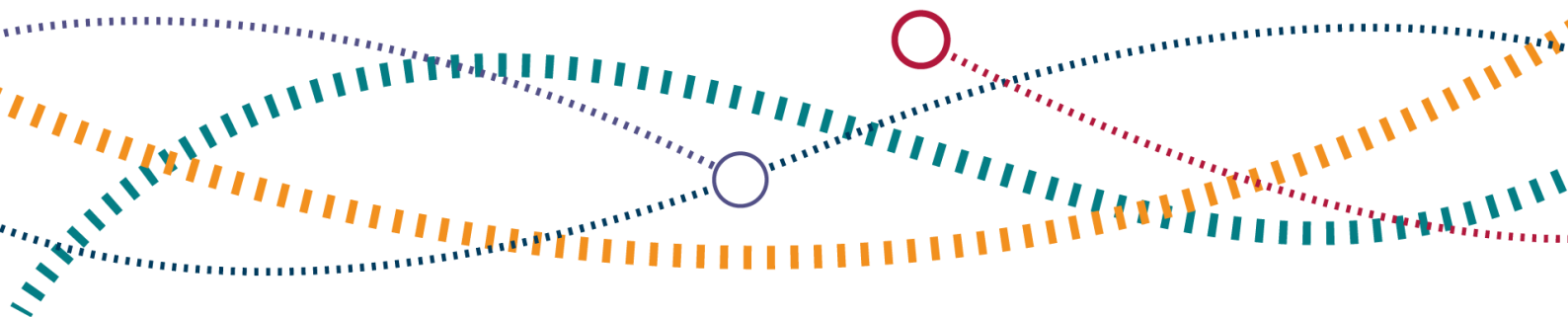




Consultation on Accessible Travel Policy (ATP) Guidance redress requirements

30 May 2025



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Executive summary

1. The Passenger Assistance service enables older and disabled people to access the rail network. When passenger assistance is delivered, passengers are generally satisfied with their experience. However, assistance is still not reliable enough. Between 1 April 2023 and 31 March 2024, 12% of passengers [who responded to our survey](#) reported that they did not receive any of the assistance they had booked.
2. Redress is a way that operators can seek to put things right for a passenger where they have failed to deliver assistance as booked. For all redress claims submitted by a passenger, operators must provide an explanation of what went wrong, what steps they have taken to prevent the failure from happening again and an appropriate remedy. This could take a variety of forms, such as an apology, a gesture of goodwill, and/or financial compensation.

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3. ORR's requirements on redress for failed assistance were first set out in our [Accessible Travel Policy \(ATP\) Guidance in 2019](#) (subsequently updated in September 2020) ("our ATP Guidance"). The Guidance places responsibility for determining the form and, where appropriate, value of redress with the operator.
4. A case-by-case approach to determining appropriate redress is currently set out as good practice in our ATP Guidance. A number of operators' ATPs can be seen to adopt a case-by-case approach.
5. We are now consulting on amending our ATP Guidance to require all operators to assess and determine appropriate redress on a case-by-case basis. This would mean that we would no longer approve ATPs which stated or implied that the form or value of redress would be limited or linked just to the ticket price or a multiple thereof. We are also seeking evidence on the wider framework for redress.

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6. Consultation questions are embedded within the text of this document and collated at **Annex A**. Responses are invited by **5pm on 11 July 2025**.
7. We will consider responses to this consultation before making any decisions later this year. If we decide to make changes to our ATP Guidance following this consultation, then operators may be required to amend their ATPs and to re-submit them to us for our approval.

