



Delay compensation – ORR proposals to modify licences to introduce a delay compensation licence condition requiring compliance with a code of practice on delay compensation

31 August 2021

Introduction

1. In July 2019, in our published advice to the Williams Review we set out a number of short, medium and long-term reforms designed to better protect the interests of passengers. We stated that we would consult on our short-term recommendation for reform; the introduction of a licence condition on delay compensation which would require train companies to adhere to a delay compensation Code of Practice (CoP).
2. We published a first consultation on these proposals on 30 June 2020. In that document we set out proposals for the licence condition together with the content of the CoP to increase passenger awareness of delay compensation and to improve the processes for claiming. We also proposed that as part of the licence condition, train companies should comply with a code of conduct for third-party intermediaries (TPIs). The consultation closed on 14 September 2020. We developed the proposals in the light of stakeholder submissions, holding a round-table stakeholder workshop, and engaging in bilateral discussions with several respondents.
3. On 14 May 2021, we published our conclusions from the June 2020 consultation. In this document we set out our intention to introduce a licence condition on delay compensation and sought views on the wording of the licence condition and CoP. We stated that we would then proceed with the statutory licence modification process with licence holders as required for a new licence condition. We also stated that we would not be proceeding with our proposals regarding TPIs.
4. ORR's public interest arguments for the proposed licence condition were set out in the following documents:
 - Improving delay compensation and accessibility for passengers: ORR's advice to the Williams Rail Review – [dated 19 July 2019](#);
 - Consultation on improving access to delay compensation – [dated 30 June 2020](#); and
 - Improving access to delay compensation – consultation response and second consultation – [dated 14 May 2021](#).

5. The key public interest arguments for the proposed licence modification set out in the above consultations were that:
- **only a minority of passengers receive the delay compensation** to which they are entitled (the 'compensation gap between those eligible to claim and those who receive it) - 37% in 2020, an increase of only 2% since 2016;
 - **awareness of delay compensation is low**; more than half of passengers who experience a qualifying delay do not claim either because they did not think about it, or were unaware of their eligibility to do so;
 - **the train operator's actions** are cited by more than a third of claimants as the prompt for claiming - it is therefore likely that where **proactive steps** are not taken by the operator to inform passengers of their eligibility for compensation, this will be reflected in the 'compensation gap';
 - **complexity in the claims processes** can lead to passenger errors when submitting forms, which alongside possible confusion over eligibility can cause claims to be rejected - more than 15% of claims are not approved; and
 - **competitive market pressures are limited** - passengers may be unable to respond as they might to instances of poor service by seeking an alternative train service provider, which may in turn limit the commercial incentive on the train operator to proactively communicate to passengers their rights to delay compensation.
6. In our 14 May 2021 document, we set out our intention to proceed with our proposal to introduce a licence condition on delay compensation. We confirmed that the licence condition will:
- take effect from 1 January 2022 (a date that has since been put back to 1 April 2022);
 - apply to mainline passenger train companies including Open Access train companies; and
 - require train companies to comply with a Delay Compensation Code of Practice (CoP), setting out good practice standards.
7. Our 14 May 2021 document also included our response to the submissions made to our 30 June 2020 consultation. Alongside our May 2021 document, we sought views on draft wording for the proposed CoP and proposed licence condition, prior to proceeding with the statutory notice process required to modify the licences.

8. We received responses to our request for comments on the draft wording for the proposed licence condition and CoP; from the Rail Delivery Group (RDG), three train company owning groups, one train operator, one third party intermediary, a joint submission from Transport Focus and LondonTravelWatch, and one confidential response. Within these replies we also received a small number of general comments about our proposals. Non-confidential responses will be published on the ORR website.
9. We summarise the main points raised and our response to these points below. Where there have been changes to the CoP these have been highlighted.
10. In the remainder of this document, we summarise, and respond to, the points made in submissions by respondents to our May 2021 document, including those which did not relate to the draft wording of the licence modification or CoP. Annexed to this document is the new CoP.
11. We have also published a formal notice of statutory consultation on changes to modify passenger licences and SNRPs, seeking licence holders' consent to these changes¹. We request the written consent of affected licence and SNRP holders in order to make the modifications. All representations should be sent to us by 28 September 2021.
12. If we do not receive the consent required, we will consider referring the matter to the Competition and Markets Authority, under relevant legislation.

