

Policy Committee 12.06.18

Secretariat memorandum

Author: Susan James

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Casework report for quarter four January to March 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 issues received by the casework team (vi).

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.

(i) Contacts received

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

In quarter three a total of 1,815 new contacts were received by London TravelWatch via telephone, email and web form.

Case types	Apr to Jun 2018	Oct to Dec 2017	Jul to Sep 2017	Apr to Jun 2017	Jan to Mar 2017
Casework related telephone enquiries	442	248	253	440	401
Enquiries email	58	95	88	83	173
Initial cases	345	343	497	1155	631
Initial plus cases	149	108	144	226	246
Request for papers	196	173	188	156	212
Appeals made to operator	226	231	208	208	227
Appeals responded to directly	256	225	196	209	212
Appeals responded to directly plus	143	95	110	107	107
Appeals sub total	625	551	514	524	592
Total contacts	1,815	1,518	1,684	2,584	2,209
Appeals carried over from previous quarter	49	40	41	57	46
Total cases	1,864	1,558	1,725	2,641	2,255

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 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.

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	January to March 2018		October to December 2017	
	No of cases closed	Percentage closed	No of cases closed	Percentage closed
Days 0-10	137	77%	117	67%
Days 11-20	18	11%	29	17%
Days 21-40	11	6%	21	12%
Day 41+	11	6%	8	4%
Total	177		175	

In quarter two and three 2017-18, there was an increase in appeals from passengers regarding the way their complaint had been handled by the rail operator. Following meetings and discussions between the casework manager and key London rail operators, there has been a clear reduction in the number of cases received by London TravelWatch regarding this issue.

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	January to March 2018		October to December 2017	
	No of cases closed	Percentage closed	No of cases closed	Percentage closed
Days 0-10	18	40%	26	60%
Days 11-20	12	27%	8	19%
Days 21-40	10	22%	7	16%
Day 41+	5	11%	2	5%
Total	43		43	

TfL are still struggling with their response times although there was improvement towards the end of quarter four. TfL have expressed concerns with this and have asked that their exec team more regularly meet with the casework manager in order to be kept updated so that any issues that may be preventing the 10 day response times being met, can be addressed.

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

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

Transport for London

Operator	Jan to Mar 2018		Oct to Dec 2017		Jul to Sept 2017		Apr to Jun 2017		Jan to Mar 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	4	9	2	25	1	17			1	18
London Overground	3	29	4	15	5	9	1	7	2	31
TfL London Buses	20	20	9	3	11	15	3	5	9	13
TfL London Underground	12	20	4	17	8	9	2	11	4	11
TfL Roads & Streets	1	9	2	2	11	10	8	8	13	14
TfL Dial-a-Ride			1	9	1	17				
Oyster			12	13	11	7	9	11	9	13
TfL Other	1	1			1	8	4	5		
Tramlink	1	13								
TfL Rail			2	4					4	20
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 Services Limited.

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 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.

C2C

- i. Ms C had handed in four travelcards in at Fenchurch Street station in order to receive a refund as they had not been used. c2c claimed not to have received them so no refund had been issued. On appeal, c2c agreed to refund the tickets as there was also no evidence that the tickets had not been handed in.
- ii. Ms P's pre-booked tickets from Barking to Manchester were not accepted by c2c barrier staff at Barking so she had to buy new tickets. She applied to Trainline for a refund which they refused to give, as they said the tickets were valid for the c2c route via Fenchurch Street. c2c however also refused to issue her with a refund. At this point Ms P came to London TravelWatch. The case was appealed to c2c and chased twice for a response. c2c responded with an offer of a full refund due to length of time they had taken to respond and also because their staff on the gateline at Barking should have accepted the valid tickets.

GTR

- i. Mr L had an issue with GTR over calculation of his season ticket refund. Initially they refused to refund him as the amount due was under £10 which, with the application of the £10 administration fee, would have put Mr L into debit. On appeal, GTR confirmed that the original calculations were correct. However, due to the length of time taken to resolve this case GTR offered Mr L a goodwill gesture of rail travel vouchers.

- ii. Ms V was travelling from Kentish Town to Luton Airport. Her train was re-platformed at the last minute resulting in her missing the train and having to take a taxi to complete the journey. GTR offered her £3 compensation for the missed train, but nothing for the taxi fare. The case was appealed and following negotiation, GTR agreed to a partial goodwill gesture towards the cost of the taxi fare and also to refund the entire cost of the original train ticket as it had not been used.

