

# Complaints Handling Procedure 2022



The CHP is compatible with the reciteme tool available on the West Midlands Railway website. Alternative formats are available upon request. Please speak to our contact centre should you require alternative formats.

## About West Midlands Railway

West Midlands Trains (WMT) Ltd is the parent company of West Midlands Railway (WMR) and its sister Train Operating Company (TOC) London Northwestern Railway (LNR).

West Midlands Railway (WMR) services operate to destinations across the West Midlands via Birmingham New Street and Birmingham Snow Hill. West Midlands Railway is dedicated to providing local rail services in and around the West Midlands. We work closely with West Midlands Rail (a partnership of West Midlands local authorities) to ensure we deliver on our promises.

Both WMR and LNR, have separate websites and ways of contacting us. See page 12 for contact details.

## Contents

<b>About West Midlands Railway .....</b>	<b>1</b>
<b>Contents .....</b>	<b>1</b>
<b>1. Customer complaints handling procedure .....</b>	<b>2</b>
<b>1.1 Introduction .....</b>	<b>2</b>
<b>1.2 Principles .....</b>	<b>3</b>
<b>1.3 Confidentiality .....</b>	<b>3</b>
<b>2. The Contact Centre.....</b>	<b>4</b>
<b>2.1 Other ways to contact us.....</b>	<b>5</b>
<b>3. Methods of Comment/Complaint .....</b>	<b>5</b>
<b>3.1 In person .....</b>	<b>5</b>
<b>3.2 Direct and indirect contact in writing or by telephone .....</b>	<b>6</b>
<b>3.3 By customer comments/complaints form.....</b>	<b>6</b>
<b>3.4 By a Third Party .....</b>	<b>6</b>
<b>3.5 Customers with additional needs or whose first language is not English .....</b>	<b>6</b>
<b>4. Response.....</b>	<b>7</b>
<b>4.1 Normal response .....</b>	<b>7</b>
<b>4.2 Complaint escalation procedure.....</b>	<b>8</b>
<b>4.3 Investigation .....</b>	<b>8</b>
<b>West Midlands Railway Complaints Handling Procedure</b>	<b>1</b>



4.4 Frivolous and vexatious complaints .....	8
5. Redress/Compensation.....	8
5.1 Forms of recompense .....	9
5.2 Individual Claims .....	9
5.3 Minimum levels.....	9
6. Handling Claims.....	9
6.1 Lost Property .....	9
7. Complaints relating to other operating companies.....	11
7.1 Individual train companies .....	11
7.2 Several train companies .....	11
7.3 Other 3rd parties .....	11
8. Customer Satisfaction.....	11
8.1 Statistical Feedback.....	11
8.2 What happens if you are not satisfied with us? .....	11
8.3 Other useful information .....	12
9. Review of Procedure .....	13
9.1 Transport Focus or London TravelWatch .....	14
9.2 Alterations.....	14
10. Network Map.....	15

## 1. Customer complaints handling procedure

### 1.1 Introduction

This document defines the procedure that all our employees are expected to adopt when dealing with customer complaints.

A complaint is defined as any expression of dissatisfaction by a customer or potential customer about service delivery or about company or industry policy.

The procedure is subject to approval by the Office of Rail and Road (ORR) in accordance with Section 6 of our GB Passenger SNRP and Station Licence. In accordance with this licence condition, we will consult annually with Transport Focus, London TravelWatch and Rail Ombudsman on the procedure and any amendments made subsequently (see section 8.2 for their contact details).

The information necessary to enable customers to comment on our services and facilities will be published at each station managed by West Midlands Railway, as well as its trains and timetable publications, plus the websites. In addition, our Social Media team will direct customer enquiries appropriately or customers may access an easy-to-use document via our



website. Details of this Complaint Handling Procedure are available to customers on request from our Contact Centre.

We believe that all customer feedback should be seen as constructive and should be used to maintain and, wherever possible, improve the service and products offered. We will ensure that the process for contacting us is easily accessible, well publicised and easy to use.