¹ <https://www.orr.gov.uk/media/22706>

Industry responses to our May 2021 document, and ORR response

Detailed comments on the wording of licence condition and CoP

13. Where the text of the draft licence condition or CoP has been changed, this is noted below.

Licence condition - definition

14. One train company noted in its response that the wording in the draft licence condition had been amended from the June 2020 consultation to remove a reference to ORR consultation with stakeholders ahead of any material change to the CoP. Another train company sought further clarity on the conditions under which ORR would amend the CoP.

ORR response

15. We removed the reference to consultation ahead of any material change from the licence condition as this commitment already exists within the CoP itself. In the CoP we make it clear that ORR will consult on any proposals for substantive changes to the CoP and will publish a revised CoP, as it considers appropriate, following such consultation.

16. As set out in our June 2020 consultation, we will keep under review whether there is a continuing need for a delay compensation licence condition and CoP. Where performance consistently exceeds this baseline or future innovation delivers a better outcome for passengers, we will consider whether the licence condition should be amended or removed to reduce the burden of regulation where it is no longer required.

Licence condition – timing of its introduction

17. RDG and train company submissions noted that some provisions would require time to implement and, where necessary, secure resources. In order for this to be factored into the annual business planning process, they requested that notification of the licence condition be issued no later than 1 August 2021, and that the deadline for compliance be extended to April 2022 to coincide with the beginning of the industry calendar, at least for those provisions that might require additional funding.

18. One holding company sought further information on what the consequences of partial non-compliance would be after 1 January 2022, noting that if system

changes were required then this may not allow sufficient time for full implementation.

ORR response

19. We consider that the provisions of the CoP should not necessitate material changes to existing good practice processes, or additional investment costs. We also consider that sufficient flexibility has been incorporated within the proposed wording and review process to account for future changes to the compensation process that will be delivered as part of the longer term reforms.

20. As outlined above, the finalised CoP is the culmination of a lengthy process of engagement and consultation, beginning with our submission to the Williams Review in 2019. Nonetheless, we recognise the challenges presented to operators by the pandemic including resource constraints. Therefore, to ensure a smooth introduction of the new requirements we have amended our proposals so that the licence condition will come into effect from 1 April 2022. From this point onwards train companies must be compliant with its requirements. Where we find that they are not, we have a range of tools at our disposal, depending on the seriousness of the issue and what is proportionate in the circumstances. This may involve engagement with the company or companies concerned and can also include targeted reporting, establishment of corrective action plans, audits, and ultimately, enforcement action.

CoP – Scope

21. RDG reiterated their comment, originally made in response to the June 2020 consultation, that open access train companies should be excluded from the scope of the CoP for reasons of cost. They called for the licence condition and CoP to be adjusted to allow optional compliance for open access operators, and an additional specific exemption included for open access operators to not have to accept claims via TPI firms.

ORR response

22. As noted throughout the process, we can see no compelling reason why there should be a differentiation in licence requirements between train companies under government contract, and concession or open access train companies. We received no responses from open access operators with regards to this question, and no evidence of disproportionate cost was submitted. The consumer rights that a passenger has should not depend on the type of operator with whom they travel, and in relation to a distinction between franchised and open-access of which a passenger may reasonably not be aware. Therefore, the licence condition and CoP

will apply to franchise / government contract train companies and open access train companies alike.