GWR

Mr W made a Delay Repay claim but GWR failed to respond and he complained to London TravelWatch about having to wait so long for a refund. London TravelWatch appealed and a goodwill gesture was agreed upon in addition to the outstanding delay refund. Mr W was satisfied with this outcome.

London Northwestern Railway

Mr A submitted claims for numerous delays and cancellations, but after six weeks London Northwestern Railway had not responded so he came to London TravelWatch. The case was appealed, and London Northwestern Railway said that they had not received any contact from Mr A and asked if they could liaise with the passenger directly. The passenger agreed and the case was closed.

Southern

Ms W purchased two 1st class tickets for travel with Southern. The 1st class carriage was subsequently declassified so Ms W submitted claims for refunds. Southern, however, disputed the declassification and the claims were rejected. Ms W came to London TravelWatch and the case was appealed. After some negotiation Southern accepted the claim and made an appropriate offer.

SWR

In accordance with SWR's promise to award annual season ticket holders a 5% discount for poor service in 2017, Mr B submitted a claim. SWR rejected the claim as part of Mr B's route was on Southeastern. Mr B then contacted London TravelWatch. The case was appealed, and SWR confirmed that a discount was not due, but agreed one anyway as a gesture of goodwill.

VTEC

Following problems and delays on her return journey from King's Cross to Newcastle, Ms G made a complaint and delay compensation claim. Although she received a response telling her that she was entitled to delay compensation, she did not receive a response to her claim. London TravelWatch contacted VTEC agreed to immediately process BACS payment on receipt of Ms G's bank details.

Transport for London cases with longer response times than 10 days

There are 27 cases that took longer than TfL's 10 day response target and a representative example of these are detailed below.

TfL Buses

Ms B came to London TravelWatch as she did not get a response from TfL regarding her complaint about a bus driver. When the caseworker investigated, they found that Ms B had been using the wrong email addresses when complaining to TfL who, therefore, had not received her complaints. The case was kept open until TfL confirmed that they had spoken directly to Ms B and also confirmed that appropriate action had been taken with the driver.

TfL DLR

Mr B had complained to TfL regarding reduced capacity of some DLR trains and he was unhappy as he was not offered an immediate resolution. The case was appealed and TfL explained that due to a backlog of rolling stock maintenance, some carriages had had to be taken out of service. This meant that many of the trains were running with just two carriages instead of three but services would return to normal by May 2018.

TfL Overground

Mr J had safety concerns regarding the stopping position of a train at Stoke Newington station. He complained that the doors opened to a part of the platform with painted instructions not to alight. He was unhappy with TfL's response as it only stated general safety policy, but made no reference to the platform at Stoke Newington. TfL's initial response to the London TravelWatch appeal was similar and generic, so the caseworker re-appealed. TfL agreed that their response needed to be more specific and requested that they contact Mr J directly. The case was kept open until Mr J confirmed that he was satisfied with the response he had received from TfL.

TfL Oyster

- i. Ms J asked London TravelWatch to investigate an unauthorised charge to her Oyster card as she was unsatisfied with the response from TfL. She also wanted to know why TfL issued her with a new Oyster card when the original one had not been cancelled. TfL stated that the original card had been reported lost and therefore they had cancelled it. Although unhappy with TfL's explanation, Ms J agreed to the refund of the disputed amount.
- ii. Ms C uses a zone 2-4 travelcard and contacted London TravelWatch because TfL said her journey was classed as via zone 1 regardless of the route taken. The caseworker explained that some journeys do assume entry into zone 1 but nevertheless appealed the case to see if the fare would be likely to be changed in the future. TfL advised that they would be introducing a pink reader on Ms C's route which means she will no longer be charged the zone 1 fare.

- iii. Mr E complained to TfL regarding the high Oyster fares from boundary zone 3 to Merstham. TfL confirmed the prices to be correct so Mr E appealed to London TravelWatch. In response TfL explained that the Oyster fare from boundary 3 is set by Southern and therefore not under their control. Further investigation regarding this fare revealed that Southern can choose, but not be forced, to change their pricing structure.