We use traditional and innovative channels to collect qualitative and quantitative data to drive customer-focused improvement. The systems that we use to receive and process all customer contact has ways of categorising each customer contact, whether that be through social media, written complaint or over the phone. This categorisation enables us to direct investigations to the appropriate people to provide the information for the response. This facilitates interventions to be put in place as preventative measures and feed into the cycle of continuous improvement.

The data we gather from customer satisfaction research/surveys, Wavelength, online/in person customer panels, our Stakeholder Equality Group and Whistle Stop Tours ensuring we can truly understand whether our customers are satisfied. All this data is then fed into a Customer Experience Board who use these insights to inform strategy, make decisions and ensure continuous improvement. Our staff performance is measured on an individual basis and uses any appropriate insights to properly understand future training and development needs. We believe that by involving our people in improving the Franchise, we will all deliver increased customer and stakeholder engagement, trust and advocacy.

## 1.2 Principles

We will reply to all complaints, comments and claims in a timely and helpful way, addressing each substantive issue raised and acting to put problems right.

All complaints and claims will be dealt with in accordance with our Passengers' Charter. The Passengers' Charter can be found on the West Midlands Railway website: [Passenger's Charter | West Midlands Railway](#)

We will ensure that all our customer service employees who come into daily contact with customers are competent in dealing with customer complaints, acting wherever possible to resolve the complaint, or refer complaints to our Contact Centre or higher authority only when this is not possible. All employees will receive training and coaching to achieve the correct level of capabilities and competencies to do their job.

## 1.3 Confidentiality

We will respect your rights under data protection legislation. However, we want to ensure that we handle every complaint in a timely manner. If you contact us but your complaint relates to the goods or services of another train operating company then we will send your complaint on to them in a timely manner. We will let you know when we send it on and supply contact details for the train operator concerned.

We may divulge some or all of these details to a third party without consent where we are legally obliged to do so or to assist our Debt Recovery and Prosecutions Unit and / or the police in carrying out their statutory duties.



Any action taken against an employee as a result of an investigation will remain confidential. You can view our Privacy Policy on our website.

## 2. The Contact Centre

The Contact Centre is responsible for handling all enquiries and complaints received from customers by telephone, letter, web form and by using the prefix 18001 for Next Generation Text.

Standard call rates apply for Next Generation Text users, apart from our Passenger Assist bookings line which is a Freephone number (see below).

### Opening times:

Monday to Friday 07:00 – 19:00

Saturday and Sunday 08:00 – 16:00

Bank Holidays 08:00 – 16:00

Closed Christmas Day and Boxing Day

There is a recorded message service outside of these hours which provides callers with the National Rail Enquiries telephone number for urgent enquiries. There are also other opening times for different services offered.

Customers should note that all calls to our 0333 number are charged at the same rate irrespective of your call being from a landline or mobile telephone.

You can contact our team at the Contact Centre using the information provided below:

Website

[Contact us | West Midlands Railway](#)

Twitter

**@WestMidRailway**

Delay Repay applications by post **Freepost WEST MIDLANDS RAIL DELAY REPAY**

Complaints and enquiries by post **Freepost WEST MIDLANDS RAIL CUSTOMER RELATIONS**

Contact centre

**0333 311 0039**

Please prefix calls with 18001 for Next Generation Text

Passenger Assist - To arrange journey assistance for disabled and older customers **0800 024 8998** (Freephone)

Please prefix calls with 18001 for Next Generation Text



## 2.1 Other ways to contact us

You can visit our website or contact our social media team.

We know that social media is used by our customers to seek a response to issues that are seen to require a quicker response. Our Social Media team are trained to assess these issues quickly and provide the customer with an appropriate mechanism in which to resolve problems as quickly as possible. Alternatively, our Social Media team may send you a link so you can get in touch with the Contact Centre team where a more detailed response is required. Details of where they can be found are provided at the start of Section 2.

You can also contact us using details found in a variety of places;

- Local telephone directories, all marketing literature, including customer magazines.
- On 'Station Information' posters displayed at all stations managed by us which will show the address, telephone numbers of the Contact Centre.
- At stations managed by us or other train operators. The contact details of all train operators who serve that station will be displayed.
- Within the West Midlands Trains Passengers' Charter.

