
Casework report

Agenda item LTW767

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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 of 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 (within the) scope for (of) the Rail Ombudsman.
Tickets Retailers	Sell rail tickets. but do not provide any form of transport.
Foundever	The current outsourced contact centre manages the telephone calls and first contacts. This provision is currently being market tested.

July to September 2024

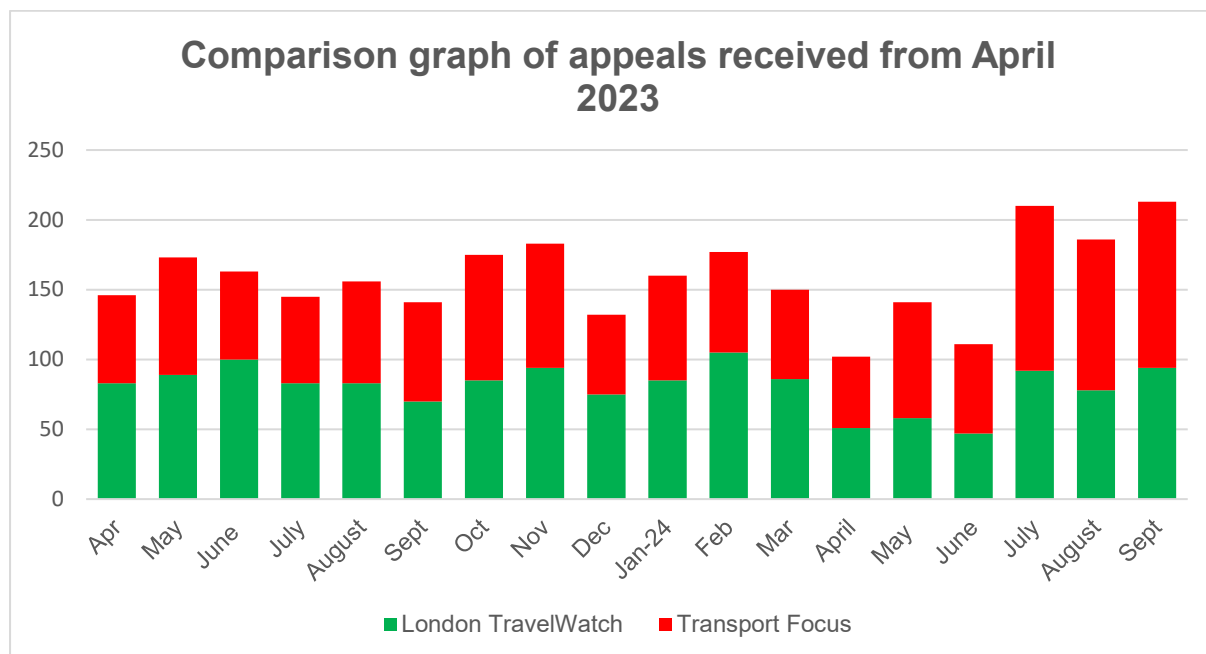
Overview

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

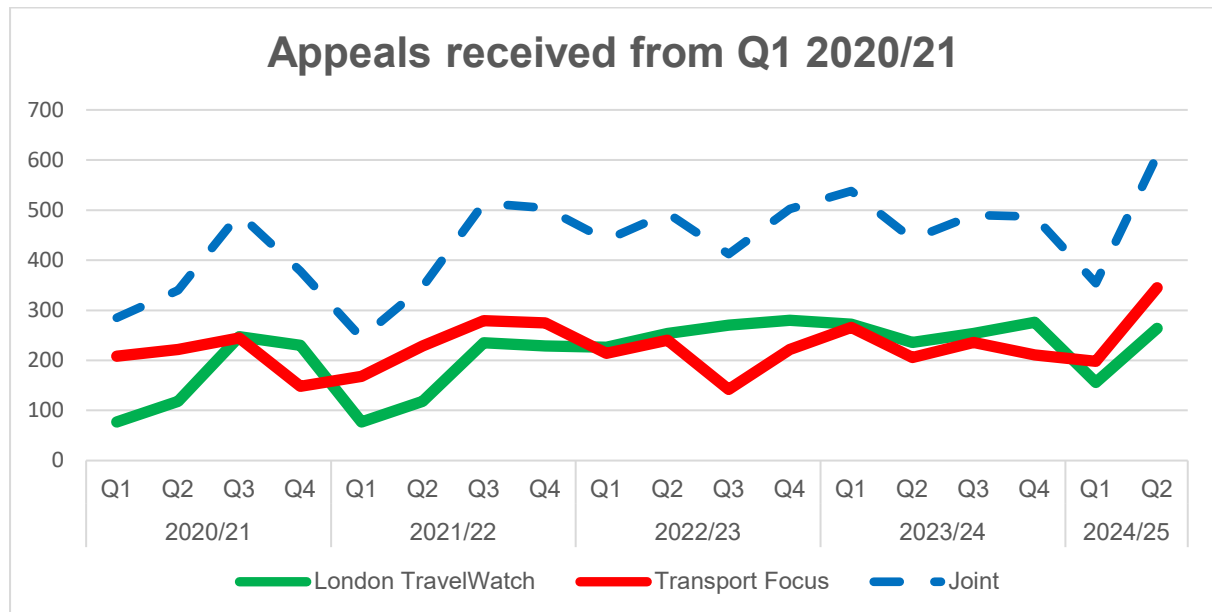
Appeals Casework

609 appeals were received in total in Q2, compared with 354 in Q1 showing an increase of 72%. The figures for London TravelWatch were 264 vs 156 and for Transport Focus were 345 vs 198. Explanations for the increase is provided later in the paper.

The graph below shows the comparison between appeals received from April 2023 to September 2024. In the previous 12 months, February and September were the busiest months for London TravelWatch, and July and September for Transport Focus.



The graph below shows appeals received since April 2020. Passenger contact has risen in this quarter with increased contact about penalty fares and more recently, lack of response from TfL which we believe is due to the cyber attack which is causing delays to their case handling.



Forecasting casework for 2024/25

It is challenging to forecast casework as we provide a reactionary service to the issues passengers are experiencing. We usually see uplift in contact with changes to timetables and fares. The start of the school year can be a trigger for additional contact and the recent cyber attack on TfL may exacerbate this. Later in the year we may see additional appeals following the changes to border control at London St Pancras although most of those cases will likely be outside of our remit.

Rail operators

Penalty fares (PFN) remain the most complained about topic for rail passengers. We have noted passengers who have tickets still being charged PFN's based on a technicality rather than the fare not being paid. We have provided information relating to these case types to Transport Focus who will include this as part of their current penalty fare research and challenge the industry.

We are finding that a proportion of penalty fares are being issued to passenger who have purchased rail tickets using out of date Railcards. There is no check on whether or not a Railcard is valid, and passengers frequently forget to check the expiry date. When ticket is purchased with an out of date rail card, the ticket becomes invalid, and

the passenger is viewed as travelling without a valid ticket so a penalty fare can apply. Transport Focus will consider this matter as an emerging issue and decide next steps.

Eurostar

Appeals regarding Eurostar remain consistent but there is no general theme. During the pandemic there was more ticket flexibility which allowed passengers to amend their plans at the last minute. Although there is more ticket flexibility than prior to Covid, there is less than during the pandemic itself.

TfL

The cyber attack has impacted on all areas of TfL although to date the CW team have seen surprisingly low numbers of contact. Most appellants have been understanding of the issue and willing to wait that bit longer for responses. London TravelWatch will still pick up cases where a passenger is considerably financially impacted to provide support and a more convenient process.

