

CalMac Ticketing Terms and Conditions Consultation: Feedback in alignment with the Island Community Impact Assessment (ICIA) Terms of Reference and Report of Findings.

31 August 2022

This document will set out the Terms of Reference (ToR) for the completion of an assessment “in the spirit of” an Islands Community Impact Assessment (ICIA) for the proposal for updated Ticketing Terms and Conditions, specifically those relating to the cancellation and amendment fee structure. The document will provide an overview of the scope of the assessment and explain the process that will be adopted and where possible align to the process as set out in the Islands (Scotland) Act 2018. We will also include the results of the consultation as a report.

The ToR is designed “in the spirit of the 2018 Act and references the following:

- Islands (Scotland) Act 2018, Section 7, Section 8 and Section 12. See Appendix 1
- [Island Community Impact Assessment: Guidance and Toolkit](#). The guidance is issued under Section 11 of the Islands (Scotland) Act 2018 and relates to the duty imposed by Section 7 of the Act.
- The guidance and principles specified in the [“Scottish Government Consultation Good Practice Guidance”](#). Any exceptions to this will be justified and recorded.

Conducting Authority: CalMac Ferries Ltd (CalMac).

(In the “spirit of an authority”)

Island Scope: Network wide.

Island Representative Body: Recognised island groups: The Arran Ferry Committee; The Mull/Iona Ferry Committee; CNES; The Campbeltown Ferry Committee; The Coll Ferry Committee; The Islay Community Council Ferry Committee (ICCF); The Tiree; Transport Forum Meeting; The Sleat Transport Forum; The Mull/Iona Ferry Committee; The Ferries Community Board. Additional stakeholder groups may also be consulted upon request.

Purpose: An ICIA is required under the Islands (Scotland) Act 2018 and as specified in the Islands (Scotland) Act 2018 the ICIA will:

- Describe the likely significantly different effects of the redevelopment of the CalMac Ticketing Terms and Conditions, specifically those relating to cancellation and amendment fees.
- Assess the extent to which CalMac considers of the redevelopment of the CalMac Ticketing Terms and Conditions as to improve or mitigate, for network wide communities, the outcomes resulting from it.

As specified in the Islands (Scotland) Act 2018 the ICIA, on completion of the ICIA, CalMac will have:

- Ensured that the communities are kept in mind throughout the changes to ticketing terms and conditions consultation.
- Helped to support strong, resilient, and vibrant island communities.
- Helped to meet the four principles of fairness, integration, environmental protection (green) and inclusiveness that underpin the work to support island communities.
- Promoted the voice of island communities.
- Recognised that every person in Scotland has a right to live with dignity and to enjoy high quality public services wherever they live.

Timelines: The ICIA began in Summer 2021 with consultation commencing 09 May 2022. The consultation was open for 30 days, starting when we consulted with each designated body face to face. The final consultation occurred on 5 July 2022, with the feedback to be received by 5 August 2022. Once the consultation is complete, completing the impact assessment, documentation of findings, internal approval processes and publishing results will take approximately one month from the final feedback date (5 August). We will inform the island communities of expected timescales and justification provided for any changes to

timescales if required.

Guidance:

Scottish Government Islands Policy and Communities Team are available for guidance and support on the ICIA process

ICIA Process:

The following process steps will be followed to conduct the ICIA. Further detail of the activities involved at each step is provided in Appendix 2.