## 3. Methods of Comment/Complaint

### 3.1 In person

If a customer wishes to comment or complain they are encouraged to speak to an employee whether at a station or on a train. The employee is expected to try to resolve a problem immediately, with a reasonable degree of discretion, wherever possible. In some cases, our employees may need to refer the customer to a local supervisor or manager.

If the customer is still dissatisfied or further investigation is required, then our employees will either tell the customer how to contact the Contact Centre or help the customer complete a customer comments/complaints form, which will then be forwarded to our Contact Centre.

At stations which are not managed by West Midlands Railway, customers may approach any Train Operating Company employee to comment or complain. If the nature of the complaint or comment makes it necessary, a process of referral to us has been agreed with other train operators.

Providing us with key information helps us resolve matters more promptly and bring matters to a conclusion more swiftly. When you get in touch, please let us know the date you travelled, the time of travel, the stations used and any other relevant information you may have.

We also have Whistle Stop Tours with some of our senior team to engage directly with you to better understand your needs. We value the feedback we get and see these face-to-face sessions as a key way of hearing what is important to our customers.



### **3.2 Direct and indirect contact in writing or by telephone**

Customers may make direct contact with us by using the webform on our website or by writing to or telephoning our Contact Centre. The contact details are provided in the Contact Centre section. Correspondence received by the Contact Centre will be registered on the database and dealt with in the order in which it is received. The details of customers may also be forwarded to the Contact Centre by other train operating companies, Rail Ombudsman, Transport Focus or London TravelWatch and by National Rail Enquiries for us to fulfil our obligation to respond to you. This may happen if a journey involves more than one train operator or if your case is escalated to the Rail Ombudsman, Transport Focus or London TravelWatch.

We have a Social Media team to provide useful information and support customers. We recognise that many customers might contact us via social media to provide feedback or complain. To make sure matters are dealt with and investigated properly, our social media team will provide our customers with as much information during the engagement as they can. In many cases, this will satisfactorily resolve an issue. However, if the nature of the issue is one which quite clearly cannot be resolved this way (e.g., concerns about customer service or potential 'delay repay' cases) our team will provide details of our Contact Centre to enable further actions, investigation, or a thorough response. If in doubt, the team will ask if the customer wishes to raise a complaint and will advise on the process.

### **3.3 By customer comments/complaints form**

Customer comments/complaints forms are available on request from all our ticket offices at our staffed stations as well as other train operating company ticket offices within the area where we operate. Customers can also complete this form online to avoid postage.

The customer comment form allows customers to express their personal comments or complaints. The form can be handed in at any of our station ticket offices or can be posted to the Contact Centre at the Freepost address shown on the reverse of the form.

### **3.4 By a Third Party**

We accept complaints received from third parties. The customer must provide written consent that the third party has the right to act on their behalf. Where it is not possible for written consent to be obtained, we use our professional judgement. Please note, we do not accept Delay Repay claims submitted by third parties.

### **3.5 Customers with additional needs or whose first language is not English**

We welcome the opportunity to correspond with our disabled customers via alternative means, ensuring our communications remain inclusive.

- For customers who use Next Generation Text, please 18001 to our main advertised number. Opening times of our Contact Centre are detailed on our websites and section 2 of this booklet.



- Where English is not the first language of the customer, we can translate outgoing correspondence into their first language, upon request.
- We recognise the need for some of our customers to correspond via their careers, guardians, or personal assistants. We will need explicit written consent that names the individual that our customer would like us to liaise with. This will not prevent us from completing any necessary investigations and progressing the complaint, but written consent makes sure we remain respectful and lawfully compliant with data protection and confidentiality rights.
- We can provide printed documents and large print documents within 7 working days of request. For any other alternative formats, please contact our team at the Contact Centre who will be at hand to help. See Section 8.3 for more information on our Accessible Travel Policy (ATP).