Ticket retailers (including Trainline)

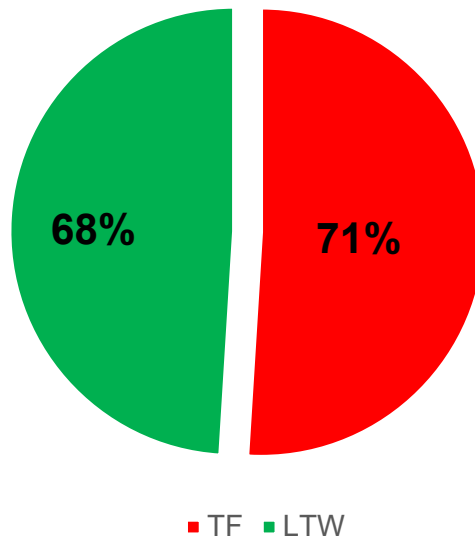
London TravelWatch and Transport Focus are the appeals bodies for all ticket retailers because these organisations do not currently fall within the remit of the Rail Ombudsman. In discussions currently taking place about this, some but not all of the retailers seem willing to agree to a change of approach.

The Senior Casework Officer noted that one ticket retailer struggled with our appeals due to lack of knowledge of who we are and what we do. She eventually managed to get a meeting with the retailer so that they could understand our position in our representation of passenger interests.

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 frequently require additional challenges, with repeated contacts to provide the passenger with additional value. We keep the passenger informed of our progress throughout, although upwards of 25% of cases can take more than 45 working days to close. Some transport operators have advised us that they have reduced staffing levels which delays their responding to us. It is also worth noting that while most transport providers respond in a reasonable timeframe, they do have 20 working days to respond to our appeals.

Appeals closed within 35 working days



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

<i>Operators about whom we have closed the most appeals</i>	<i>No of appeals</i>	<i>Subject of appeal</i>	<i>Outcome</i>
Northern	46	Penalty fares and refund policy	22 successful, 10 information provided*
TPE	24	Penalty fares, retailing and refunds	11 successful, 9 information provided
Merseyrail**	23	Fares, retailing and refunds	6 Successful, 11 information provided

* An example of information provided is where the Caseworker has been able to answer passenger questions or provide more information so that the passenger was in a better position from having contacted us.

**For the first time in 24 months, Trainline is not one of the top organisations receiving the most appeals. More cases were closed for Merseyrail this quarter and knocked Trainline off the leader board.

Other London TravelWatch appeals closed by mode with the highest number of received appeals.

<i>TOC</i>	<i>No of appeals</i>	<i>Subject of appeals</i>	<i>Outcome</i>
Eurostar	60	Refunds, refund policy, staff conduct/availability and complaints handling.	56 outcome improved, 12 no improvement and 33 information provided.
TfL Buses*	49		

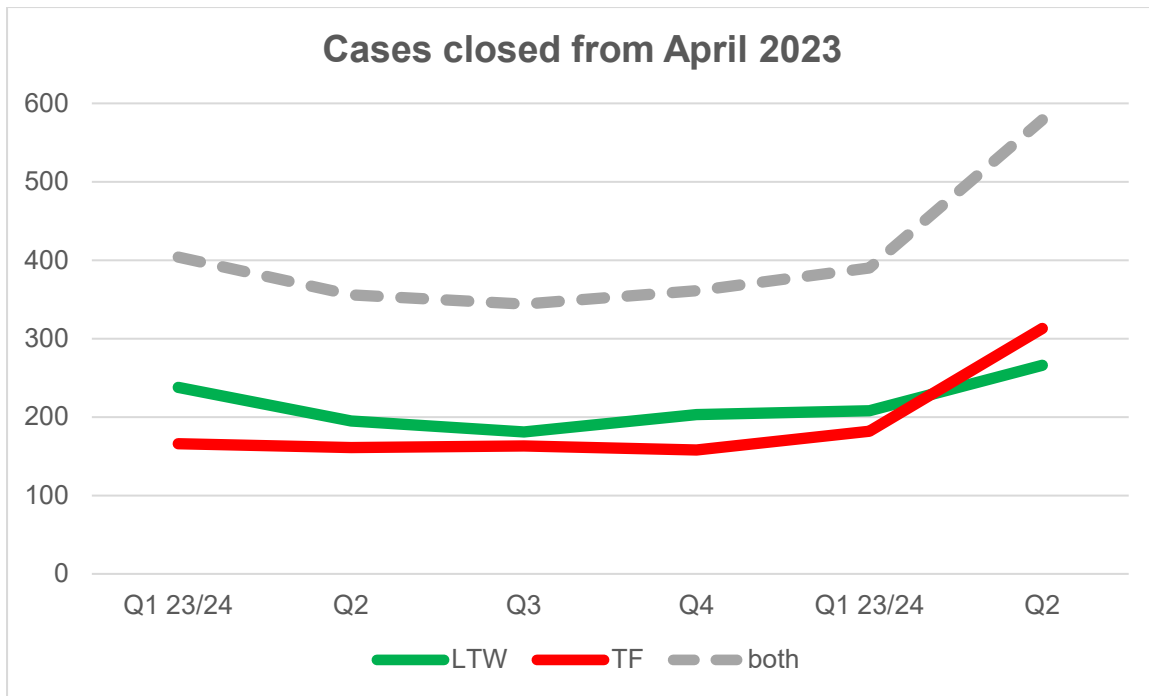
*The type of appeals received about TfL Buses are from passengers who are unhappy that a bus didn't stop or that a driver was rude. It is almost impossible to determine why a driver didn't stop which is most unsatisfactory for the passenger. The outcomes passengers want to see for staff conduct is to know that the driver has been disciplined but TfL are unable to share this information with us. These complaint types are very frustrating for passengers because there is no real outcome to provide. We do advise passengers about these limitations on our website, in a document they are sent before a Caseworker picks up their case and again, and in specific detail when their Caseworker first writes.

Another common appeal is a claim for injury on board a Bus, but this type of appeal is outside of the remit of London TravelWatch.

Closed appeals for Q2

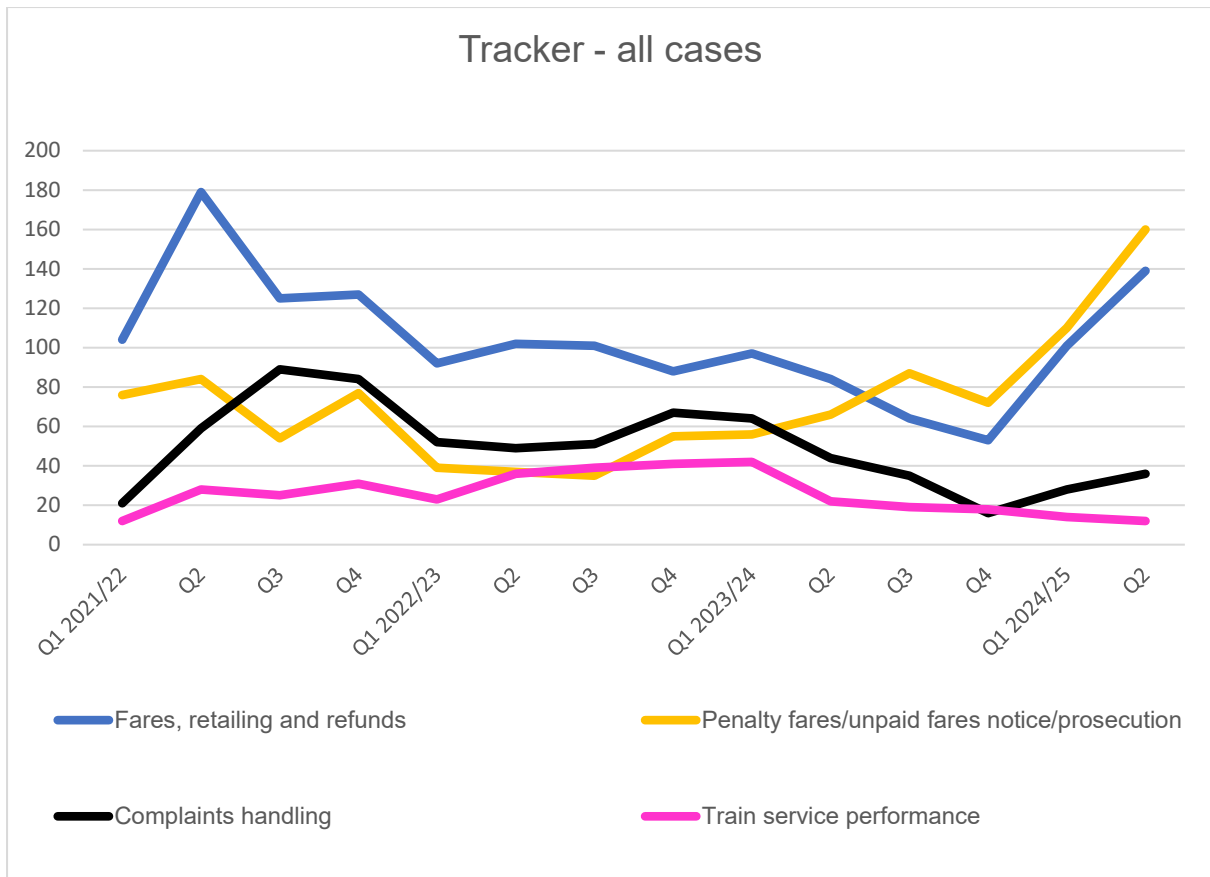
The casework team do not have the authority to insist that a transport provider or ticket retailer respond favourably to our appeals. All the successes are achieved through negotiation, persuasion, and the relationships the casework team cultivates with their industry contacts.

