outcomes

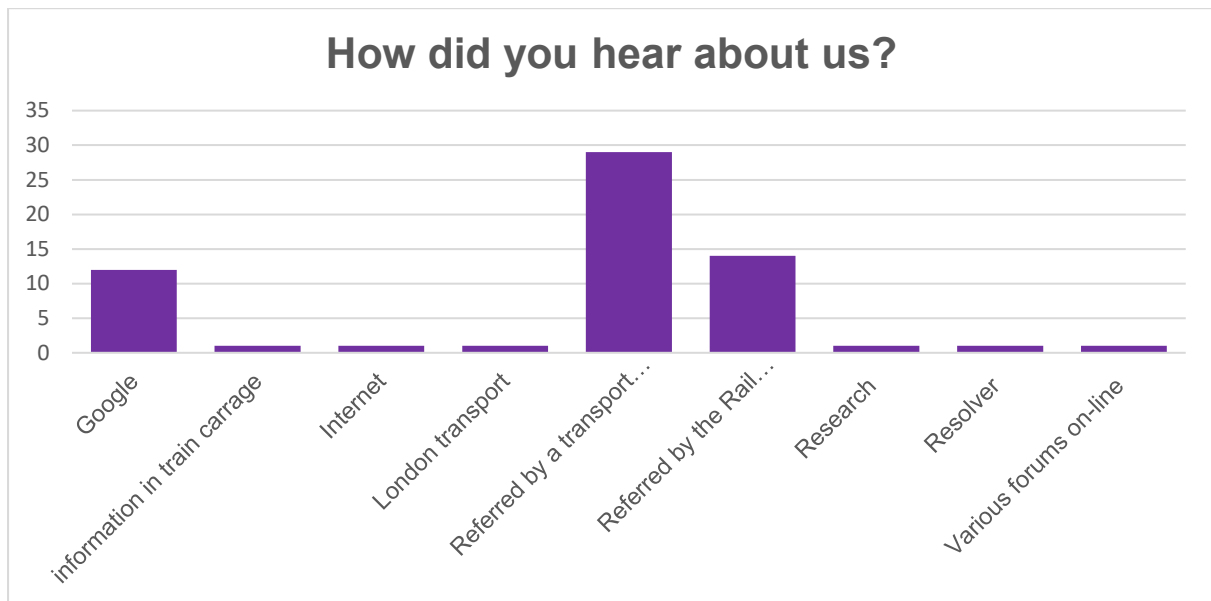


### Recommendations

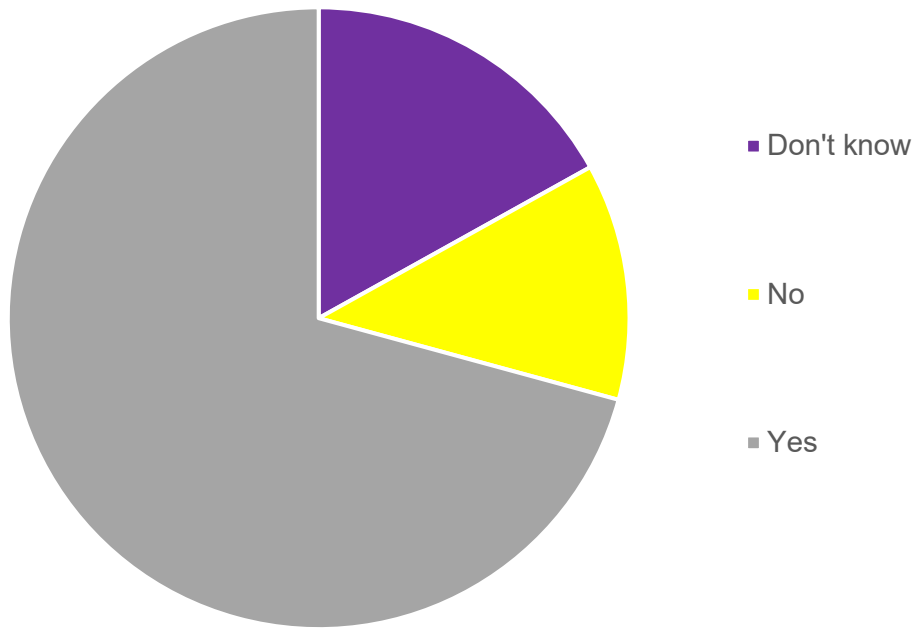
The Board/Committee are asked to note this report.