Process Step Name	CalMac Activity	Dedicated stakeholder group activity	Progress
Develop a clear understanding of objectives	<i>Outline the proposed objective of the change Rationale for islands in scope Outline expected impact to community Consult with the Client Manager in Operational Planning and consider if Transport Scotland require approval or input to the change to service, policy or strategy</i>	<i>None required at this stage</i>	<i>Complete</i>
Gather data and identify stakeholders	<i>Identify Stakeholders and create a stakeholder Matrix Carry out informal feedback sessions Review and collate relevant feedback from informal sessions Identify sources of data – this is essential to ensure the full picture is identified and reviewed Consider all data collected and analyse for any gaps or trends to help inform objective Catalogue communication to date on proposed objective. This should show who it is from and how it was provided e.g., email</i>	<i>Provide CalMac with any relevant island surveys or data relevant to the objective</i>	<i>Complete</i>
Consultation	<i>Think about the impact consultation would have on the change you are planning, will any feedback from the community result in a change to the service, policy or strategy you are proposing to change or do the communities just need awareness of the change rather than having an opportunity to feed into it You could be making a change where community input is key to the solution and there is scope to adapt the change to the service, policy or strategy based on feedback from the community There could be gaps in the data gathering and consultation will help identify the gaps Scale of the change should be considered and timings. Consultation may be desirable but the value of delivering the change quickly outweighs the benefit of consulting Consult with Operational Planning on examples of consultations carried out previously</i>	<i>None at this stage</i>	<i>Complete</i>

Identify Scope of Consultation:

Conducting Business Area:	CFL Customer Experience Team – Commercial.
Island Scope:	All bookable routes, network wide.

Designated Island Representative Body/ Parties to be consulted:	The Arran Ferry Committee; The Mull/Iona Ferry Committee; CNES. T Campbeltown Ferry Committee; The Coll Ferry Committee; The Islay Community Council Ferry Committee (ICCF); The Tiree; Transport Forum Meeting; The Sleat Transport Forum; The Mull/Iona Ferry Committee; The Ferries Community Board. Additional stakeholder groups may also be consulted upon request.
Purpose:	The purpose of this consultations is to engage with key community stakeholders to obtain their thoughts on the proposed changes to our current ticketing terms and conditions, specifically those relating to cancellation and amendment fees. The feedback received will then inform the decision of the proposal going forward.
Timelines:	Each designated community group has 30 days to feedback from the initial date they are consulted face to face.
Type of Consultation:	Combination of face to face/ written correspondence.

Process Step Name	CalMac Activity	Dedicated stakeholder group activity	Progress
3. Consultation	<p><i>Identify Scope of Consultation</i> <i>Draft Consultation questions, statement, or full proposal to be shared with Island Representative Body/Parties to be consulted</i> <i>Ensure any consultation material is reviewed for tone of voice</i></p> <p><i>Agree method of consultation. Consultations will be in the format of one on one (including a face to face, call or video call) or written such as email – consider accessibility for all parties and tailor consultation to each island where possible</i></p> <p><i>Develop Communication Plan</i></p> <p><i>Consider GDPR and management of personal data being collected– review and reference CalMac privacy notice on the website and/or engage with CalMac's Information Manager</i></p> <p><i>Consider CalMac's wider Stakeholder engagement strategy and align where possible</i></p> <p><i>Engage with CalMac's internal/colleague communication team as part of the plan prior to any public consultation to ensure alignment</i></p> <p><i>Explain how responses will be collected, stored, shared, and managed</i></p> <p><i>Notify stakeholders of consultation as per Communication Plan</i> <i>Go live with consultation</i> <i>Capture lessons learned from consultation process</i> <i>Collate feedback from consultation</i> <i>Review feedback and assess impact</i> <i>Respond to feedback</i> <i>Decisions and solutions for objective will come out of assessment</i></p>	<p><i>Assist and accommodate CalMac where possible to facilitate consultation</i> <i>Respond to consultation</i> <i>Share awareness of consultation</i> <i>Provide feedback during the consultation, which is to the best of your knowledge</i> <i>accurate and true</i> <i>Feedback any lessons learned during consultation process</i></p>	<i>Complete</i>

Process Step Name	CalMac Activity	Dedicated stakeholder group activity	Progress
	<i>Carry out follow up consultations where required if iterative process</i>		
Assessment	<i>Analyse findings from Steps 1 to Step 3</i> <i>Address impacts by identifying mitigating solutions to reduce or remove the impact</i> <i>Decide if impacts identified effects islands in scope differently, if yes then complete Step 5, if no, complete Step 6</i> <i>Collate Step 1 to Step 4 and document findings</i>	<i>None required at this stage</i>	<i>Complete</i>
Preparing the ICIA	<i>Create an impact assessment for example a matrix with likelihood of impact, different impacts on each island and significance of the difference</i> <i>Decide on a suitable impact scale and rating criteria</i> <i>Consider further mitigations</i>	<i>None required at this stage</i>	<i>Not required</i>
Making adjustments to your work	<i>Justify any mitigations with evidence and update objective accordingly</i> <i>Capture lessons learned from ICIA process</i>	<i>Feedback any lessons learned during ICIA process</i>	<i>Not required</i>
Publish the ICIA	<i>Document all findings in an appropriate format</i> <i>Obtain internal sign off of ICIA</i> <i>Publish on the CalMac Website</i>	<i>Review output</i>	<i>In progress</i>