In this period, 266 (208 in Q1) appeals were closed for London TravelWatch and 313 (182 in Q1) appeals were closed for Transport Focus.



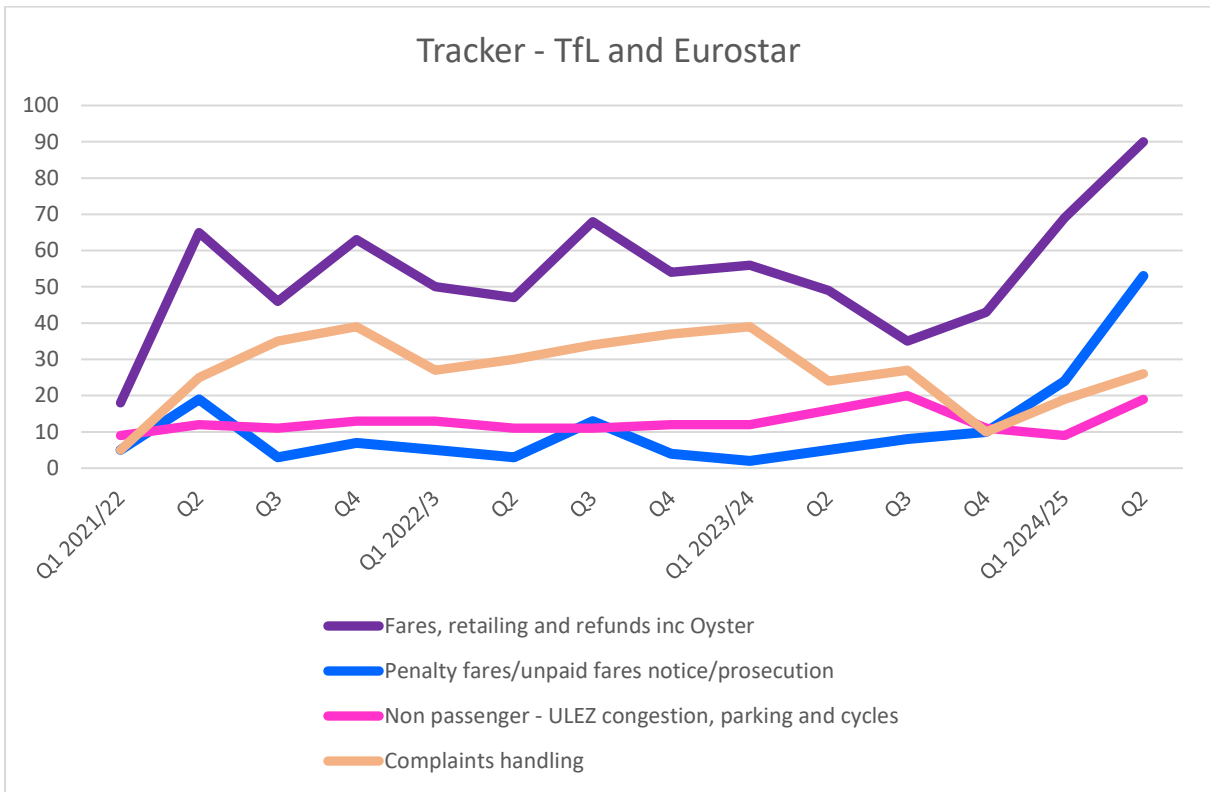
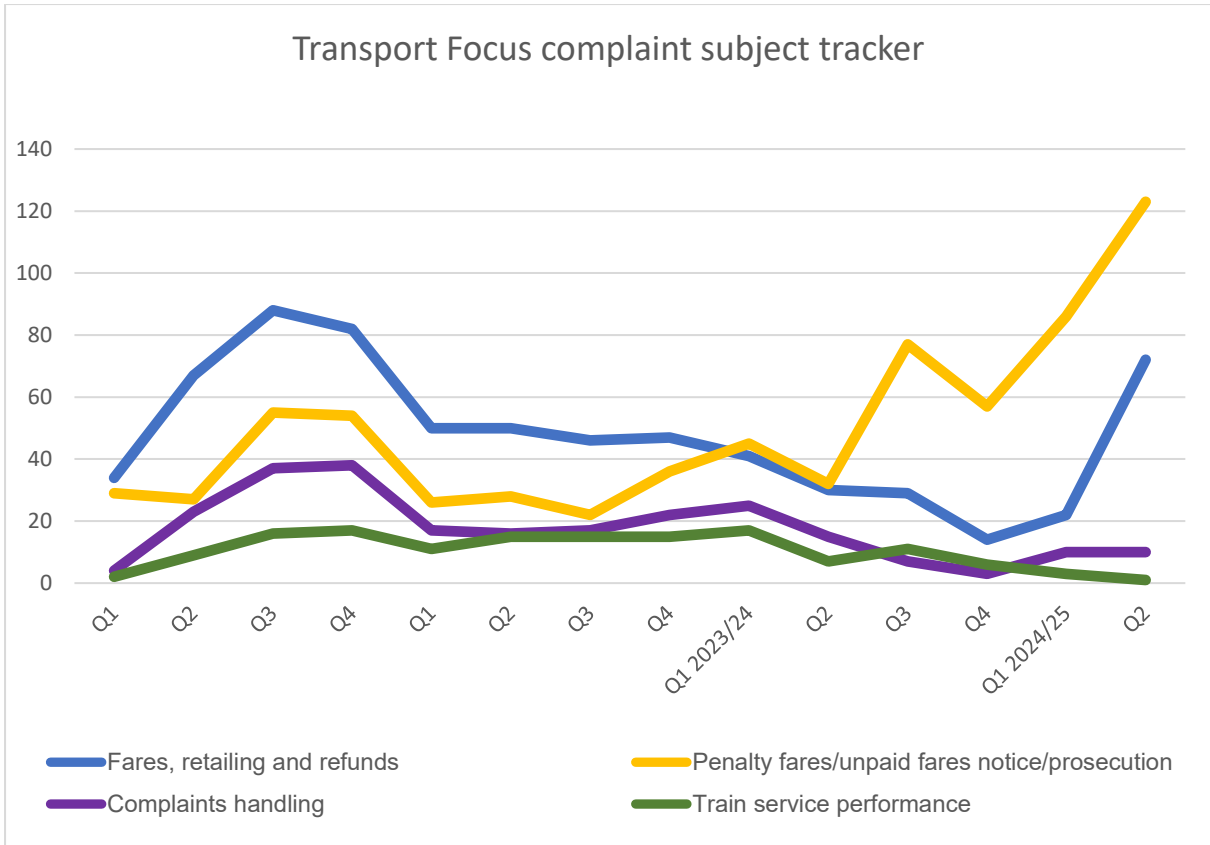
Case types received.

