

2 May 2025

Dear Colleague

## **Review of Accessible Travel Policy requirements on redress**

We want disabled people to be able to confidently access the rail network, including when they need assistance to travel. When assistance fails, redress processes provide an important way to recognise the impact on the passenger, and for the operator to demonstrate that it understands what went wrong and is taking steps to prevent failures from reoccurring.

When we established our [Accessible Travel Policy Guidance](#) in 2019 (subsequently updated in September 2020), we established new requirements relating to the provision of redress by operators where assistance has not been delivered as booked. We are now planning to review those requirements, and I am writing to share our plan.

### **Background**

All train and station operators must establish and comply with an Accessible Travel Policy (ATP) as a condition of their licence, setting out their provision for disabled passengers. Operators must secure ORR's approval for their ATP, and for any subsequent material changes. Our ATP Guidance sets out the minimum requirements against which we assess operators' ATPs.

This Guidance requires operators to commit to providing *appropriate redress* to passengers who submit a claim where assistance has been booked but has not been provided as confirmed by the operator, due to a failure of the assistance service. Key aspects of the requirements include:

- The claim process must be simple and straightforward, and promoted to passengers;
- The claim must be owned by the operator of the train the passenger was travelling on, or due to travel on, when the failure took place. Where there are

multiple failures in a single journey, one operator must coordinate a single response;

- The Guidance recommends as good practice that the form and, where appropriate, the value of any redress be considered on a case-by-case basis; and
- The operator must explain to the passenger why the assistance was not provided, and what steps have been taken to ensure the failure does not reoccur.

Nothing in our Guidance is intended to diminish or remove the obligations that operators have to passengers under relevant legislation, including the Consumer Rights Act 2015, the Rail Passengers Rights and Obligations Regulations 2010 (PRO) or the Equality Act 2010.

There have been several developments since 2019 that prompt us to review these requirements now, which include:

- The levels of redress claims are low: in 2023/24, our passenger satisfaction survey found that of the 5% of users of Passenger Assist who were unable to complete their journey due to not receiving, or being delayed in receiving the assistance that they booked, only 23% had sought redress.
- There have been a number of recent decisions by the Court and by the Rail Ombudsman on financial compensation for assistance that has not been delivered as booked, which have shown that in certain circumstances a significant level of financial compensation may be appropriate; and
- We have recently received a challenge on behalf of an individual concerned that some operators' ATPs limit, or appear to limit, the level of financial compensation they will offer as part of any redress at levels determined by the ticket price.

We agree that some operators' ATPs currently state that any financial compensation will be linked to the price of their train ticket, and others could be read to do so. When we originally approved these policies, we considered them acceptable. Passengers would be able to complain to the operator if they were not satisfied with the initial offer and escalate to the Rail Ombudsman if they were not satisfied with the operator's response to their complaint.

We have considered the implications of both the obligations placed on operators by the Passenger Rights and Obligations Regulation EC 1371/2007 (as retained), the Equality Act 2010 and also the recent decisions from the Court and Rail Ombudsman. As a result, we now plan to consult on amending the ATP guidance to require operators to consider redress claims on a case-by-case basis, informed by an assessment of the circumstances and the impact on the passenger, and in consideration of all relevant legislation. A case-by-case approach to considering

redress claims is already established as good practice in our ATP Guidance, and is the approach already adopted by a number of operators.

### **Next steps**

We plan to review the redress requirements set out in section A8 of our ATP Guidance to ensure that they create an appropriate enabling framework for disabled people to access redress where assistance fails. We continue to consider that it is not appropriate for ORR to provide guidance on the levels of financial compensation that may form part of any redress. We will consult on any changes that we propose to make, including any consequential changes to other aspects of the guidance relating to redress.

Our provisional plan is:

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|----------------|--|
| May 2025       | Consultation on any proposed amendments to the ATP Guidance requirements relating to redress |
| September 2025 | Decision on any amendments to ATP Guidance requirements relating to redress                  |

I am copying this letter to train and station operators that have ATPs, DPTAC, Transport Focus, London TravelWatch, MACS, ORR's Accessible Travel Stakeholder Forum, the Rail Ombudsman, RDG, DfT and the Scottish and Welsh Governments. This letter will also be published on ORR's website.

Yours sincerely

**Stephanie Tobyn**