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1. Introduction

- 1.1 Passenger Assistance is a free service for older and disabled passengers who may require help to be able to access rail travel. Sitting alongside broader efforts to make rail travel accessible to everyone, it is designed to reduce the barriers to travel that older and disabled people may face.
- 1.2 Our [ongoing survey of passengers that have booked assistance](#) shows that satisfaction with assistance when it is provided is relatively high but that the service is not reliable enough.
- 1.3 In the year 1 April 2023 to 31 March 2024, among those who were met and received assistance, 94% were satisfied with the assistance they received. However, 12% of passengers said they did not receive any of the assistance they had booked.
- 1.4 The consequences of an assistance failure will vary from case to case. In many cases,

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passengers will still be able to complete their journey, though their journey experience may be negatively affected. In other situations, they may experience uncertainty, incur additional costs, or their confidence to travel may be lowered. In the worst cases, passengers can be on a train unable to alight without assistance and without information on when or if assistance will arrive. This can leave the passenger feeling powerless and increasingly frustrated.

- 1.5 Redress is a way that operators can seek to put things right for a passenger where they have failed to deliver booked assistance. It is not always or necessarily a form of financial compensation. It could be an apology, a gesture of good will, and/or a compensatory payment. Whatever form it may take, it is a way in which passengers can receive assurance that failures are being investigated and acted upon, and for operators to recognise the impact of the failure on passengers.

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Regulatory framework

- 1.6 Operators are required, as a condition of their operating licence, to establish and comply with an Accessible Travel Policy (ATP), setting out what they will do to help disabled people use the railway. Operators must secure ORR's approval for their ATP, as well as for any subsequent material changes. Our [ATP Guidance](#) sets out the minimum requirements against which we assess operators' ATPs.
- 1.7 As public service providers, operators also have a duty under section 29 of the Equality Act 2010 to make reasonable adjustments to accommodate services for disabled passengers. Passenger assistance is one of the ways the railway makes reasonable adjustments for older and disabled people. A failure to provide pre-booked travel assistance to disabled passengers may, under certain circumstances, constitute a breach of this duty and render operators liable to pay compensation for the passengers' financial

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and/or non-financial loss (i.e. injury to feelings). Such incidents should be assessed on a case-by-case basis and on the merits of their individual facts.

- 1.8 Operators are also bound by similar rail-specific obligations that derive under retained European legislation (for example, articles 21 and 22 of the Passenger Rights and Obligations Regulation EC 1371/2007 as retained (“PRO 2007”). These Regulations, as transposed in the UK domestic law by the Rail Passengers’ Rights and Obligations Regulations 2010, provide rights for disabled persons and persons with reduced mobility, including assistance during travel and financial compensation, if this assistance is not provided.
- 1.9 The ATP redress requirements run in parallel with and remain unaffected by other legal obligations operators may be subject to as service providers under general consumer legislation.

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Redress

- 1.10 Our ATP Guidance requires operators to commit to providing appropriate redress to passengers where assistance has been booked but has not been provided as confirmed by the operator, due to a failure of the assistance service.
- 1.11 **Operators are required to provide an overview of the claims process, which must be simple, straightforward and clear, and to promote it to passengers, including through their passenger leaflet and website.** However, the volume of redress claims remains low. Between 1 April 2023 and 31 March 2024, 455 respondents to our survey were either unable to complete their journey, or unable to complete it as planned due to not being met in a timely manner or not receiving the assistance they had booked. Of these, only 108 (23%) made a claim for redress.
- 1.12 **A passenger's redress claim must be owned by the operator of the train the passenger was**

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travelling on, or due to travel on, when the failure took place. This means that train operators always take ownership for redress claims, including in those cases where Network Rail, or another station operator, was responsible for delivering the assistance. Where there are multiple failures in a single journey, one operator must coordinate a single response. Taken together these measures provide a “single front door” for passengers to submit a claim. We are not proposing to review these requirements at the present time given the forthcoming rail reforms which will bring many train operators under a single body, Great British Railways (GBR).

1.13 It is for the operator to determine the form and, where appropriate, value of any redress.

Redress is not necessarily a form of financial compensation. It could be an apology, a gesture of good will, and/or a compensatory payment. Our ATP Guidance sets out that best practice is to determine redress on a case-by-case basis to

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allow operators to consider the circumstances of the case. In all cases, the operator must explain to the passenger why the assistance was not provided and provide reassurance that action has been taken to prevent the same failure from happening again. A redress claim from an individual therefore helps to drive improvements in the services that will benefit other older and disabled passengers too.