CoP Provision 3 – Information for passengers

23. RDG and one train company sought detail on ORR's interpretation of the provision about providing information on delay compensation during the booking or purchasing process. It queried whether it would be sufficient to provide this within a booking confirmation email, and put forward some draft example wording for ORR's views.
24. The train company also asked about the expectations of Third Party Retailers in this area, and how ORR would monitor and manage compliance.
25. The broad issue of 'appropriateness' was raised by train companies. In particular, they sought more detail on the 'appropriate' provision of paper forms and leaflets and noted that provision and upkeep of posters and leaflets in remote stations could incur disproportionate cost, and requested examples of behaviour that would be considered compliant. One train company asked that the requirement for 'in-train distribution of delay compensation details' be removed noting that its onboard staff do not routinely carry a stock of paper compensation forms, and that the industry was seeking to move away from paper claim formats where possible.
26. A joint response from two statutory bodies welcomed the specification of platform announcements, and suggested a further refinement; to remove reference to a train's arrival as being the trigger for such announcements, thus broadening the requirement to include announcements on departure or cancellation.

ORR response

27. We set out in our consultation document that we would expect a link to information about delay compensation to be provided as part of the purchasing process, and specifically reference the use of an email within the CoP itself. We have also set out within the CoP what the information requirements are, and consider that the wording is sufficiently clear for train companies to develop their own wording to achieve compliance. Nonetheless, we will engage with individual licence holders to assist in this process, where they remain uncertain.
28. Third Party Retailers are not within scope of our proposals. We note that RDG administer a licensing scheme for such organisations, and would suggest that any concerns about the information provided by Third Party Retailers are addressed through those channels.

29. The wording of the CoP provisions ('where appropriate') reflects that there may be valid exceptions. We will expect each train company to demonstrate the reasonable efforts it has taken to meet the obligations should ORR need to seek evidence of how it complied with such requirements, and to be able to explain any decision not to apply the requirements due to valid operational exceptions.
30. We note the statutory bodies' point with regards to platform announcements. We consider that the current requirements on the proactive provision of information during a delay are sufficiently comprehensive to increase passengers' awareness of their entitlement of compensation.

CoP Provision 4 - Processing claims

31. One train company requested the inclusion of caveat wording to reflect exceptional *force majeure* circumstances, such as the ongoing pandemic. Restriction of movement and social distancing had had some impact on train companies' capacity to resource non-critical administrative functions such as delay compensation.
32. Submissions from RDG and two train companies raised questions about the provisions on process timings. Firstly, seeking clarity from ORR on payment being the point of completion for a valid claim – they noted that there could sometimes be a lag between instruction and receipt for bank transfers, and that train companies did not have the capability to measure (or control) when exactly payment was received.
33. Secondly, two train companies requested that the timespan for notifying passengers in the case of incomplete claims be extended from 5 to 10 working days. The proposed 5 day target was felt to be difficult within existing process frameworks, particularly if there was a higher volume of claims due to disruption. One train company proposed a provisional extension to 10 working days, to be reviewed after 18 months alongside the whole-process 20 working day timescale.
34. One train company sought an extension to the 20 working day timescale for the processing of physical format paper forms, citing the additional work required for such claims, and current hygiene concerns during the pandemic.
35. One train company sought clarity on the acceptable methods of contact for passengers to use when submitting secondary evidence, and an owning group asked for clarity on the reason why information not related to delay compensation are relevant to the CoP, and what is expected.

36. One respondent sought an exemption from the requirement to provide paper forms, noting that it had withdrawn these in 2014 when it launched contactless payment. As smart ticketing and contactless make up the majority of journeys on its network, it was concerned that the submission of contactless card details via paper form would raise data security risks. Another respondent asked ORR to further consider and report on the current use of paper submissions, with a view to phasing it out in the future.

ORR response

37. We do not consider it appropriate to include an 'exceptional circumstances' caveat in the CoP. As a regulator, across our various functions, ORR will continue to take relevant circumstances into account, for example as we have done throughout the pandemic.

38. We recognise that the receipt of payment into a passenger's bank is outside of train companies' control, hence our requirement in the CoP is on 'payment' rather than 'receipt'.