## Appendix one – Survey responses

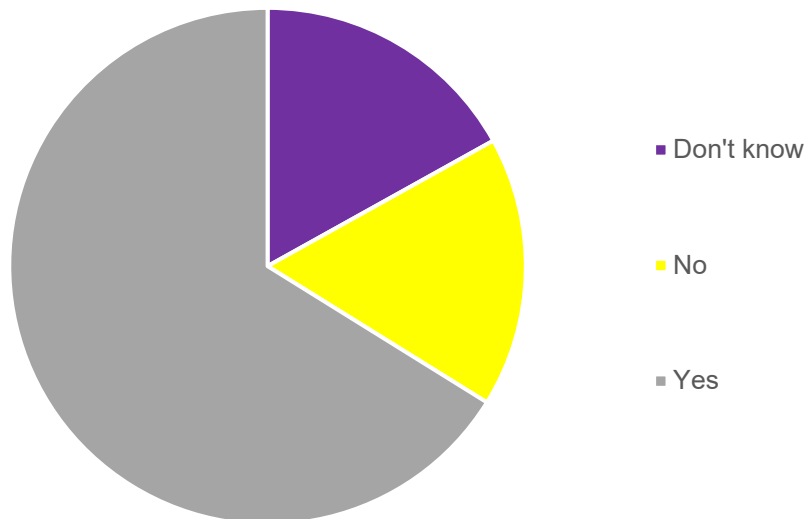
65 people responded to our satisfaction survey in Q2. Comments show that passengers continue to remain unsatisfied where we do not have the powers to provide the outcome they are looking for by changing policies or compelling the transport provider/ticket retailer to respond favourably to our appeal.



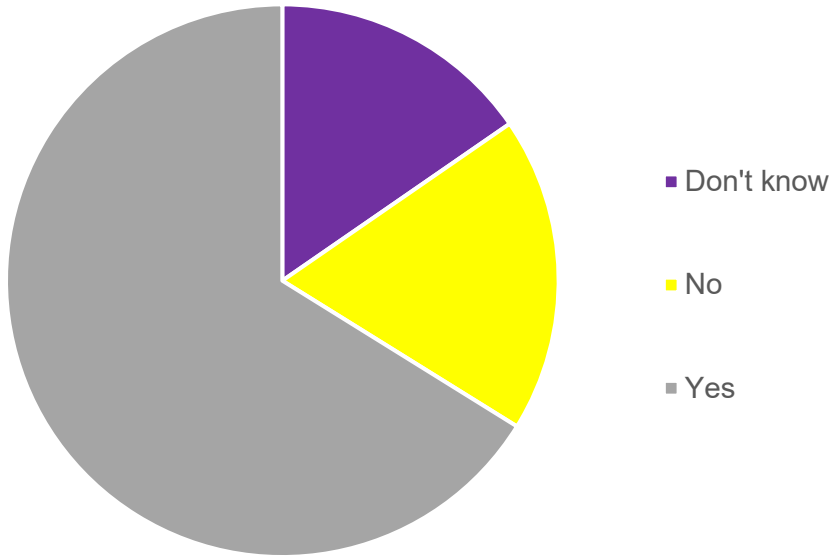
**Was your complaint acknowledged in five working days?**