Complaints

1.14 Under their operating licence, operators must establish and comply with a Complaints Handling Procedure (CHP). If a passenger is unhappy with their experience of assistance, then they can make a complaint to the operator, and the operator must respond in line with its CHP. If the passenger and operator are unable to reach a resolution, then the passenger can escalate a complaint to the Rail Ombudsman.

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- 1.15 All operators are required under their licence to be a member of the [Rail Ombudsman](#) (with the exception of Eurostar that, as an international operator across several jurisdictions, is a member of a different scheme). This means that passengers who are dissatisfied with the outcome of a redress claim can complain to the operator and, if they remain dissatisfied with the response, escalate a complaint to the Rail Ombudsman. The Rail Ombudsman assesses complaints on a case-by-case basis.
- 1.16 Operators are required to promote the Rail Ombudsman to passengers, including making passengers aware of the Rail Ombudsman in their acknowledgements of complaints, and formally signposting passengers to its services when they have exhausted the complaints process.

2. Our proposals

Determining appropriate redress

- 2.1 Our ATP Guidance currently sets out as good practice that the form and, where appropriate, the value of any redress may be determined on a case-by-case basis. This is to allow operators to consider the circumstances of each case.
- 2.2 There is significant variation in how operators articulate their approach to determining redress in their ATPs. Some describe a case-by-case approach, whilst others are less clear and could be interpreted as describing a case-by-case approach. Some operators appear to link or limit redress with the price of a ticket, and a small number of operators appear to offer only redress that is linked to the price of a ticket with no indication of considering individual circumstances. We approved these policies originally as, in line with our ATP Guidance, the

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form and, where appropriate, value of redress is for operators to determine.

- 2.3 However, the impact of an assistance failure on a passenger will vary in each case, depending on the circumstances. It follows that appropriate redress will always depend on the circumstances of the claim and will be highly fact specific. Determining appropriate redress needs to be able to consider the full range of issues that could arise from the failure, and its impact on the passenger. We want to ensure the redress framework reflects this.
- 2.4 Recent decisions by the courts and the Rail Ombudsman have indicated that appropriate compensation in some instances of failed assistance will be higher than the price of a ticket. Separately, we have also received a legal challenge on behalf of an individual concerned that some operators' ATPs limit, or appear to limit, the level of financial compensation they will

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offer as part of any redress at levels determined by the ticket price.

- 2.5 We are therefore proposing to amend our ATP Guidance to require operators to determine redress claims on a case-by-case basis. These changes are set out in our proposed amendment to the ATP Guidance (see Annex B). This would mean that we would no longer approve ATPs which stated or implied that the form or value of redress would be limited or linked just to the ticket price or a multiple thereof, although we recognise that depending on the individual circumstances an operator could still offer to refund the ticket price.
- 2.6 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.
- 2.7 In making any regulatory change, we are required to consider the cost impacts on

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licensees and various duties under section 4 of the Railways Act 1993, including a duty to have regard to the funds available to the Secretary of State for the purposes of her functions in relation to railways, and railway services. We are therefore asking operators to submit evidence to us of potential cost impacts arising from our proposals that we may need to consider.

2.8 We are now seeking views on our proposal to require all operators to determine redress claims on a case-by-case basis and remove any provisions from their ATPs that cap or appear to be capping monetary compensation just to the ticket price or a multiple thereof.

2.9 **Consultation Question 1:** What are your views on the proposal to require operators to determine all redress claims on a case-by-case basis? This would mean operators removing any provisions from their ATPs that cap or appear to be capping monetary compensation just to the ticket price or

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a multiple thereof. Please explain your answer, providing evidence wherever possible.