39. As set out in our consultation, where it is needed, we consider it reasonable that the train company should make a request for further information within five working days. Such requests should become increasingly rare as a result of the improvements in information requirements set out in the CoP are realised. This also acts as an incentive on train companies to ensure that their requirements for information are clear and proportionate. As stated above, we will take the circumstances of individual operators' existing processes into consideration.

40. We do not consider it appropriate to apply a different timescale for paper format forms, longer than 20 working days. It should be noted that paper forms represent a small minority of claims submitted, and that this timescale does not start until the claim is received by the train company. As set out in our consultation, we expect train companies to ensure that the information they seek is the minimum they require to successfully process and approve a delay compensation claim. The process should be simple and, wherever possible, standardised across claim methods and ticket types.

41. We do not consider it necessary for ORR to specify the methods that passengers should use to provide secondary evidence. Our expectation is that train companies will give due consideration to alternative forms of evidence, provided that the proof offered is of an equivalent standard and sufficient to demonstrate the passenger's delayed journey. It is also not unreasonable for passengers to be given information

about other types of redress available beyond delay compensation. It is for train companies to determine the most appropriate means of providing this.

42. As set out in our previous consultation, we recognise that there are advantages to digital, online or app-based form processes for train companies and passengers, but it is important for companies to make adequate provision for users who have a preference or need for physical paper formats, if requested. Therefore, we consider that train companies must continue to provide claim forms. However, in light of representations, we are prepared to consider exemption from this specific provision, on a case-by-case basis, where contactless and Pay-As-You-Go is the predominant business model for an operator. In such circumstances, however, the train company must still allow passengers to submit claims in equivalent physical format such as a letter.

CoP Provision 6 - Reporting

43. RDG and two holding companies raised questions over the format, location, and the objective of publishing information on performance for passengers. They also sought further information on the information that ORR would gather via surveys.
44. One train company considered that there was a potential discrepancy between the 'average time for [all] claims' in this section, and the 'correctly completed' claims that should be taken into account for the 20 working day time limit .

ORR response

45. As set out in our previous consultation, the publication of performance data by train companies online on a quarterly basis, alongside other information related to delay compensation, can help improve passenger awareness, and provide a measure of public accountability about performance. The CoP sets out the broad high-level categories of information that we expect to be published, and we look forward to engaging with train companies to develop common formats and metrics.
46. It remains our intention to conduct passenger surveys on a regular basis, using representative sampling, to better understand train company performance. We will work with stakeholders in the survey development.

General comments

47. In addition to the specific questions of detailed wording that were raised in submissions, there were other general points made by some respondents.

Third Party Intermediaries

48. A Third Party Intermediary expressed disappointment regarding our decision to defer the TPI requirement of our proposals. It asked ORR to provide greater clarity on its reasons for deferral and requested that the TPI element be reinstated, noting also that the Williams-Shapps review had since been published. It felt that the proposed changes to the CoP would prioritise train company revenue over passenger rights, would stifle innovation, and offered no solution to the claims processing issues that ORR had identified elsewhere.

49. The joint response from two statutory bodies noted ORR's decision to defer the proposals on the role of Third Party Intermediaries in delay compensation. These bodies were supportive of opening up delay compensation to innovation from third parties to improve access for passengers. They sought clarification on whether, if the proposed changes put forward by the Williams-Shapps review took time to be implemented in full, these TPI proposals would be revisited or interim measures explored to bring forward potential benefits to passengers.

ORR response

50. The coronavirus pandemic has had a severe effect on industry finances. The 2020-21 financial year saw the lowest level of passenger rail journeys since records began in 1872, with only 22% of the rail journeys undertaken in the previous year. This has brought about a re-ordering of commercial relationships, with government taking on the revenue risk for all Department for Transport contracted operators.

51. Since ORR's second consultation the government has published the Williams-Shapps Plan for Rail. This describes the broader government agenda of industry reform, and sets out plans for a 'retail revolution', and compensation that is 'simpler and easier to claim, with a consistent, modern process right across the network'². Since then, and with support from the Department for Transport (DfT), RDG have announced plans for a 'comprehensive review of the ticket retailing landscape'. They anticipate that this review will last 3-6 months.