The four categories of appeals that London TravelWatch and Transport Focus usually receive relate to fares (including refunds), penalty fares, service performance, and complaint handling. We track these categories to look for any trends. Appeals about train service performance have surprisingly decreased considering the amount of disruption and industrial action on the network.



The above and below tracker graph show that the rail industry is increasing the revenue protection on their services, so it is unsurprising that we are seeing more contact from passengers who have incurred penalty fares or other revenue protection action. Neither London TravelWatch or Transport Focus are official penalty fare appeal bodies, and we do not have the authority to overturn penalty fares. Where appropriate, the Casework team try to help passengers by approaching the issuing rail operator asking for a passenger’s individual circumstances to be considered and we are successful in having some penalty fares overturned or costs reduced in over 30% of cases.

At the Transport Focus PCG, the casework report did highlight the number of penalty fares issued on a technicality rather than any loss of revenue. Transport Focus will be taken this forward with the industry as cases relating to penalty fares fall predominantly into their remit.

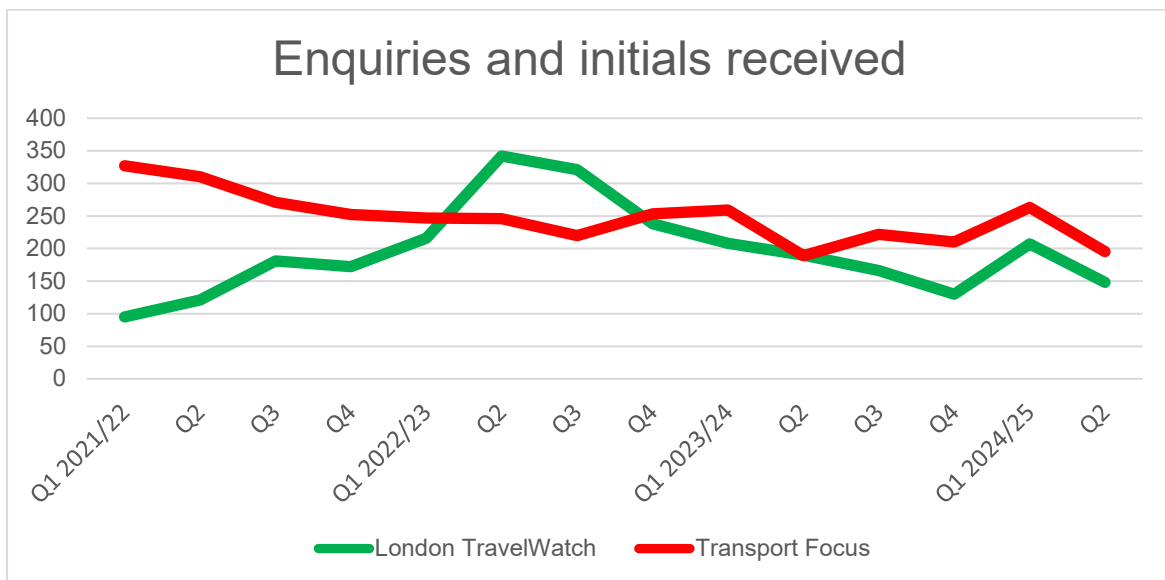


The top four complaint categories received in the London TravelWatch-only geographical remit are slightly different, as we also take complaints from drivers who

have incurred parking, congestion, and ULEZ fines. Appeals from drivers have increased slightly and managing this case type can take up a lot of resources.

Initial and enquiry contacts

The new outsourced provider has been handling our initial contacts for six months. Whilst the work is generally satisfactory, there has been some ongoing issues that are not resolved and substantive challenges in getting the senior team to proactively engage. The contract is between Foundever and Transport Focus who are taking steps to resolve the issue.