Consultation Report: Findings and recommendations.

Overview

This feedback comes from community consultation. It relates to proposed changes to Terms and Conditions, specifically to cancellation and amendment fees.

The consultation followed a strict process, through which all feedback was received (as requested). Consultation was conducted within designated CHFS community forums network wide: The Arran Ferry Committee; The Mull/Iona Ferry Committee; CNES. The Campbeltown Ferry Committee; The Coll Ferry Committee; The Islay Community Council Ferry Committee (ICCFC); The Tiree; Transport Forum Meeting; The Sleat Transport Forum; The Mull/Iona Ferry Committee; The Ferries Community Board.

Face-to face engagement was not possible with every community. Written correspondence was provided to the communities of Colonsay, Jura and Harris, plus stakeholders such as the Scottish Islands Federation. This allowed a wider range of communities to be involved.

Forum members were encouraged to reach out to their communities and neighbouring island groups to gather as much opinion as possible.

Existing Terms and Conditions

Existing Terms and Conditions (excluding commercial block reservations)	
Cancellation options	Administration fees
Greater than 24-hours before travel.	Deduction of £10.
Less than 24-hours or failure to show for travel	Deduction of 100% of the total fare.

- **Customers can amend bookings free of charge up to check-in opening**
- Amendments are available up until check-in opens.

Existing Terms and Conditions exceptions

We recognise that from time to time, a customer may be required to cancel or amend travel because of circumstances beyond their control. A reminder of our existing Terms and Conditions exceptions:

- Death of an immediate family member
- Debilitating illness preventing travel
- Involved in a road traffic accident
- Multivessel journey where one leg of the journey has been cancelled by us.

Consultation feedback

The consensus from communities was that they did not want the proposed changes to go ahead. Although communities recognised the need for better control of deck space capacity, they felt the proposal was not the best course of action, especially with the Ar Turas programme about to facilitate better management. Feedback was mapped into a matrix, from which the following themes were derived:

Top ten key feedback themes	Comment
Commercial vehicles terms and conditions must be reviewed/included	We are reviewing Commercial customers in parallel with the current review.
Should be aligned with other ferry operators	In discussions with wider operators.
Tackle repeat offenders with these penalties	We currently have no 'offenders' as such. Customers are still operating within the current T&Cs structure, however that structure is being abused. See 'recommendations' section for further detail.
Create penalty variants for islanders and non-islanders	We need to be consistent - we cannot prioritise one group over another.
Concern that offshore workers will be charged for last-minute changes	We are investigating options at present.
"Our route is unique" – the ferry is our water bus	We understand the complexity and variation found across our network; however, we must retain a consistent approach when it comes to T&Cs to remain as fair as possible.

Top ten key feedback themes	Comment
Create a flexible fare, e.g., a fare that would offer reduced or free cancellations and amendments, versus the existing RET fare	This is currently under review - conversations are ongoing with TS around Flexi-fares/dynamic pricing and the like.
Create an Islander residents account to prioritise released deck space and show accurate visibility of available space for residents	Once again, we need to be consistent - we cannot prioritise one group over another.
Concerns around commuters/workers and those who travel within the 48-hour change period and need to rearrange/cancel at short notice "Due to inclement weather, customer may make two ferry bookings, however, if you introduce this, we can't do this. Due to CalMac having minimal sailings per day, this is how we get by."	eBooking will better facilitate this going forward. It will allow customers to change their booking free of charge, up until check-in opening, so there is a degree of flexibility there. They will be able to change this either through self-serve channels, contact centre or through ports. If the customer is still making two bookings, then the relevant no-show terms and conditions comes into play at this stage. There won't be any reserved space for islanders, as our current contract with TS operates on a first-come-first-served basis.
Wait for new system to be put in place first	Agreed - see recommendations section.