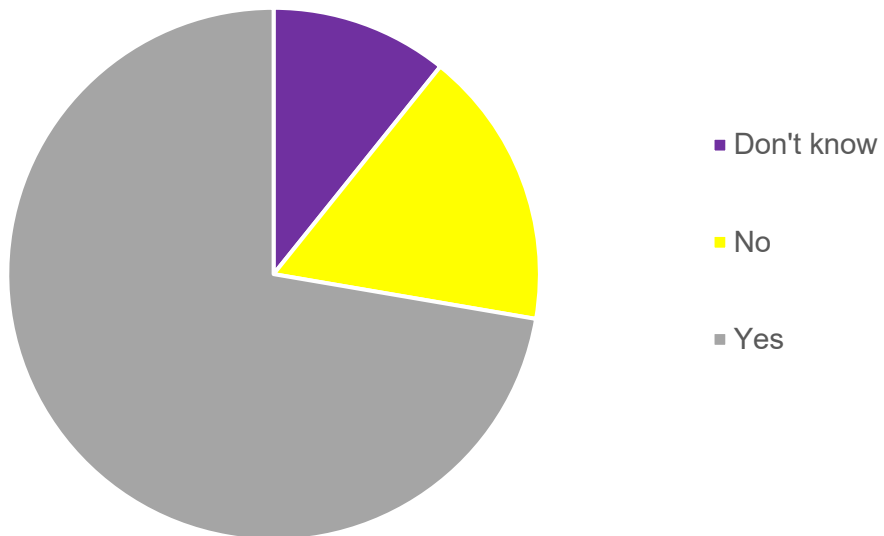
**Did you receive a what to expect document?**



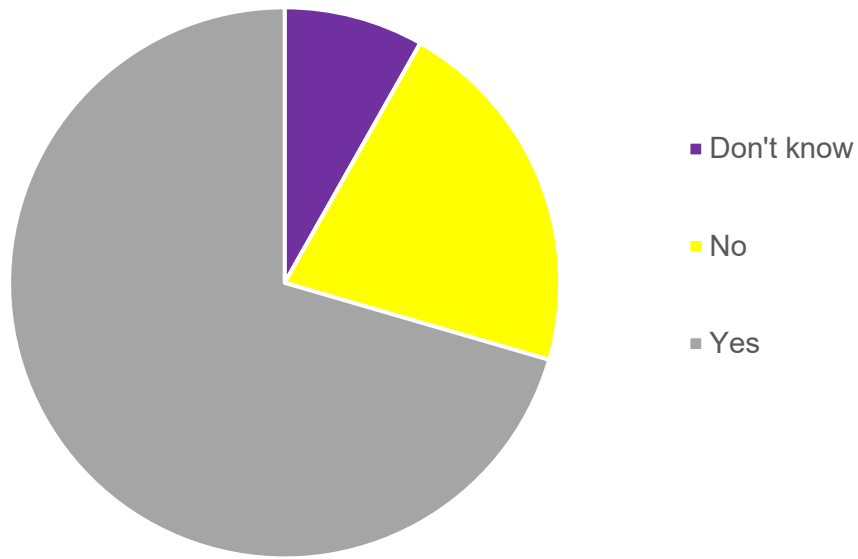
### Were the timescales of your appeal explained?



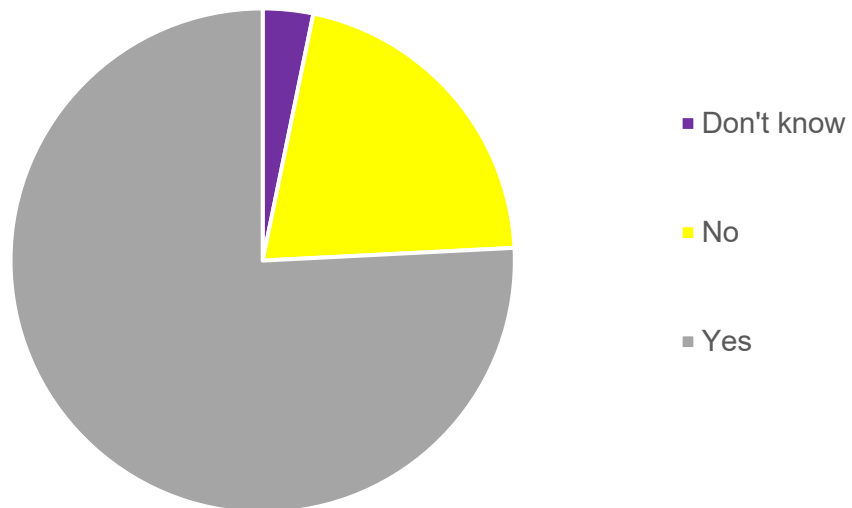
### Did we maintain contact with you?