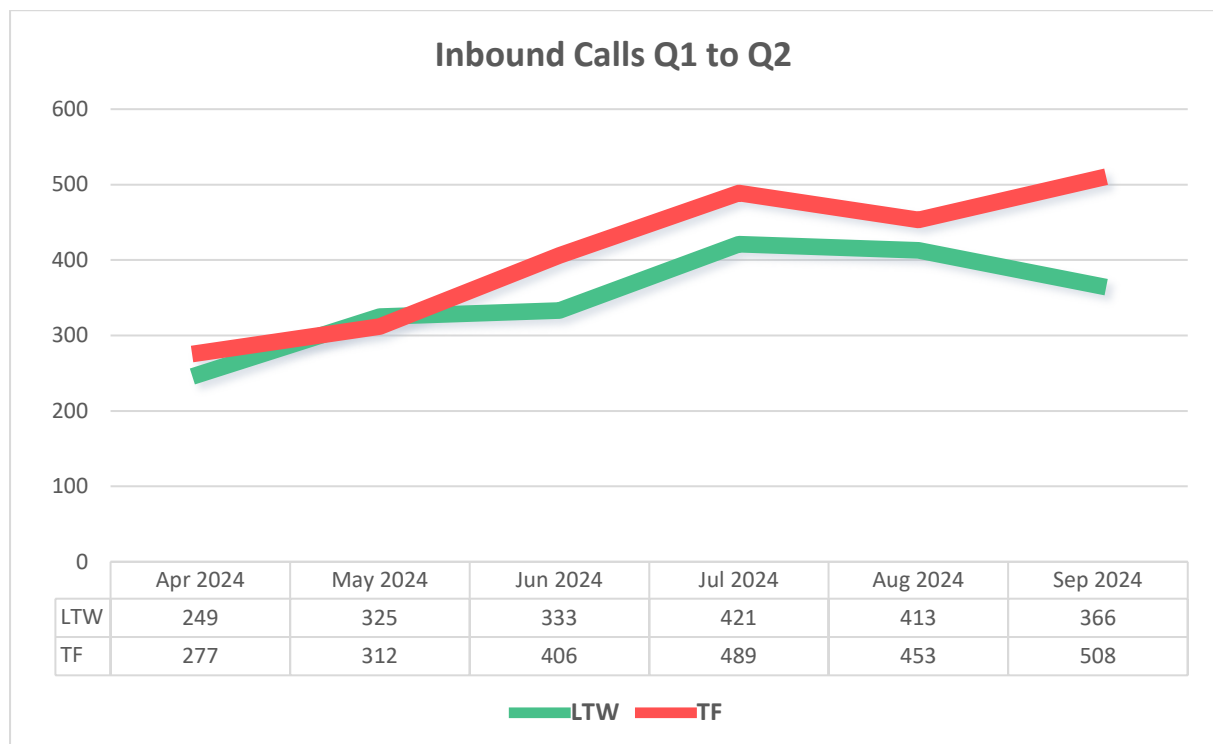


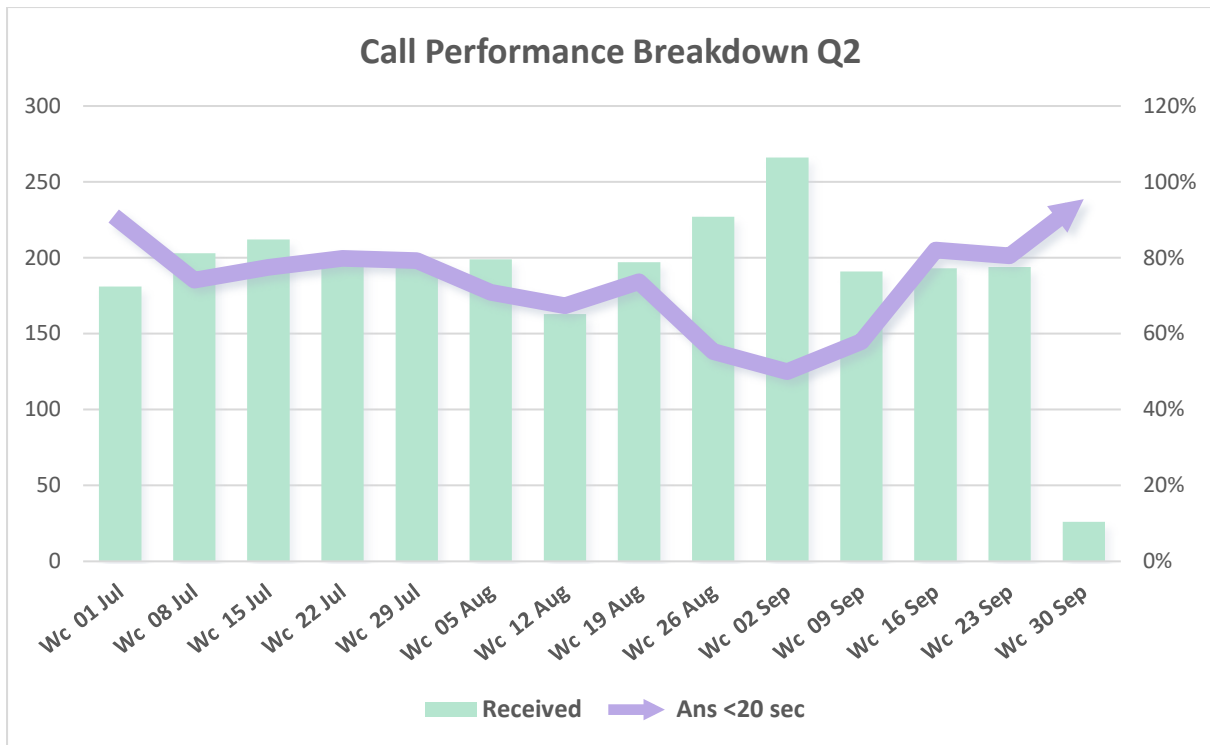
For London TravelWatch, the most contact received is about TfL Oyster and contactless payment, TfL Buses and Eurostar although the actual number of calls and emails is very low.

For Transport Focus, contact about Railcards forms almost two thirds of all initial contact from passengers who have not yet contacted the Railcard team directly.

Outsourced provider - Foundever

Call answering is part of the SLA between the Watchdogs and the outsourced provider. We will be monitoring the new provider, Foundever on their performance relating to call handling, but initially our primary focus is on the quality of the call handling rather than the speed of calls being answered as this should prevent complaints being received about the information provision at the time of the initial contact. The majority of calls are about penalty fares or initial contact.





Performance has been impacted by a number of factors:

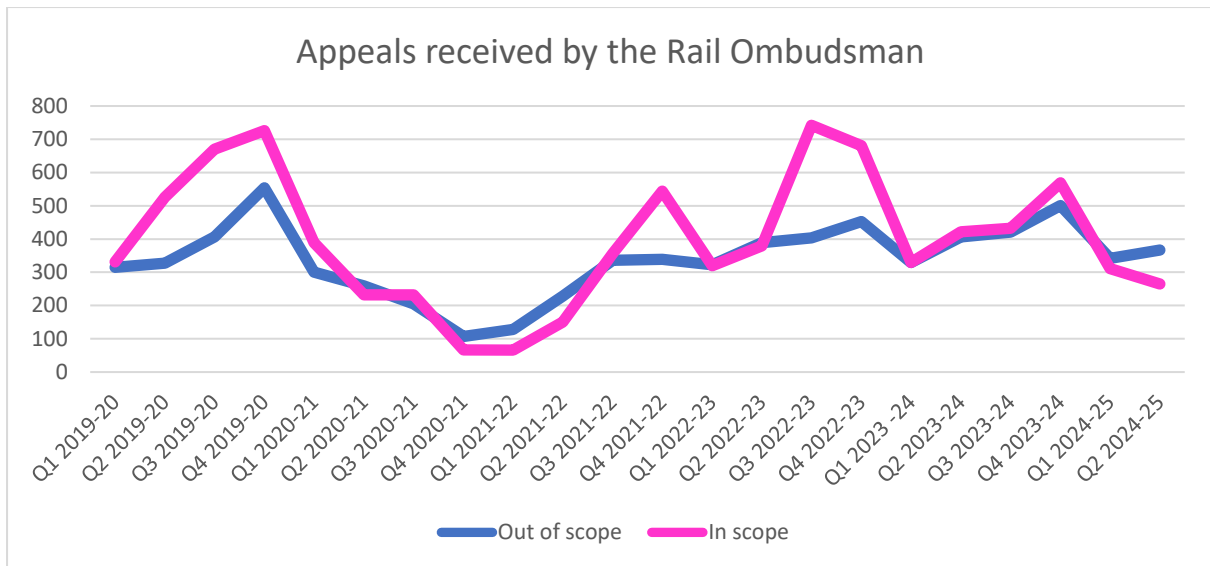
- Absence and holiday throughout the summer impacted, with a limit of 3 CRM licenses, our back up resource was limited. This has now been rectified and going forward should mitigate this issue.
- Telephony performance has been impacted by back office workload, as previously discussed.

Rail Ombudsman

The Rail Ombudsman has seen a reduction in appeals in Q2.

A new independent Board has been established, with John Peerless as the Independent Non-Executive Chairman. He is also the Principal Trading Standards Officer at Brighton and Hove City Council. There is further consumer representation on the Board but not from a passenger background. There is a newly established Passenger Advisory Panel that will feed into the Board and the Head of Casework is the Vice Chair of this panel.

In Q2 the Rail Ombudsman dealt with 268 in scope cases which is slight reduction compared with that in Q1 and follows a downward trend over the last few quarters.



34% of appeals received by the Rail Ombudsman were regarding delay compensation and 16% about rail performance. During this quarter, there were 365 cases that were considered out of scope of the Rail Ombudsman, 24 were considered in scope for London TravelWatch, and 61 were in scope for Transport Focus, and these were transferred to us.