TfL Underground

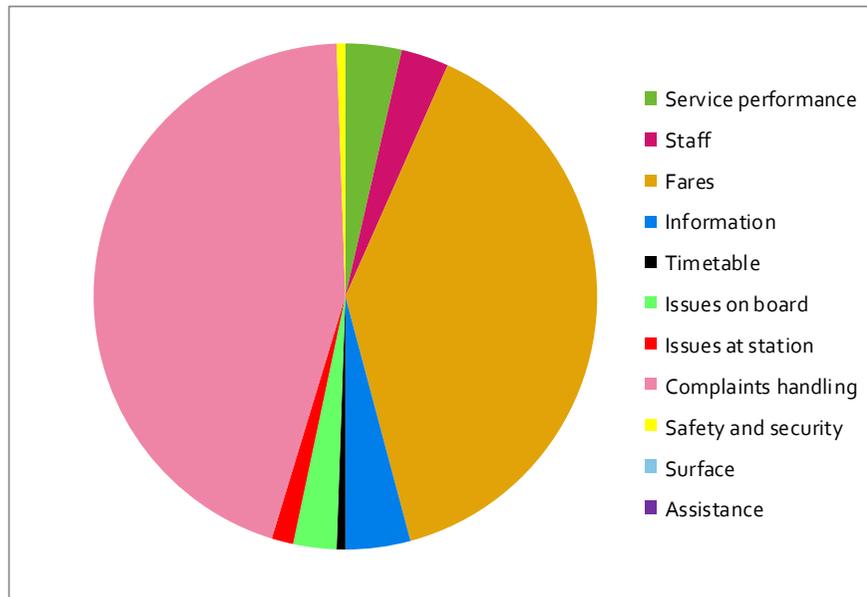
- i. Mr J got in touch with London TravelWatch regarding delays and cancellations on the Hammersmith & City line and had not been satisfied with TfL's response. He had also been concerned regarding lack of information provided during periods of disruption. TfL said that they are aware that passenger information should be provided at stations, but also advised of the limitations of the infrastructure currently in place that provides it. They have suggested that passengers can opt to receive updates on Twitter to which he agreed although he remains unsatisfied with the delays.
- ii. Ms T, a passenger with a medical condition, and prone to seizures, complained to TfL regarding her treatment by London Underground staff. It appeared that staff were not aware of how to handle Ms T's condition and were regularly calling in the police as they did not know how to manage the issue. The area manager for the station had also instructed staff not to engage with Ms T. Unhappy about this, Ms T came to London TravelWatch who appealed and requested that TfL organise a meeting between Ms T and their Accessibility Manager. Both parties were satisfied that was the best way forward and the case with London TravelWatch was closed.
- iii. Ms D complained to TfL regarding the refunds process for passengers having to change routes due to cancellations and then pay a higher fare to take a different route. TfL refused to include an option for this type of claim on their website so Ms D came to London TravelWatch. On appeal TfL insisted that the webform could not be changed as this kind of claim does not fall into the category of service delay. London TravelWatch suggested that the webform could give advice to contact customer services for claims other than service delay. TfL said they would seriously consider this.

(v) Appeals by category

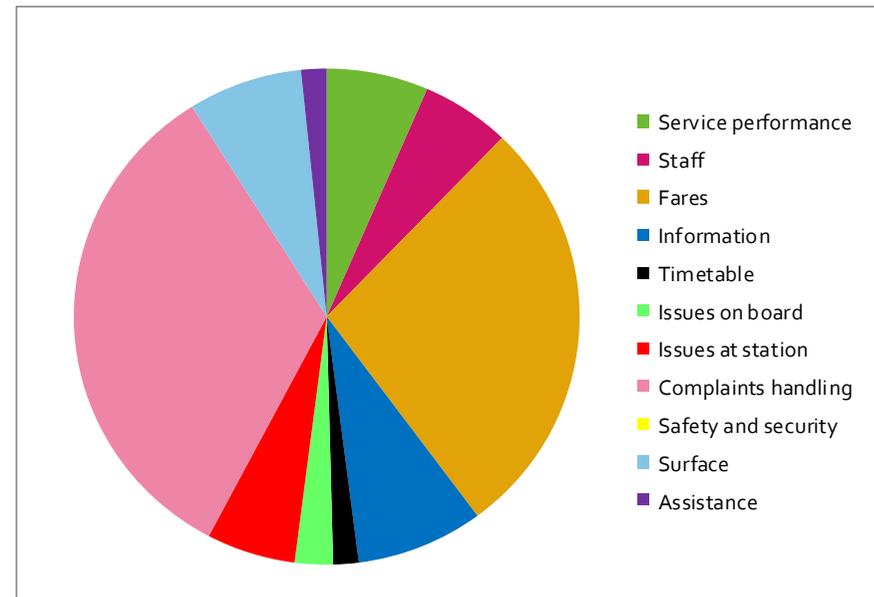
The charts below summarise the main types of appeals received by London TravelWatch regarding both National Rail operators and Transport for London.

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

Rail operators



Transport for London



(vi) Main issues received

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

National Rail operators

The casework team received surprisingly few contacts about the timetable changes that came into affect on 20 May 2018. However, we may still see appeals from passengers whose complaints are still with the rail operators.

