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**Secretariat memorandum**

Agenda item: 8  
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Confidential and informal background information

**Introduction**

As this is the first meeting of the new Consumer Affairs committee, we thought it would be helpful to provide additional supporting information. This is set out under the following headings:

- A. Further information on performance reporting
- B. Penalty fare appeals
- C. Operational issues
- D. Casework examples
- E. Proposed future changes to casework reporting and practice

**A. Further information on reporting and statistics**

Initial cases are not currently recorded in the five targets. These cases must be acknowledged (normally automatically) and passed to the operator within five working days of receipt. When appeals are sent by Passenger Focus, the auto acknowledgement goes to Passenger Focus. To save time and to reduce initial contact with the appellant, the casework team respond to the passenger with information about their case within 48 hours of the case being received by London TravelWatch. Appeals received by post are managed in the same way.

In Quarter Three there has been a substantial drop in the number of appeal cases received (target two) and therefore fewer cases closed (target four). There are two likely reasons for this:

- i. The casework team has a much clearer idea of what they are able to assist with. For example, almost all penalty fares/prosecutions are correctly issued, however, the casework team will frequently argue a case on behalf of an appellant if we believe the circumstances surrounding an incident could lead a passenger to make an error (such as getting a non-stopping train instead of a stopping service). We will try to assist with these cases.

We are unable to assist passengers who have not paid their penalty fare nor taken notice of the reminders sent by the appeals and the unpaid debt had been passed to a debt collectors. We are able to advise passengers how to

proceed without the need to liaise with the operator, so these cases are classified as a 'direct' rather than an appeal.

- ii. The advance of the social networking site Twitter may also have led to a drop in the number of passengers appealing to London TravelWatch. Historically a passenger might be upset by an issue with their journey and then, when able, would research how to complain. London TravelWatch contact details would arise during this research or the operator would put them in touch with us. Many passengers now complain immediately via the social networking site, or read other complaints similar to their own, and either believe that there is no point complaining or, having given their opinion, feel no need to continue with the full complaint process. Very few passengers have contacted London TravelWatch with a complaint using Twitter.

## **B. Penalty fare and unpaid fare notice appeals**

Various penalty fare systems provide the casework team with their most common and complicated challenges. There are three main penalty fare appeals organisations used by the transport operators. They all have different processes and management methods, all claim to be independent and are all funded by the rail operators.

### **i. IPFAS**

Housed in the same building as one of the rail operators, IPFAS have very strict processes for the management of penalty fares. The penalty fare and appeal are seen as two separate matters. The penalty fare must be paid within 21 days, regardless of whether or not the passenger is in appeal. If the penalty fare remains unpaid, administration costs will be added. If the appeal is upheld the money will be refunded but minus any administration charges incurred while the fine remained unpaid. There is a list of discretions that the operator will use to consider an appeal. This list is short and IPFAS adhere to it strictly.

### **ii. IAS**

Using a more flexible approach, IAS will hold a fine at its current cost whilst the passenger is in appeal and will not start to add administration costs until the process is over and the appeal rejected in writing.

IAS have issues with their IT systems which allow passengers to pay a fine on their website which is not an IAS fine. IAS is introducing a new IT system in February and the Casework Manager and a senior Caseworker will visit their offices in March.

### **iii. IRCAS**

This organisation is part of IAS and manages the first stage appeals for TfL (all modes), who have a very robust appeal system. The second stage is for an appeal to be made to TfL directly. The third stage would be appealing to an Independent Appeals Panel, who will make the final decision. During this process the penalty fare is held at the lower cost and remains so (assuming the passenger adheres to the correct process) until the final decision is made.

IRCAS also manages the debt recovery for IAS.

**iv. RPSS**

This organisation manages the debt recovery for IPFAS but cannot take appeals. Confusingly, they also manage Unpaid Fares Notices for some of the long distance operators and will look at appeals in these circumstances, although East Coast manage their own appeals.

**v. Costs**

All rail operators charge £20 penalty fares. Transport for London charges £80 – reduced to £40 if paid within 21 days or the appeals process followed.

## **C. Operator Issues**

Reasons for some of the response delays or where the casework team have received an unusually large number of cases in this quarter are explained below.

**i. Docklands Light Railway**

DLR responds quickly and effectively as most appeals to London TravelWatch are dealt with efficiently by SERCO. (SERCO are contractors who operate and maintain the DLR.

There has been one very lengthy case which unfortunately adversely affected their response times. Due to rail delays a passenger changed his route and mode, and used the DLR. When walking between modes the Oyster readers are not at all clearly visible, so the passenger did not validate his Oyster card and therefore incurred a penalty fare. One of the London TravelWatch caseworkers visited the station and agreed that the Oyster readers could be easily missed.

The casework team requested that this case be looked at by TfL and there was a considerable delay. However, the appeal was upheld and the passenger was refunded.

**ii. Greater Anglia**

Greater Anglia had many more initials than usual in this quarter. A conversation with Passenger Focus confirmed that this was also an issue for them. Investigation by London TravelWatch established that the Greater Anglia website did not indicate a clear complaint path so complainants came directly to London TravelWatch or Passenger Focus (or both). The London TravelWatch Casework Manager contacted Greater Anglia to advise them of this issue and the contact process has been slightly altered and simplified on line

**iii. London Buses**

Bus appeals have historically had longer response times because TfL would have to contact the bus operators to investigate. Many bus complaints also involve complaints against staff usually the drivers, making the investigation much longer. TfL have taken positive steps to manage this and the response times have reduced dramatically.