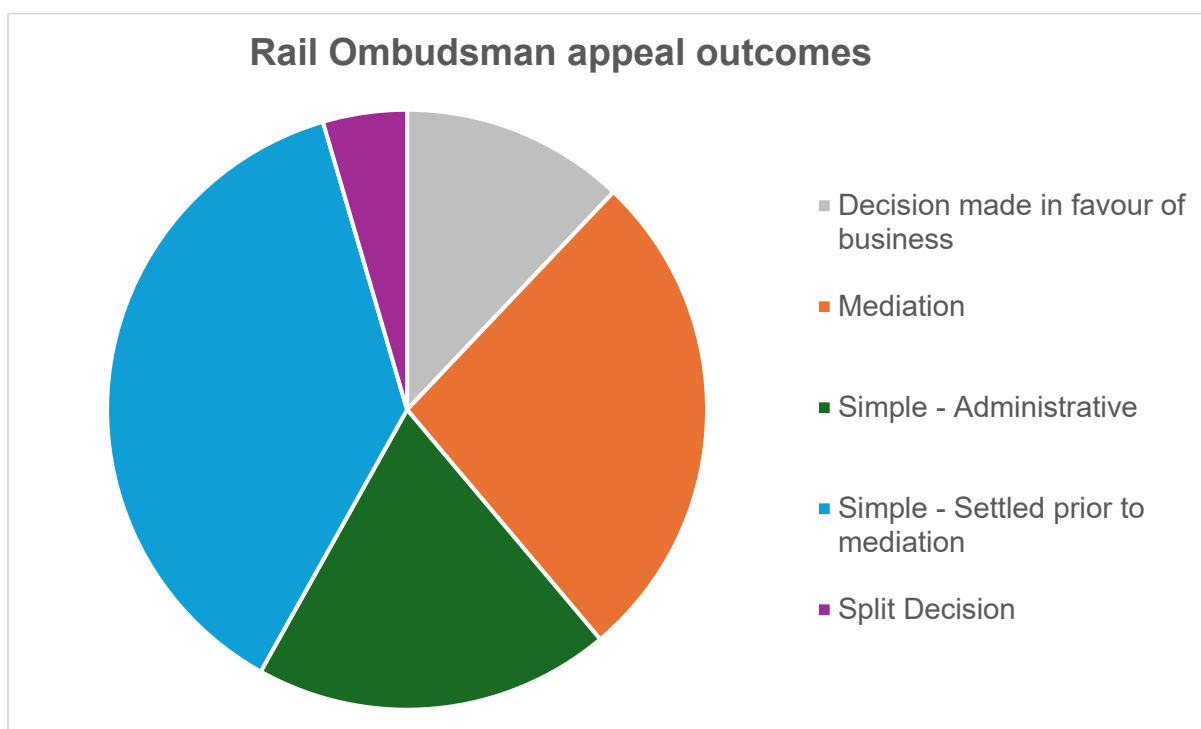
Since taking on the contract management of the Rail Ombudsman, the ORR were keen for all parties – Watchdogs, Ombudsman and industry to be more engaged to share good practice, recommendations/insight and to focus on the root cause of passenger issues.

The London TravelWatch Head of Casework is the Vice Chair of the Advisory Panel that considers the passenger experiences and also part of the collaboration team that considers recommendations made by the Rail Ombudsman for insight of complaints they have received. Together with the Rail Ombudsman and an industry representative, the decision this year was to focus on passenger assist as part of root cause analysis with a view to driving industry improvements. Early research indicates that where there is a process to manage passenger assist, the translation of the provision is left to the TOCs to manage meaning that there isn't a single process to provide passenger assist. TOC's report an increase in requests for passenger assist but also that insufficient staffing and resource levels mean that there are assist failures.

The box below provides information of the top three TOCs about whom the Rail Ombudsman received appeals. The most common appeal was about delay compensation.

Rail Operator	No of complaints	Subject of appeals	Outcome
Cross Country	40	Delay compensation	22 were settled prior to mediation, 14 went to mediation, 19 was in favour of operator and none in favour of passenger.
Avanti	39	Delay compensation, performance and quality on train	22 were settled prior to mediation, 9 went to mediation, 2 in favour of operator and none in favour of passenger.
LNER	40	Delay compensation, company policy and complaints handling	21 were settled prior to mediation and 6 went to mediation.

Rail Ombudsman appeal outcomes



Considerations

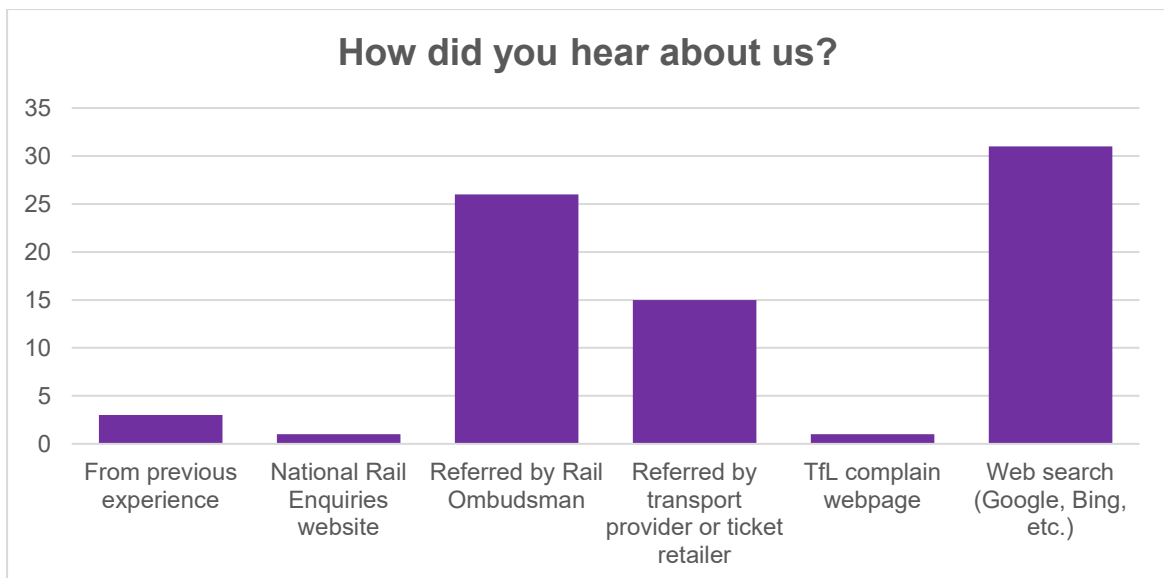
The Board/Committee are asked to

- Consider the possibility of appeals about ticket retailers coming within scope of the Rail Ombudsman. Is it acceptable that only some ticket retailers may be in scope?

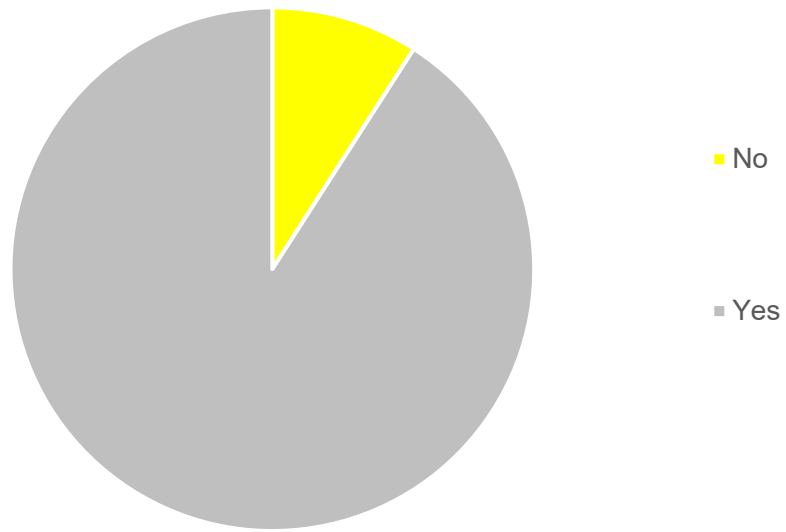
- A passenger has complained that their CW did not understand the Equality Act in detail. London TravelWatch does not train the CW team in this area, but should we specialise in this area?
- To note this report.