Recommendations and next steps

As it stands at present, the proposed changes to terms and conditions will not go ahead for now.

- We will enforce existing Terms and Conditions as soon as all communities have been updated of our findings.
- We will use data from eBooking to inform further recommendations, e.g., amendment fees.
- We will commit to a six- and twelve-month review and share our findings with the Exec and Communities.
- We will continue to follow the principles of the ICIA process. We will utilise the designated template and engage with our partners at Scottish Government to ensure this aligns with their expectations.
- We will ensure the approach is replicated for any key changes going forward. The communications to communities must include a section on how the principles of the ICIA process is followed.
- We will ensure data from the original consultation remains intact.

Proposed timelines:



As of 19 September 2022, we plan to rigorously enforce existing Terms and Conditions, with only a few additional exceptions added:

Existing Terms and Conditions

Existing Terms and Conditions (excluding commercial block reservations)	
Cancellation options	Administration fees
Greater than 24-hours before travel.	Deduction of £10.
Less than 24-hours or failure to show for travel	Deduction of 100% of the total fare.

- **Customers can amend bookings free of charge up to check-in opening**
- Amendments are available up until check-in opens.

Existing Terms and conditions: Exceptions

We recognise that from time to time, a customer may be required to cancel or amend travel because of circumstances beyond their control. A reminder of our existing Terms and Conditions exceptions:

- Death of an immediate family member
- Debilitating illness preventing travel
- Involved in a road traffic accident
- Multivessel journey where one leg of the journey has been cancelled by us.

However, we propose to introduce an additional exception:

- NHS National Services Scotland cancelling an appointment.

In addition, we are investigating the practicalities of identifying and introducing a further exception for offshore workers.

End of Report.

Appendix 1 – Legislation Excerpts

Section 7:

7 Duty to have regard to island communities

- (1) A relevant authority must have regard to island communities in carrying out its functions.*
- (2) In this Part, a “relevant authority” means a body, officeholder or other person listed in the schedule.*
- (3) The Scottish Ministers may by regulations amend the schedule by—*
 - (a) adding an entry for any person, body, or officeholder,*
 - (b) varying the description of an entry, or*
 - (c) removing an entry*

Section 8:

8 Island communities impact assessment

- (1) A relevant authority must prepare an island communities impact assessment in relation to a—*
 - (a) policy,*
 - (b) strategy, or*
 - (c) service, which, in the authority’s opinion, is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) in the area in which the authority exercises its functions.*
- (2) Subsection (1) applies to the development, delivery and redevelopment of the policy, strategy or service (as the case may be).*
- (3) An island communities impact assessment prepared under subsection (1) must—*
 - (a) describe the likely significantly different effect of the policy, strategy or service (as the case may be), and*
 - (b) assess the extent to which the authority considers that the policy, strategy or service (as the case may be) can be developed or delivered in such a manner as to improve or mitigate, for island communities, the outcomes resulting from it.*
- (4) If a relevant authority does not prepare an island communities impact assessment in relation to a—*
 - (a) policy,*
 - (b) strategy, or*
 - (c) service, which has an effect on an island community, it must publish, as soon as reasonably practicable afterwards and in such manner as it considers appropriate, an explanation of its reasons for not doing so.*

Section 12:

12 Reporting regarding section 7 duty

- (1) A relevant authority to which the duty imposed by section 7 applies in a reporting period must publish information about the steps which the authority has taken to comply with that duty during that reporting period.*
- (2) A “reporting period” is any period determined by the authority of up to a maximum of one year.*
- (3) The relevant authority may publish the information in such manner as the authority considers appropriate (for example in an annual or other report prepared by the authority).*
- (4) Subsection (1) does not apply to the Scottish Ministers (see section 5).*

Appendix 2 – Detailed Process based on the Island Community Impact Assessment: Guidance and Toolkit