52. Having taken both of these factors into account; the ongoing reform agenda, as well as the continued uncertainty over rail industry commercial relationships, ORR

² Great British Railways: the Williams-Shapps Plan for Rail. Published 20 May 2021
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/994603/gbr-williams-shapps-plan-for-rail.pdf

considers that it is appropriate to defer further consideration of the TPI proposals at this point. The development and implementation of accreditation or dispute-resolution arrangements for TPI companies is a complex task that would require time and expertise. It is not appropriate to bring these proposals forward at a time when industry structures and existing commercial relationships are undergoing change. We consider that the review of retailing, and DfT's stated aim of simpler compensation, may present opportunities for innovative solutions to the existing process issues.

53. We will await further detail on the future arrangements for ticketing and compensation before considering whether to take these proposals further.

– **ANNEX A: Delay Compensation Code of Practice**

Delay Compensation Code of Practice

1. Overview
2. Scope and definitions
3. Informing passengers
4. Processing of claims
5. Continual improvement
6. Monitoring and reporting

1) Overview

- 1.1. This Delay Compensation Code of Practice (CoP) sets out requirements with regards to delay compensation for passengers. It is designed to improve passengers' access to the delay compensation to which they are entitled, through measures that will raise awareness, improve processes, and enable passengers to submit claims via authorised parties.
- 1.2. The provisions of this CoP are designed to establish a common level of good practice. Licence holders may go beyond the requirements set out in the CoP, and we do not expect licence holders to discontinue or reduce existing practice where these exceed the requirements set out in this CoP
- 1.3. ORR shall maintain and review the efficacy of the CoP, and monitor licence holders' performance to ensure that passengers benefit from the standards established by this CoP. ORR will consult on any proposals for substantive changes to the CoP and will publish a revised CoP, as it considers appropriate, following such consultation.

2) Scope and definitions

Scope

- 2.1. This CoP applies to all passenger train companies in Great Britain whose Statement of National Regulatory Provisions (SNRP) or passenger train licence includes licence condition 29.³
- 2.2. The requirements of this CoP do not affect or alter licence holders' other legal obligations or passengers' legal entitlements, including – but not limited to - those established in consumer law, contracts, or other licence conditions. In particular, this CoP should be considered alongside the requirements of: the Consumer Rights Act 2015; the Rail Passengers' Rights and Obligations Regulations 2010; operator SNRPs; the National Rail Conditions of Travel; and the provisions of the Rail Ombudsman.

³ This does not include Eurostar's international services, charter operators or 'small scale' passenger operations of limited coverage of the national mainline railway.

Definitions

- **Claim:** a request, initiated by a passenger, for the delay compensation to which they may be entitled under the conditions of the licence holder's Delay Compensation Scheme. A claim for delay compensation is distinct from a complaint, other compensation claim (for example, due to poor service), or refund application, that passengers may make about other aspects of their journey.
- **Delay Compensation Scheme:** a scheme designed to compensate passengers for late arrival at their destination (above a given threshold) due to a cancelled or delayed service.
- **licence holder:** a passenger train operator with a Statement of National Regulatory Provisions or passenger train licence that includes Condition 29.
- **National Rail Conditions of Travel (NRCoT):** the ticketing contract between train company and passenger, published by RDG, as updated from time to time.
- **passenger:** the ticket holding traveller, who is the passenger for the purposes of the NRCoT

3) Information for passengers

Purpose: to raise passenger awareness of delay compensation.