Appendix one – Survey responses

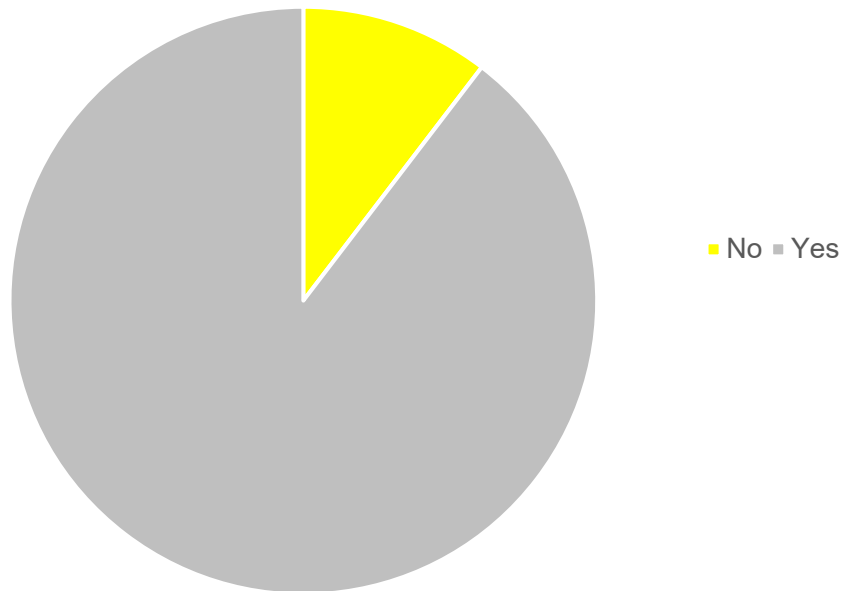
We paused the surveys to allow Foundever to get up to speed and to amend the satisfaction survey to try to obtain feedback that was relevant and that would provide insight into our case handling. We started to send the survey again in June and only 19 people responded so far. Although a very small sample, comments show that by strengthening our information of our limitations at the outset, some passengers understood our position and scored us highly despite us not getting the outcome they were looking for.



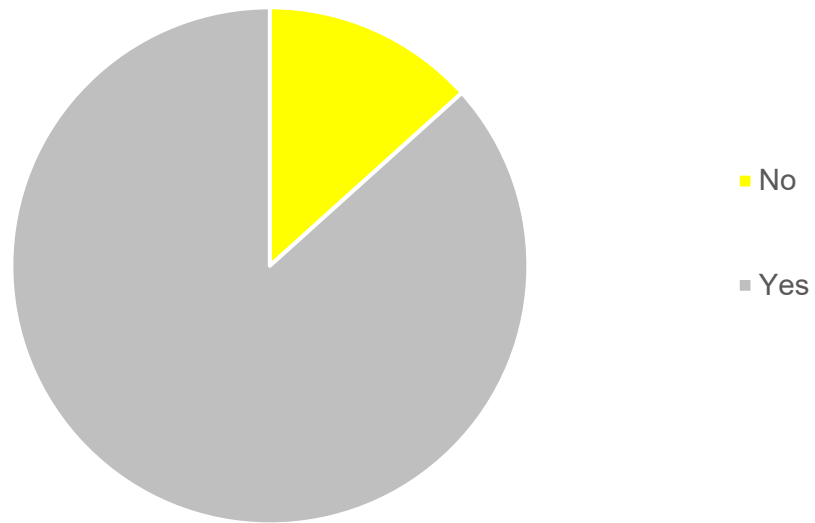
Was your complaint acknowledged in five working days?



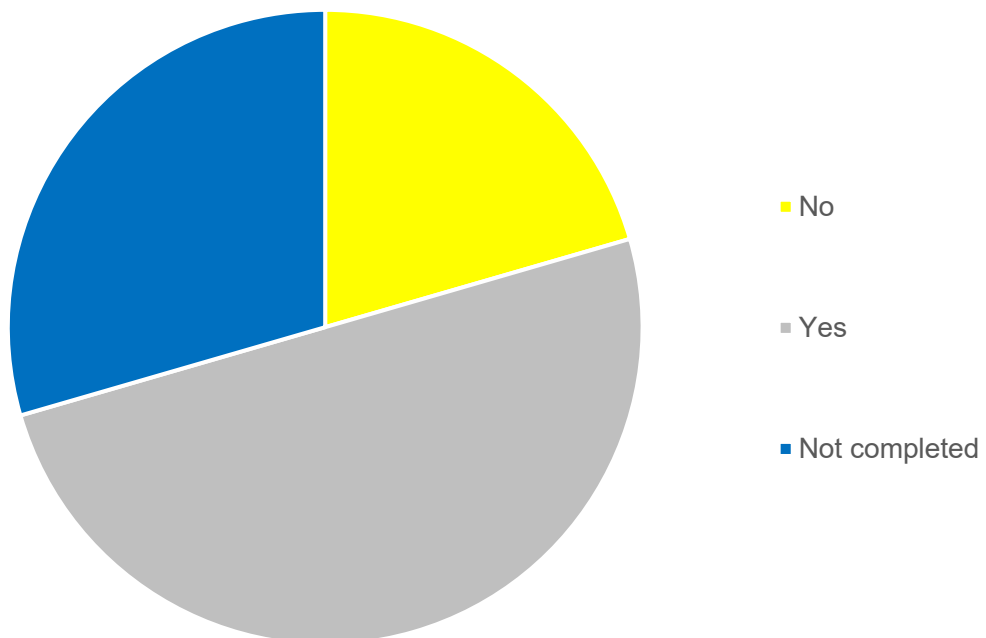
Did your Casworker explain the timescales and our limitations

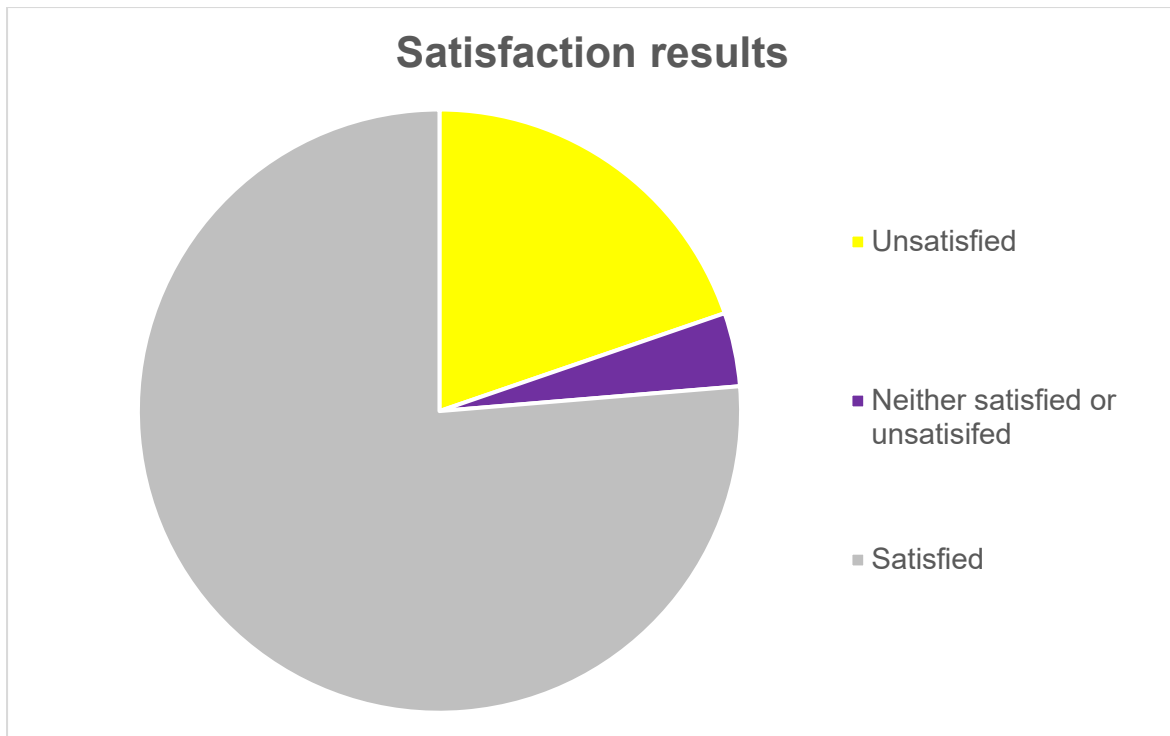


Did your Caseworker provide you with a summary of your complaint when advising of the outcome?