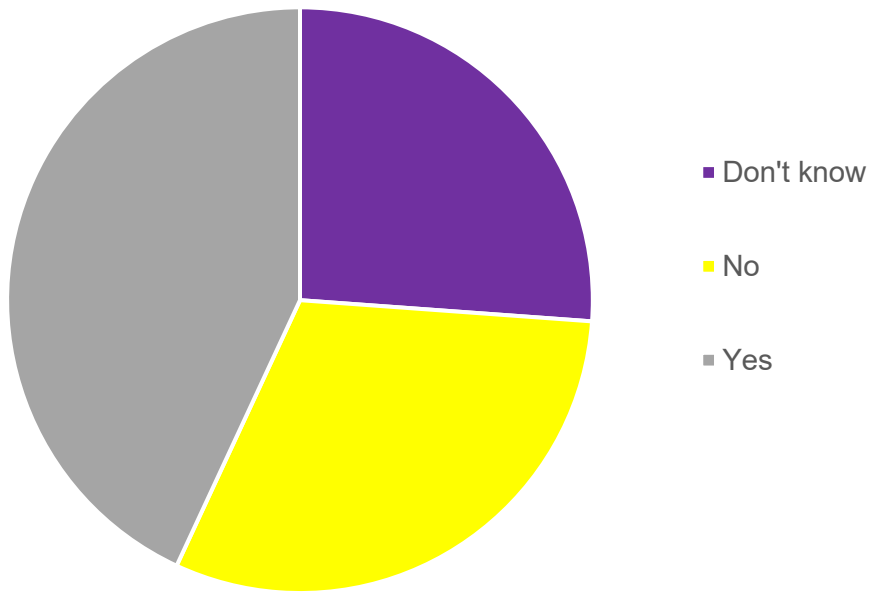
**Did we outline your complaint in our final response?**



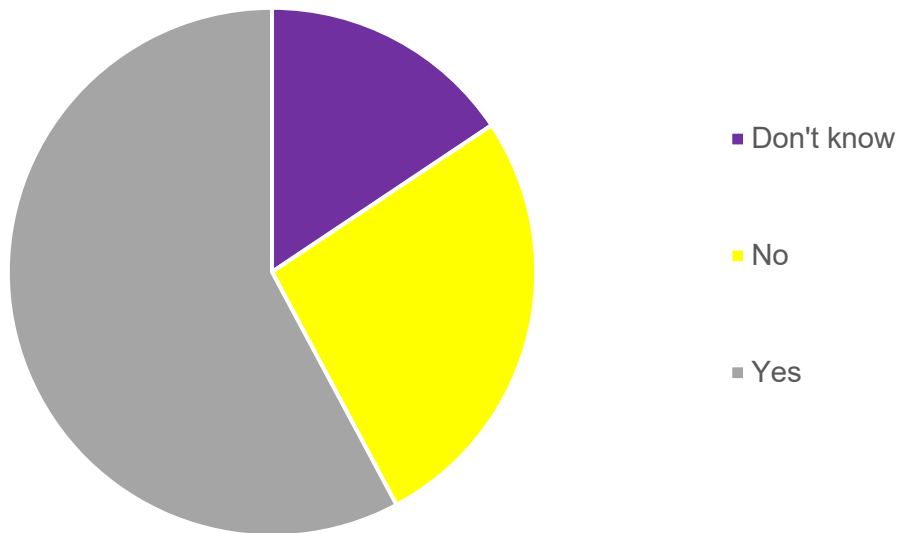
**Did your caseworker provide you with information about the outcome to your appeal?**



**If we couldn't help you did your caseworker explain why?**



**Did we meet our aim to close your case within 35 working days?**





**Please tell us more about how you feel about the service that we provided below**

Pointless service. Didn't provide any meaningful argument to my case.