**To communicate with us via alternatives means, or if you would like any documents in large print please speak to our Contact Centre who can assist with your request. West Midlands Railway: 0333 311 0039**

## 4. Response

### 4.1 Normal response

We will answer 95% of comments and complaints within 20 working days and set a target of 90% to be answered within 10 working days. You will be provided with a unique reference number to log, monitor and track the resolution of the complaint. In accordance with our Passengers' Charter ([Passenger's Charter | West Midlands Railway](#)), if a complaint cannot be resolved at the time you will be provided with the contact details to enable you to make a formal complaint. We will make reasonable endeavours to ensure we meet our response times even when there is an unexpected increase in the volume of complaints received. However, if there are exceptional circumstances, such as a period of major disruption, we may increase these response times. We will work closely with Transport Focus and London TravelWatch if our response times are extended. We will also ensure we advise the ORR when we anticipate an increase to response rates. We will notify customers via our website and direct correspondence if this is the case, whilst making every effort to respond to you as soon as we can.

Our objectives are:

- To fully investigate all complaints in a sympathetic, fair, timely and courteous manner.
- To provide a response which is easy to understand.
- To provide consistency in approach throughout the company when responding to customers.
- To use the feedback received from customers in a positive way to help improve the service offered.

We will only consider a complaint as one which has been resolved when we have no outstanding actions to perform.



## 4.2 Complaint escalation procedure

When a customer is dissatisfied with an initial response and they contact the Contact Centre again, the complaint will be referred to a senior person who has not previously been involved in the case to undertake a review of the complaint. A response will be provided within 10 working days, but we will always endeavour to review and respond as soon as possible.

## 4.3 Investigation

The Contact Centre will arrange a full and fair investigation of a customer's complaint wherever necessary. We will investigate all complaints thoroughly, seeking clarification from you when necessary. Please include as much information in your complaint as you can. For example:

- Your contact details
- Date and time of your journey
- Copy of your ticket or proof of travel (where applicable)
- All relevant facts to help us understand the problem and investigate.

Once we understand the key issues, we will identify facts that need to be checked. We will collect evidence and interview employees if required. Our objective analysis will include a review of all relevant policies and procedures. We will form a fair and unbiased view about what the customer should have expected and what happened in practice.

We will give you a full explanation and, where appropriate, an apology. If your complaint includes more than one issue, we will deal with each one this way. We log every complaint with a unique reference number on our database. This means that we can keep track of our progress in dealing with your complaint, and check that we're keeping to our targets for response time. We will also ensure that the right people within our business investigate to help us resolve a complaint and to make sure that we work to prevent a reoccurrence in the future.

If detailed investigations are required, we will let you know if there is a delay and keep you updated but will endeavour to adhere to our normal timing commitments wherever possible (see Section 4.1).

## 4.4 Frivolous and vexatious complaints

We reserve the right to terminate any correspondence or communication that we reasonably deem to be abusive, bullying, frivolous or vexatious, and which specifically diverts resources, affecting key areas of the Contact Centre. This decision will be made by our Contact Centre Manager. We will provide the customer with contact details for the Rail Ombudsman, Transport Focus and/or London TravelWatch. We will consult the passenger bodies before we terminate any correspondence, and we will advise the customer in writing of the reasons behind the decision.

# 5. Redress/Compensation

Where a complaint relates to a delay, we will ensure that our response provides details of compensation arrangements and how to claim.



## 5.1 Forms of recompense

Forms of recompense will normally be made using one of the following methods:

- BACS
- Donation to Charity
- Credit or Debit Card
- Rail Travel Vouchers, that can be exchanged for cash at West Midlands Railway and London Northwestern Railway staffed stations

We will comply with your statutory rights including the Consumer Rights Act 2015.

## 5.2 Individual Claims

Individual claims for recompense will be dealt with in line with the National Rail Conditions of Travel and West Midlands Trains Passengers' Charter, taking into account such factors as the nature of the complaint, the fare paid and any other extenuating circumstances. The National Rail Conditions of Travel can be found on our website. When we get back in touch with you, we will let you know if you have an entitlement to compensation and ensure that this is paid to you.

## 5.3 Minimum levels

The commitments within the West Midlands Railway Passengers' Charter will determine the minimum level of recompense.