If we were unable to help, did we explain why?





We asked passengers to advise us why they were not satisfied with our service. Two said that it was because we could not provide them with the outcome that they were looking for and another two said it was because we had not managed their expectations at the outset. Interestingly, one of these respondents still provided high scores throughout the survey.

The surveys are anonymous, but every case closed in the last three months has been checked to ensure that the 'who is and what to expect' document was sent to every appellant.

Please use the space below to leave any additional comments
Thank you to everyone who dealt with my case
Margaret Croucher asked WMR for a refund for me, without me even asking her to. (She didn't get it, and passed on WMR's explanation). I still think WMR's attitude to customers is atrocious, but your intermediation is very welcome, thank you.
Thanks for all the help . Sean who was my caseworker helped me to get my refund . Thank you once again to the brilliant team .

I would like to the opportunity to thank Sean Goss and the organisation for not only listening to my initial query but persevering from start to finish as well as providing me with ongoing updates.

In addition to that a very welcome and positive outcome. I very nearly gave up having been signposted to Avanti, then they signposting me to TFL and then TFL signposting me back to Avanti - quoting regulations that did not make much sense to me at the time.

Nearly 2 months on, with the knowledge/expertise of this Transport Watchdog, TFL were presented with their shortcomings on this occasion.

I am very grateful indeed, it has been a learning curve. I am very happy with the outcome having received a refund on the full cost of the ticket after not being able to travel due to strike action.

Excellent work chasing Avanti West Coast and getting to someone more senior. How ridiculous that they had a known problem but did not tell the staff who deal with their customers!

Whilst the case worker did agree that my complaint was substantiated, he said that he wasn't going to pursue it further because this may have a detrimental affect on other rail users.

Although I still believe my rail fine to be unjust, I believe that the caseworker was very efficient in dealing with my case

No solid and proactive action was resulted. Nothing is promised. It is just question and answer. It will let something unreasonable to happen again and again in the living community. It makes me feel the authority is not strong enough as the public expected to be.

My complaint was handled with courtesy and respect; aspects which were missing in my dealings with Tfl up to the point of lodging the complaint. A lot of the stress and anxiety experienced up to that point were alleviated due to being kept informed of the process even if there was delayed response from the other party i.e Tfl.

Thanks for you help appreciate all did to me

Let's hope as and when if the railways are renationalised it will be a better and fairer system

I am very happy that this was resolved and thought your team Member was absolutely brilliant thank you

London Travelwatch achieved a satisfactory (and acceptable) conclusion from Tfl, despite them stating "no case to answer".

I was not only updated but helped immensely and I was very grateful

Mags has managed to achieve great outcomes which I didn't expect. She has provided me with a good reply and I appreciate that

Thank you for your assistance and help. It is much appreciated

Mags Croucher has been very pleasant to deal with. She was clear from the outset that London Travelwatch doesn't have authority to insist TfL reverses the fine & therefore they cannot guarantee a positive outcome. She summarised & presented my case clearly & included all the relevant facts, & maintained regular communication throughout. I am delighted with the positive outcome, with confirmation that my fine will be refunded.

Thankyou Mags! :-)

I would like to express my gratitude to everyone involved. Although I didn't feel completely as I had hoped, I was able to alleviate my loss somewhat. And this only happened thanks to people who were committed to the well-being of others.

I am not sure what the point of you is. You and the Ombudsman just have excuses as to why you couldn't help. I sorted it out myself with the rail company. You were useless.

Sean was absolutely amazing.

I was disappointed when you informed me that you basically had no powers. I feel as though I made more progress without you. It is ultimately pointless alerting you to a ticket operator blatantly breaking the consumer rights act if you are not even willing to properly challenge them I™m on it. I don™t understand why your service exists as you don™t even seem to be able to challenge companies.

Proof of purchase is money out of my bank account, I requested the train company to check the CCTV of my daughter buying a ticket, but that was ignored and my 16 year old daughter was threatred of criminal proceeding for losing a train ticket. As a society we are doomed and as a so called protector you have failed. Shame Shame

Sean was very helpful and kept us informed at every stages. We are also very happy with the outcome. Many thanks again.

You need to obtain more power otherwise what is the point of your existence.

Awful Service, no help at all

Not happy with outcome when dud nothing wrong

It appears the watchdog is powerless against the unfair treatment of passengers. I eventually had to opt for the court hearing on a case that should never have been escalated. I hope to get fair compensation for all the unwarranted troubles.

I have not completed two of the boxes because they do not apply.

I have navigated through a number organisations (including the TOC) to get someone to at least recognise I had an issue that needed addressing. The transport watchdog was the ONLY one to actually offer to look into it and offer me advise

Natasha Reed sorted my appeal for me and got it reduced by a significant amount for me, all within a matter of days, can't thank her enough for her help and for keeping me updated on the situation. This is such a Great company x

The response from TFL was very poor. Although the whole issue was caused by a failure in their procedures to ensure that their website was correct and up to date, they kept insisting that my approach to questioning this was wrong - so it was my fault! Although I was eventually refunded the £160 fine, there was no proper apology, no compensation and no refund of interest on the two and a half years that they held my £160. Organisations such as TFL are a disgrace to this country and the way that the current mayor of London treats citizens is disgusting. When I wrote to him originally his staff just dismissed it without looking at it; I think I deserve a personal apology from him in addition to the compensation I believe I am owed. I would appreciate your help in following my points up with TFL. Many thanks, David Hunt

I felt I was getting nowhere with my complaint. Your service unlocked doors for me! Thank you.

It was as good as could have been achieved given the constraints imposed by the rail system, particularly the over-generous Equality Act exemptions provided to the rail industry by Parliament and the irrational attitude to health and safety that is held by the ToC concerned.

You don't seem to have any teeth to do any. Weather a train company or the rubbish London transport the joke mayor of London

Waste of time

Great service, thanks!

Your caseworker , Faezel Patel was excellent and despite a first negative response persevered and obtained a positive outcome. Nothing but praise for your organisation and for Fayza

Extremely pleased & relieved to have my case taken on by competent courteous & professional team.

It took far too long overall - even this survey request is months after the event so I can't really remember any of the timings.

It was hugely helpful to have the assistance of Sean Goss. Without his help I am sure that I would still be trying to obtain a refund. He was very kind, helpful and patient and knowing that someone was helping with this was such a relief. The attitudes and procedures of the rail operators and the outsourcing of customer services to other countries badly needs to be addressed!

I was very satisfied!!! Thank you souch again for all your support and for your understanding
Not sure what your role is? Rail ombudsman and this organisation - can not see the reason for their existence
Natasha was the advisor that dealt with my case with Eurostar , she was very professional throughout , she called me to double check questions and explained everything in her emails . Thank you .
While the ticket seller concerned (Trainline) responded to the specifics of the journey concerned, the more general issues about the lack of complaint process (hence why I contacted yourselves), and the misinformation from staff were not answered. I hope that Transport Watchdog are consulted or feed into decisions about who is allowed to an authorised ticket seller in future, as I believe Trainline do not meet basic standards here.
This required several requests for updates, you did not seem to keep tabs on why no action had occurred
Great service - much appreciated and many thanks indeed.
Natasha was speedy but more importantly her understanding of the case and communication were excellent. Thank you!
Helpful. But maybe a waste of time. We were literally robbed by the train company and have 100% evidence to prove it. A solicitor would have been better
Still awaiting an answer to resolve my query
Excellent service. My problem was rectified