This was my reply to Sean Goss, my casework officer:

'Dear Sean,

I want to thank you for your exceptional service, both initially in replying promptly to my correspondence, and for succeeding in obtaining a refund of the train tickets which I had not succeeded in doing. I appreciate the complexity of dealing with a Swiss train company.

A refund of the train tickets was what I was hoping for so I am very grateful. I paid by credit card so I will check my next statement when I receive it.

Iâ€™m very glad the Rail Ombudsman gave me the contact details of Transport Focus!

Thank you again for your help.

Best wishes...'

It wasted my time

Fine issue resolved

Satisfied!

Unfortunately my complaint was not dealt with, but this may not be the case workers fault. I have little faith in the systems as people just close rank when staff have acted inappropriately and so there is no justice.

The caseworker was very helpful and really helped with my issue. Communication was clear, comprehensive and responses and issue resolution was very quick.

I was extremely pleased

I bought an insurance - that didn't help at all with refund (only partial was received); I missed trains due to flights delayed AND NOT MY FAULT- that also didn't play any role in receiving a refund; in my understanding in order that to get a partial refund for me your Caseworker had to appeal to "nice side of business", instead of relying on terms and conditions. Absurd. However, Thank you for partial refund.

Very good - until I went to Ombudsman I did not know you existed or how to contact you

The caseworker was simply unable to get a response from the other side so closed her file.

It was an efficient, nice service and you saved me, you are really great.

In my experience TfL have repeatedly made the same errors that you yourselves identified, corrected and resolved. Many times. The problem in my experience is perhaps more about TfL NOT TAKING EFFECTIVE REMEDIAL ACTION FOLLOWING YOUR EXCELLENT WORK.

Whilst you told me rightly that you passed on my feedback and yours to TfL, in my EXPERIENCE TfL have not CHANGED.

Perhaps you need to be granted MORE ENFORCEMENT POWERS {assuming that you donâ€™t have these EFFECTIVE POWERS ALREADY}. Otherwise we make one small step forward with you then two steps back with TfL. Endlessly! Not the best way of LEARNING FROM PAST ERRORS LET ALONE IMPROVING. Repetitive, frustrating and unnecessary.

The caseworker was very nice but she only repeated what Eurostar had said to me regarding my complaint so there was nothing new or helpful to me case so I didn't really see the point in it. I thought I would get some advice and help but there was nothing like that. Some of the responses that were repeated from Eurostar didn't even make sense and when I queried it, I was just told that's what Eurostar said.