General provision of information

- 3.1. Licence holders must ensure that information about delay compensation is clearly available to passengers; before their journey, in the course of their booking or purchase, and during and after their journey
- 3.2. Such information must include details about delay compensation entitlements and claim processes, displayed clearly and prominently.
- 3.3. Such information must be made available to passengers in the following ways, as appropriate:
 - a) Online, to include:
 - i. A direct link to the delay compensation claim process, to be displayed on the licence holder's homepage.
 - ii. A direct link included with notification of tickets purchased online (for example, in an email sent to passengers following the purchase of a ticket online).
 - b) At stations operated by the licence holder, to include posters, leaflets, display screens.
 - c) On board, including posters, vinyls or display screens, where they are installed.
 - d) In person, including on board, in-station, online and telephone customer-facing staff.
- 3.4. For paragraphs (a-c) above, and subject to sub-paragraph (3.5) below, such information must include appropriate details of:

- a) The delay compensation scheme operated by the licence holder, including eligibility criteria and the level of delay compensation to which the passenger may be entitled.
 - b) The methods by which passengers can claim delay compensation.
 - c) The information that passengers will need to provide as part of their Claim.
 - d) What the passenger can expect as part of the delay compensation process including timescales and payment options.
 - e) How the passenger can contest a Claim rejected by the licence holder.
 - f) Appropriate details of delay compensation arrangements for season ticket holders.
- 3.5. Where the nature of the manner in which the information is being provided or displayed prevent the provision of all these details, the licence holder must provide details of where such further information can be found.

Proactive provision of information during delay

3.6. When there is delay or disruption, licence holders must make reasonable efforts to proactively inform passengers that they may be eligible for delay compensation. Such steps include, as appropriate:

- a) In-train announcements when a train's arrival at a station may be above the relevant time threshold for delay compensation on that service. This may include voice announcements and information screen displays.
- b) In-train distribution of delay compensation details.
- c) Platform announcements at stations where a train's arrival may be above the relevant time threshold for delay compensation on that service.
- d) Online – to include:
 - i. General messaging about compensation, on website and via social media.
 - ii. Where appropriate, email or text to passengers who may have been affected.

3.7. For paragraph (3.6) above, such information shall include appropriate details of:

- a) The delay compensation scheme operated by the licence holder, the length of the delay and the passenger's entitlements.
- b) How to make a Claim for delay compensation.
- c) What evidence passengers will need to retain as proof of travel.
- d) Where passengers can find further information.

4) Processing claims

Purpose: to make the process for claiming delay compensation simpler, quicker, and more consistent.

Timescales and communications

- 4.1. Licence holders must process correctly completed claims within 20 working days, from receipt of claim to communication of decision and payment, where relevant. ORR will monitor performance on timescales, and will from time to time review whether this requirement remains appropriate.
- 4.2. Where the licence holder considers that the passenger has not provided appropriate or sufficient relevant information to enable the licence holder to process the Claim, for example due to a lack of appropriate evidence of travel, the licence holder must inform the passenger as soon as possible, and no later than 5 working days after receipt of the initial Claim.
- 4.3. Where the passenger does not respond to the notification in (4.2) above within 20 working days, the licence holder may reject the Claim. The licence holder must communicate this to the passenger promptly, in accordance with (4.6) below.
- 4.4. Licence holders must make reasonable provision for a passenger to enquire about the status of their Claim.
- 4.5. Where the processing of a Claim takes longer than 20 working days, licence holders must notify the passenger of the status of the Claim, the reasons for the delay, and anticipated timescales for resolution.
- 4.6. Where a licence holder rejects a Claim, it must provide written explanation to the passenger setting out the reasons for the rejection, and details about how the decision can be contested.

Claims process – information requirements

- 4.7. Licence holders must ensure that the information requirements for Claims are clear, proportionate and not unnecessarily burdensome. The claim form, or accompanying text, must make clear why specific evidence and information is required.
- 4.8. Licence holders must provide information for passengers about their statutory rights, and how passengers can submit complaints and seek redress for any issues not related to delay compensation.
- 4.9. Where a passenger offers alternative information that provides appropriate and equivalent evidence of travel and delay (for example with the use of location technology) then licence holders must give reasonable consideration to whether that information is sufficient.