There has been an increase in contacts from passengers about the lack of ticket information for passengers travelling to Stansted Airport from Liverpool Street and Tottenham Hale. London TravelWatch are monitoring this issue and reporting evidence supplied by passengers to the senior staff at Greater Anglia.

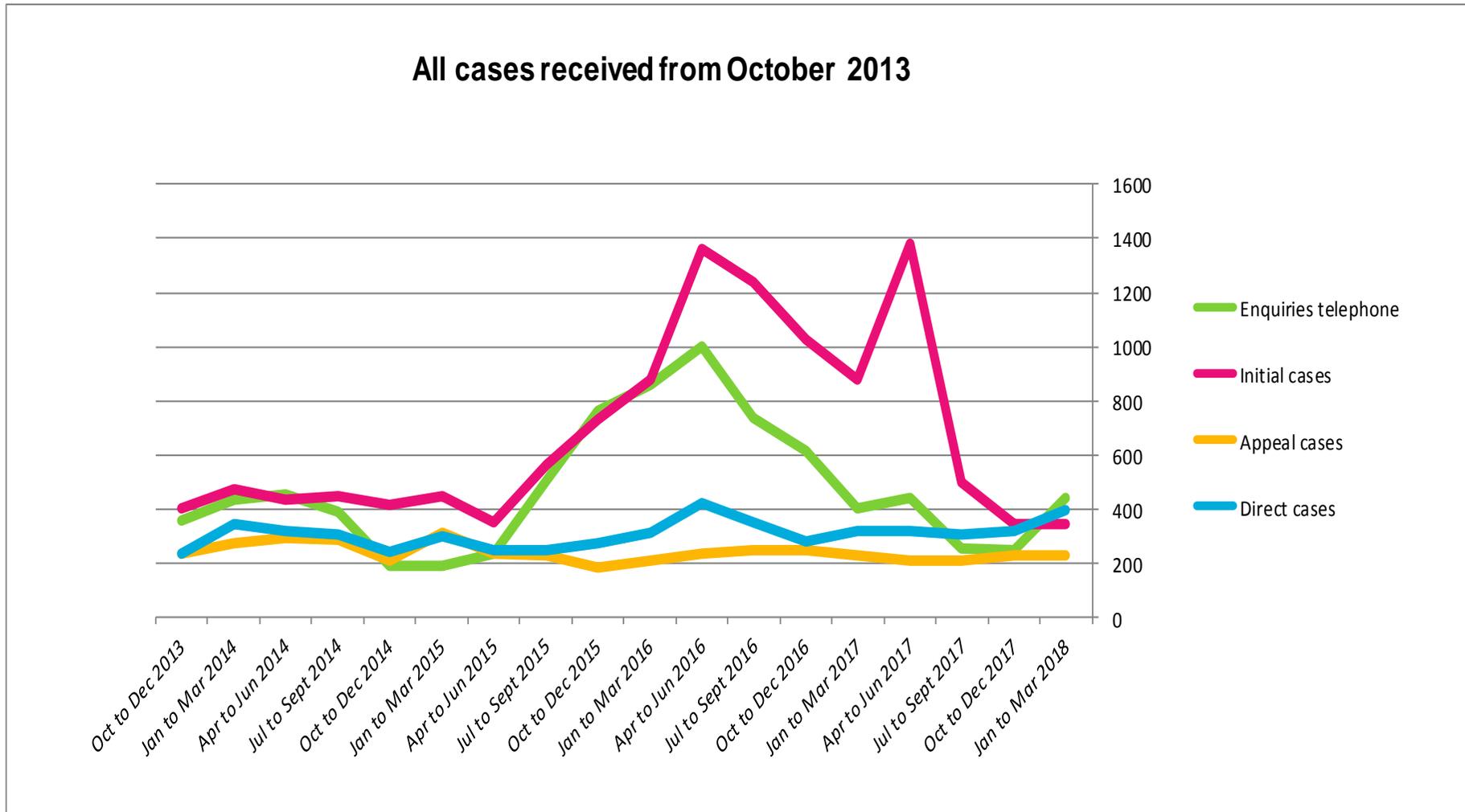
Transport for London

Following the TfL customer services presentation, it is disappointing that TfL are still to respond to some issues raised by the London TravelWatch casework manager including TfL legacy emails, the Oyster contact centre and London bus countdown. Efforts are, and will continue to be made, to obtain this information.

The casework team

High level investigation into the number of complex cases managed by the caseworkers suggests that approximately 45% of all appeals are either complicated, have a lot of correspondence or both. This means that more time is needed to effectively manage the appeals.

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.