Efficient service

Happy it got sorted

The agent who took my case did not give up and I am satisfied with the result
Great service - very thankful for your help
I thought the service was top class, the delay above was down to TFL not responding in the normal time frame
Excellent services, really good to know that there is a third party to turn to when you feel you have been unfairly treated who will take up your case on your behalf
good and prompt
Helpful advice
The lady I dealt with was lovely, very professional and responsive. The problem lies with GWR.
A complete waste of everybody's time. You did exactly the same as I did and got the same result. Why bother if you have zero power. I feel I was robbed of by the railway ombudsman to you guys who where a total waste of time
I disputed this fine due to various reasons in my case. I believe this was an act of racism not being taken seriously.
Fine - but you haven't got any clout such as an independent arbitrator might have. Huw Merriman and Jacqueline Starr both agreed I was right but said 'F*** Off' so all in all pointless.
It was shoddy at best, absolutely pointless in me wasting my time contact you when no one helped or acknowledged what happened was wrong.
So poor still have no outcome
Useless. Clearly in bed with the rail operators. Did not help in any way to solution my issue.
Very disappointed that I was led to believe the process would result in a better outcome for me. It only lengthened the time of worrying about the unfair fine, which was probably known from the onset.
The caseworker misunderstood the complaint, which meant it went nowhere
Good service but you need more 'teeth' as rail operators can refer customers to yourselves with knowledge there is little you can do to dispute their actions/decisions. When challenged by yourselves all they did is say I had been through their appeal process and that was that. When I then said upon conclusion that I wanted my case to be logged as a formal complaint I was told to do it myself back with the operator!!
very good a quick
Very tardy, no engagement, lacked knowledge, zero support.
It was a complete and utter waste of time coming to you. There was no real effort to help and no understanding of what had happened
Didn't help at all even though i offered video evidence, you just weren't interested. Wouldn't surprise me if your funded by the very people we are complaining against
Did not help at all. Didn't read my complaint properly. So was unable address the problem.
Completely frustrated about the valued waste of time escalating a formal serious complaint (breach of data protection and harassment by TfL workers) to a department who didn't even take a reasonable timeframe to consider the serious nature of the complaint.
Your handling of my complaint was toothless, and ineffective. It accepted mindlessly answers that could not have been true from the operator (Eurostar) and fed them back to me without exercising either intelligence or judgement in the process.
I received no enough support based on the actual case, situation
unfortunately not happy
Pointless complaint as half the issues were not addressed by either the rail company or the ombudsman. We have now taken legal action and won our case, rendering your service useless.
You assured me that Eurostar had agreed to pay my refund but I still have not received it.

I am so so impressed, relieved and grateful for how you dealt with my complaint and the compensation that I received.
It was better than nothing, and that was because she got the same brick wall that I did so it took months and I can't remember the stages
They didn't listen, they was just demanding the money, they didn't tell me my first appeal was rejected so I would of never known if I didn't ring up to chase it
Although I wasn't able to get refund of money already paid but I believed your intervention put an end to the issue I had with TFL.
Excellent. Justice was Served. Keep up the good work!
Poor.  Transport Focus's pace of investigation was glacial. After three and a half months, several reminders and a lot of extra information, it took the word of the dishonest RSP over my own despite the evidence I had provided. It didn't even bother to say why it discounted the evidence I had supplied or why it treated the word of Northern - who had already been proved to be liars - above my own.  For example, in its final response Transport Focus simply repeated Northern's lie that posters had been displayed at the station before the change to its service. On the whole it appears that TF - like the thoroughly dysfunctional, partial Rail Ombudsman - will do damn near anything to support the actions of Britain's dodgy rail providers instead of its purported job of holding them to account.  Your questionnaire says above that I had a right to appeal the results of TF's investigation. That is untrue: your final response ended with the words "I accept this isn't the answer you were hoping to receive and am sorry Transport Focus is unable to help on this occasion." and no possibility of appeal was mentioned.
The service was satisfactory at it promptly and successfully dealt with my complaint
I think that Travelwatch acted well in the circumstances but I don't think it is right that a public body such as TFL that has the right to appoint bailiffs to enter private property doesn't have a watchdog with statutory powers of investigation and decision-making. The fact that you have to rely on TFL's willingness to cooperate and comply with suggested outcomes is unacceptable in my opinion.
Grateful you exist.
My case worker was very poite and considerate and managed to ensure a positive outcome from my difficulty. I'm very grateeful to her.
Excellent service, very professional and managed to secure a good outcome from TfL. The case officer, Sean Goss, was outstanding.
I dont unfersyand the QUESTION
The service was very unsatisfactory. My questions were not answered. Caseworker was not interested to find a solution. Felt like he just need to tick the box for an enquiry.
My problem was sorted out within 3 days, and everything was very well explained and documented. Thank you.
Sean Gross was excellent. He understood the issue straightaway and listened and sorted
Your service was excellent however I feel the service I received from the transport operator was disgusting and transport operators are purposefully making you part of their complaints procedure
Poor - did not listen nor respond
good