**iv. South West Trains**

In some respects South West Trains have been unfortunate to have incurred a large proportion of appeals following delays caused by passenger action (suicides or attempted suicides). Also South West Trains refund delays based on the passenger charter scheme. The passenger charter refund scheme does not refund for matters outside the operator's control and passenger action falls in this category. Passenger action at Waterloo normally means that the police will shut down the entire station. This will cause delays on the entire network and will continue to cause delays throughout the day as the trains will not be at the correct locations to run to timetable.

Other rail companies operate 'delay repay' which offers refund for most delays, not including strike action.

**v. Transport for London – All modes except DLR and London Overground**

As part of the TfL's internal restructure, known as Project Horizon, a customer service central contact point was introduced. Conversely, for some modes, this led to longer delays in obtaining satisfactory responses. London TravelWatch and the TfL customer service managers have put into place processes to reduce this delay, which should be demonstrable over the next six months.

## **D. Casework examples**

Below are some examples of cases closed during the last quarter. The case types are common and reoccur frequently with passenger and/or journey variations.

**i. Penalty Fares**

Mr D received a penalty fare because he took a route to a station not valid on the ticket he claimed he was carrying. London TravelWatch appealed the case because there was disruption on the day in question and the passenger's ticket should have been accepted for a reasonable alternative route. The penalty fare body advised London TravelWatch that the appeal was rejected as the passenger was unable to produce any ticket at the barrier.

Mr A was very confused about the penalty fare process as he is dyslexic. London TravelWatch appealed and IPFAS refused to cancel the penalty fare. The casework team then appealed to Southeastern who refunded the £20 penalty fare the passenger had previously paid.

**ii. London Underground delay refund**

Mr X experienced a delay on London Underground and completed the delay repay form incorrectly and therefore was not entitled to a refund. On appeal London TravelWatch liaised with the central customer service team at TfL as the error was small and was able to organise the refund to be collected directly onto his Oyster card at his local station.

**iii. Oyster cards**

Mr S complained that Transport for London refused to reimburse him for the journeys he made where he was charged the full adult rate instead of the student discount he was entitled to. Mr S realised that the student discount had not successfully loaded to his Oyster card but TfL refused to refund him on the basis

that it was his responsibility to check that it had been correctly added before making any journeys. After London TravelWatch intervened, TfL agreed that they had delayed in responding to Mr S and therefore offered a goodwill gesture of £10, which amounted approximately to the sum Mr S had lost out on.

**iv. Rail Refunds**

Mr W complained that South West Trains refused to reimburse him for one of two tickets that he had purchased for the same journey. The first ticket he had purchased was not valid due the time he was travelling and he therefore had to purchase a new ticket at a cost of around £86.00. South West Trains refused a refund on the basis that the total cost of the two tickets was still cheaper than the fare he should have paid, which they argued was a standard ticket of £186.50 and therefore no refund was due. However, after London TravelWatch intervened, it was discovered that there was an easement on Fridays which allowed off peak travel out of London after 09:01am and therefore Mr W had paid the correct fare of £86.00 on his second ticket, not £186.50 as quoted by South West Trains. With this new information, which South West Trainshad been unaware of, they agreed to offer Mr W a refund of his first ticket, a total of £65.60.

Mr J was delayed for 2.5 hours on 12 October 2012 when there was severe disruption to trains going out of Waterloo. Originally a standard reply was sent advising of what happened but it didn't answer the questions he'd raised. On appeal from London TravelWatch, a detailed reply was received and £20 in rail travel vouchers was offered as gesture of goodwill.

**v. Lack of Information**

Ms F was travelling from Stansted and wanted to get off at Tottenham Hale. The onboard information showed it would be stopping there but the train went direct to Seven Sisters, eventually arriving at Liverpool Street from where the passenger's husband had to collect her, although he'd been waiting at Tottenham Hale. Originally, Greater Anglia said it was due to planned engineering works and offered nothing. On appeal, Greater Anglia confirmed there were planned engineering works but could see there could be confusion with the onboard information and they offered £20 in rail travel vouchers.

Mr R complained that East Midlands Trains refused to reimburse him for the cost of a hotel and new ticket, which were the costs he incurred after missing the last train home. The CIS screens at St. Pancras displayed incorrect information about the last train departure time, but East Midlands Trains passed Mr R to Network Rail as they are responsible for the information that is displayed. Network Rail refused Mr R's claim and advised him to contact East Midlands Trains. After London TravelWatch intervened, East Midlands Trains agreed to reimburse Mr R the cost of the hotel and new ticket, a total of £252.60.

**E. Proposed future changes to casework reporting and practice**

**i. Reporting**

Historically, both the Board and the Transport Committee of the London Assembly were concerned at the length of time taken to turnaround casework

within London TravelWatch. Hence the memorandum of understanding negotiated between the two organisations in 2007 placed heavy emphasis on reporting against time targets.

A lot of work went into improving the turnaround times and, as the figures confirm, we consistently meet or exceed these targets.

For completeness it is suggested that we continue the current reporting format until the end of this financial year and new performance targets are adopted from April 2013.

The casework manager will continue to monitor all performance internally to ensure that the targets are achieved.

**ii. Qualityproject**

To further improve on the quality of casework.

We are currently reviewing our approach with a view to implementing various changes. Further changes will be reported to a future meeting.