# 6. Handling Claims

Claims for losses, property damage or personal injury should be made in writing to our Contact Centre who will acknowledge it within five working days. Claims will then be dealt with in accordance with the Claims Allocation and Handling Agreement (CAHA) – more detail can be found in the National Rail Conditions of Travel.

## 6.1 Lost Property

If you've recently lost an item on any West Midlands Railway journey, we will do our best to help reunite you with your belongings.

We have partnered with 'MissingX' and 'Zero Burden Service' to ensure that you can search for, claim, or register your lost item.

### How to search or register a lost item

Begin your search on the MissingX portal using [Online Lost and Found Property Management Software, Platform | MissingX](#). You will be able to see items we have found and you can claim your lost item.

If your item is not listed then we are yet to find it or it has not been found. In this case, please register your loss with MissingX and if your item is found, we will contact you direct to let you know.



Unclaimed items will be passed to our partner Zero Burden Service after 14 days for the remainder of the 12 week storage period

### **What you need to know**

- It can take up to seven days for items to be located and logged by our teams on MissingX
- Items left on a train are passed to station staff where that train terminated. This may not always be operated by West Midlands Railway
- Items left at a station are handled and logged by station staff
- Items found at our train depot will be passed to Zero Burden Service for storage
- Collecting your item in person from our stations is free. Items will be held for two weeks before being passed to Zero Burden Service for storage
- Items located within Zero Burden Service storage will incur a service fee to claim
- Perishable items will be disposed of straight away
- For security reasons items must be examined, so we may need to cut off any locks
- Suspicious items will be reported to the British Transport Police
- Items are stored for 12 weeks before we dispose of them

### **Advice when registering a lost item**

When logging your item on the MissingX portal, please provide as much detail as possible to assist our lost property team. You will also need to let us know where you think it was lost e.g., on what service or at what station?

If you are logging more valuable items such as laptops and phones, try and provide these additional details:

- Make
- Model
- Colour
- Wallpaper
- Any distinguishing features (cracked screen, stickers on case etc)

### **For train journeys terminating or lost at the following stations, follow the links accordingly:**

- For Birmingham New Street, contact [03300 240 215](tel:03300240215), option 2, 2, 1
- For Hereford & Shrewsbury stations, contact [Transport for Wales](#)
- For Birmingham Moor Street, Solihull, Dorridge, Leamington Spa, Warwick, Warwick Parkway, Lapworth, Hatton, contact [Chiltern Railways](#)
- If your property was lost elsewhere, please register your item using the [MissingX portal](#) and we will do our best to reunite you with your lost item.



## 7. Complaints relating to other operating companies

### 7.1 Individual train companies

Complaints referring or relating to another train company will be acknowledged in the normal way. The customer will be advised that their comments have been sent on and contact details will be given. The correspondence will be forwarded to the relevant company within five working days of receipt for them to respond directly.

### 7.2 Several train companies

If your complaint involves several other rail companies or Network Rail, we will send your complaint to them and ask them to get in touch and we will let you know when we have done that.

If your complaint involves a journey that features more than one rail company, we will liaise with the other companies involved to ensure you receive a co-ordinated response.

### 7.3 Other 3rd parties

If complaints relate to other transport providers (e.g., a bus operator) we will explain this in our reply to you and provide the contact address you need. If you ask us to do so, we will forward your complaint to them directly. If the complaint refers to another non-transport organisation, we will also explain this in our reply and try to provide you with the contact address you need. If you make a complaint which relates to a third-party supplier who is acting on behalf of us (e.g., car park management, web support or suppliers of rail replacement services) we will work with the provider to thoroughly investigate the details of your complaint and co-ordinate a response accordingly.

## 8. Customer Satisfaction

### 8.1 Statistical Feedback

Statistical feedback is taken from several sources, including third parties who provide services on our behalf. The information taken from all sources is shared with our Leadership and Customer Service team on a weekly basis and will be provided every four weeks to our Executive Group. A category will be included to show the numbers of customers dissatisfied with the initial response given. Feedback will also be used at specific Customer Service Improvement Groups and may be shared with the Customer Panels.