Physical format claims process

- 4.10. Licence holders must ensure that it is possible for passengers to submit Claims in physical format. This must be through completion of a form, except where ORR has agreed otherwise with the licence holder; in such cases, the licence holder nonetheless must allow submission of a Claim through an equivalent physical format such as a letter.
- 4.11. Physical format forms must include appropriate information about:
- a. Information and FAQs for passengers about the delay compensation scheme operated by the licence holder, including eligibility thresholds, compensation entitlements, and the appropriate provisions for season ticket holders.
 - b. Details about process timelines, and claim information and evidence requirements.
 - c. Details of how a decision can be contested.
- 4.12. Physical format forms must be made available to passengers:
- a. On request in stations that are staffed.
 - b. For download.
- 4.13. Licence holders must ensure that it is possible for passengers to submit physical format Claims:
- a. In person at staffed stations.
 - b. By post, to an address displayed clearly in stations alongside relevant delay compensation material or on the claim form and online.

Online process

- 4.14. Licence holders must provide an online process for the submission of Claims, to include the following characteristics:
- a. A clear link to the claims process from the homepage of the licence holder's website.
 - b. Information and FAQs for passengers about the delay compensation scheme operated by the licence holder, including eligibility thresholds, compensation entitlements, and the appropriate provisions for season ticket holders.
 - c. Details about process timelines, and claim information and evidence requirements.
 - d. Details of how a decision can be contested.
 - e. Where the licence holder's website allows passengers to create a log-in account for the purpose of purchasing tickets, there must also be the capability to save delay compensation claim details in a similar manner. This must include a facility for season-ticket holders to store the details of their season ticket.
- 4.15. Where licence holders operate a smartphone app for passenger ticket purchases and timetable information, this app should include either a link to the online process, or an equivalent in-app capability to submit claims.

Accessible claim format

4.16. Licence holders must make appropriate and proportionate provision for passengers who are unable to access or use physical or online claim formats, or require claim forms to be provided in another format. This must include appropriate assistance in staffed stations or by phone.

Payment methods

4.17. Licence holders have obligations under the NRCot, as well as other consumer law, in relation to repayment, Licence holders are expected to act in accordance with those obligations, notwithstanding any requirements of this CoP.

5) Continual Improvement

Purpose: to encourage licence holders to continue seeking to improve and innovate in how they provide delay compensation.

- 5.1. ORR expects licence holders, individually and collectively, to continue seeking to improve the service that they provide to respond with innovation to the opportunities and challenges presented by technology and passenger expectations.
- 5.2. As part of their regular reporting to ORR (see paragraph 6.5 below), licence holders must provide an annual update of steps that they have taken to improve passenger awareness of delay compensation, and improvements that they have made to the claims process.
- 5.3. A summary of progress in this area may be published by ORR as appropriate.

6) Reporting

Purpose: to improve passenger awareness of delay compensation, and to monitor performance.

Reporting for passengers

- 6.1. Licence holders must keep passengers informed of their performance on delay compensation. To this end, licence holders must publish information on key metrics including:
 - a. Volume of delay compensation Claims received, and approved.
 - b. Value of total delay compensation paid.
 - c. Average time for Claims to be processed.
- 6.2. Licence holders may wish to publish additional information to provide context, such as punctuality data.
- 6.3. Such information must be updated every 3 months, with data shown for performance over the previous year, and displayed prominently online alongside other delay compensation information required by the CoP.

Reporting to ORR

- 6.4. ORR will, from time to time, survey Passengers about aspects of their experience with delay compensation, including awareness and ease of process.
- 6.5. Licence holders must provide to ORR an annual summary of steps taken to improve passenger awareness of delay compensation, and the claim process.
- 6.6. Licence holders must collect and provide ORR with further relevant performance data set out in ORR core data monitoring guidance. Further detail on the format and frequency of data for submission is provided in the core data guidance⁴.

⁴ <https://www.orr.gov.uk/sites/default/files/om/reference-guide-orr-core-data-compliance-monitoring.pdf>