



ORR Consultation on changes to complaints handling guidance

October 2017

- 1) The Associated Society of Locomotive Engineers and Firemen (ASLEF) is the UK's largest train driver's union representing approximately 20,000 members in train operating companies and freight companies as well as London Underground and light rail systems.
- 2) As a union - working in collaboration with the government, TOCs and other stakeholders – we aspire to deliver a high quality passenger rail service which is reliable, frequent, fast, comfortable and clean. The way complaints are handled affects how people feel about the public transport services they use and it is important that passengers are put before profit, and made to feel valued. We believe that is only right that consumers who are unable to reach a satisfactory outcome to their complaints should be able to get redress independently of the company, so we welcome the government's commitment to introduce a rail ombudsman for unresolved disputes.
- 3) Transport Focus and London TravelWatch currently act as the appeals bodies for passengers who are unhappy with a rail company's response to their complaint. However, they have no formal powers to compel rail companies to act and the only form of binding outcome for passengers is through the Courts. Evidence shows that this system regularly fails complainants and the consequence is that trust in the rail sector is low. In 2016/17 satisfaction with complaints outcomes was just 29%. Current Complaints Handling Procedure guidance requires rail companies to provide a full response to 95% of complaints within 20 working days but ORR statistics show that last year 12 of 24 rail companies failed to consistently achieve this regulatory obligation. It is not surprising that consumers would feel more confident if they had access to an independent dispute resolution service.
- 4) The introduction of an ombudsman scheme would be a positive development – if done properly. However, we have concerns about the fact that the proposals for the introduction in

2018 of a rail sector ADR (Alternative Dispute Resolution) for rail passengers are being developed by an Ombudsman Task Force consisting of the Rail Delivery Group, Transport Focus, London TravelWatch, and the ORR. The RDG representatives are bound and accountable to TOCs and their stakeholders before the interests of passengers. On the other hand there is no representative of an employee stakeholder group sitting on this body to advise about the best way of dealing with complaints about train and platform staff (e.g. from passengers experiencing problems boarding trains). This is an oversight since it is the staff who have direct contact with passengers who are often best placed to identify problems and possible ways of supporting staff to avoid complaints arising.

- 5) It is ASLEF's view that if a passenger's complaint is unresolved, it would be best for them to be signposted directly to the ADR scheme rather than via the consumer bodies that currently act as the appeals bodies for complaints (Transport Focus and London TravelWatch) and ideally the time limit for informing consumers of their right to go to the ADR scheme should be reduced to 6 weeks or less. One of the frustrations experienced by customers is that the current system is too slow and confusing, so adding an additional layer to the existing system would only lengthen and further complicate the process.
- 6) It is our opinion that complaints handling should be regulated by an independent authority and that it should be a requirement in CHP (Complaints Handling Procedures) guidance that all rail companies be members of the ADR scheme. We therefore question whether the introduction of a voluntary ADR scheme goes far enough. The resolutions of the ARD will be binding on the company, but the fact that signing up to the scheme is optional and that membership is not a legal requirement demonstrates that the companies are still in control, and are unlikely to be truly held to account.
- 7) The current proposal is that, until the ORR is named as the Competent Authority, the CTSI will provide monitoring of the functioning of the ADR and will ensure that it meets the standards which consumers expect of it. In order to genuinely raise standards and improve current practice, however, we consider that a system should be in place for recurring failures on behalf of the companies to be referred to the government. The government should then investigate and ensure that TOCs' incompetence and ongoing problems within the industry are dealt with or – failing that - review their franchise contract.

- 8) The high level of dissatisfaction with rail companies' handling of complaints needs to be taken seriously. If the introduction of an ADR scheme and amendments to guidelines for rail companies on complaints handling procedures are to be worthwhile, they must go far enough to bring about a genuine change to a failing system. Otherwise there will be very little benefit in making the changes other than tokenistically being seen to be taking action.

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