### 8.2 What happens if you are not satisfied with us?

We will do everything possible to ensure we deliver a high standard of service and respond to your needs and will adhere to the National Rail Conditions of Travel and our Passengers' Charter. Please give us the opportunity to try to resolve your complaint.

However, if you're unhappy with the response you receive, once the internal escalation processes have been exhausted, you have the right to appeal to the Rail Ombudsman. The



Rail Ombudsman is there to help resolve on going complaints between us and our customers. It's free to use their services and they are independent of the rail industry. They don't take sides, but just look at the evidence available. They will help us both to try to reach an agreement, but if this doesn't happen, they will make a decision based on the evidence they've received. If you agree with their decision, then we have to act on what they say.

You can appeal to the Rail Ombudsman if:

- you're unhappy with our final response to your complaint which will be contained in a letter or email (sometimes called a 'deadlock letter'); or
- we haven't resolved your complaint within 40 working days of receiving it; and no more than 12 months have passed since we sent you our final response.

There are some complaints that the Rail Ombudsman won't be able to look into, for example if it's about the way one of our services has been designed or industry policy. If that's the case, then they'll contact you to let you know. If possible, they will transfer your complaint to another organisation that may be able to help you further, such as Transport Focus or London TravelWatch - the independent consumer watchdogs for the rail industry. They will independently review your complaint and where appropriate, follow things up on your behalf.

Website: (including online chat): [www.railombudsman.org](http://www.railombudsman.org)

Telephone: 0330 094 0362

Textphone: 0330 094 0363

Email: [info@railombudsman.org](mailto:info@railombudsman.org)

Twitter: @RailOmbudsman

Post: FREEPOST – RAIL OMBUDSMAN

The Contact Centre team are available:

Monday to Friday 08:00 - 20:00

Saturday and Bank Holidays 08:00 - 13:00 (excluding Christmas Day)

## 8.3 Other useful information

### Penalty Fares

#### **What to do if you receive a penalty fare?**

You have the option to pay your penalty fare on the spot. Alternatively, you can choose to:

- **pay online:** [www.ircas.co.uk](http://www.ircas.co.uk)
- **send payment by post:** IRCAS, PO Box 212, Peterfield, GU32 9BQ
- **pay over the phone:** 0870 067 9983

Payment must be made within 21 days of the date the penalty was issued.



If you were issued a penalty fare, and believe it was done so unfairly, you also have the right to appeal. If you wish to appeal against the Penalty Fare Notice you must do so in writing, within 21 days from the day following the date of issue.

### **Where to send your appeal?**

You can appeal online or send your appeal through the post. Unfortunately, appeals cannot be made over the phone.

- **online:** [www.penaltyservices.co.uk](http://www.penaltyservices.co.uk)
- **by post:** Penalty Services, PO Box 1258, King's Lynn, PE30 PGJ

Your appeal should include:

- a copy of your Penalty Fare Notice
- why you could not produce a valid ticket or authority to travel when requested
- where you started your rail journey
- the time and date you were travelling
- any other information or document relevant to your appeal, i.e. tickets, railcard, Oyster record

Full details of our policy can be found on our website, [Penalty fares | West Midlands Railway](#)

### **Making Rail Accessible: Helping Older and Disabled People**

You can find more information on our policies for supporting disabled customers and practical information on planning your journeys on our website on the Accessible Travel Policy (ATP) page. [Accessible travel policy | West Midlands Railway](#)

ATP sets out our commitments to assist disabled and reduced mobility customers when traveling by train.

Please contact our Contact Centre if you require these in alternative formats .

### **National Rail Conditions of Travel**

These can be found on National Rail's website in a variety of formats at [www.nationalrail.co.uk](http://www.nationalrail.co.uk)

## **9. Review of Procedure**



### **9.1 Transport Focus or London TravelWatch**

Our customer complaints procedure will be formally reviewed annually with Transport Focus or London TravelWatch, or at any time on request of the ORR.

### **9.2 Alterations**

The procedure will not be altered without prior consultation with Transport Focus or London TravelWatch, and prior agreement from the ORR.



# 10. Network Map

## West Midlands Railway our network