2.10 Consultation Question 2: Please submit evidence to us if there are particular cost impacts for operators arising from our proposals that we need to consider.

2.11 We want to make any decisions on the proposed change to our ATP Guidance as soon as possible, so that we can provide certainty to both passengers and operators who may be required to make consequential amendments to their ATPs. As a result, this consultation is targeted on this change.

2.12 Should you have further comments on the ATP Guidance redress requirements, please let us know. These may need to be considered separately, where this is deemed appropriate, and may be subject to further review and engagement in due course.

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2.13 Consultation Question 3: Do you have any additional comments on other matters in the ATP Guidance that relate to the redress requirements?

How to respond

2.14 Responses to this consultation are invited by **5pm on Friday 11 July 2025**. Responses should be sent by email to ATP@orr.gov.uk, by filling out the [online form](#) on our website or by post to:

ATP Guidance redress consultation, Office of Rail and Road, 25 Cabot Square, London, E14 4QZ.

2.15 We have also produced a [Large Print version](#) of this consultation document.

2.16 If you need this document in a different format such as Easy Read, audio recording or braille, please contact us via:

E-mail: Webteam@orr.gov.uk Telephone: 0207 282 2000 [select option 3]

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Post: Public Correspondence Team, Office of Rail and Road, 25 Cabot Square, London, E14 4QZ.

2.17 We will consider your request and will endeavour to respond within 10 working days.

2.18 We plan to publish all responses to this consultation on our website. Should you wish for any information in your response to be treated as confidential, please state your request clearly and explain the reasons why by following the process we provide below. Please be aware that information may be subject to publication, or release to other parties or to disclosure, in accordance with the access to information regimes. These regimes are primarily the Freedom of Information Act 2000 (FOIA), the General Data Protection Regulation (GDPR), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004.

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2.19 Under the FOIA, there is a statutory code of practice which deals, amongst other things, with obligations of confidence. In view of this, if you are seeking confidentiality for information you are providing, please explain why. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on ORR.

2.20 We may use Copilot to help analyse the responses to this consultation. Your data will not be used to train AI models and will not be shared or copied outside ORR. The data will only be accessed and used by those ORR staff authorised to do so. ORR staff will monitor and review the outputs to ensure accuracy.

2.21 If you are seeking to make a response in confidence, we would also be grateful if you

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would annex any confidential information, or provide a non-confidential summary, so that we can publish the non-confidential aspects of your response.

Next steps

- We will consider responses to this consultation and engage further with stakeholders on our proposals if required.
- We intend to publish a decision on any amendments to our ATP Guidance on redress later this year.
- We will then consider how best to expedite the process for any changes required to operator ATPs.

3. Draft Equality and Regulatory Impact Assessment

Introduction

- 3.1 ORR is proposing to amend the ATP Guidance to require all operators to always determine redress on a case-by-case basis. The objective of the proposal is to ensure that operators actively assess each redress claim on its own merits so that decisions are fair and proportionate. In making a case-by-case evaluation an ATP requirement, we are seeking to promote accountability and better outcomes for older and disabled passengers.
- 3.2 As a public body, ORR is required by the Equality Act 2010 (EA2010) to comply with the Public Sector Equality Duty (PSED).
- 3.3 ORR must, in every policy decision that could affect individuals with protected characteristics—either positively or negatively—have due regard

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to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations between all groups.

- 3.4 This draft assessment combines regulatory and equality considerations against our proposal for all operators to always determine redress on a case-by-case basis. It records analysis we have undertaken to understand the impact both on rail passengers and industry. The intended beneficiaries of the proposal are rail passengers who book assistance to travel on the rail network. This will include older and disabled people who need assistance to access the rail network. Pregnant women may also benefit from the proposal. These specific groups will be the focus of our passenger assessment.

Evidence

- 3.5 Our proposal has been developed based on our assessment of information available in operators'

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individual ATP policies, and data we collect through our ongoing passenger survey. We have also taken into account recent court and Rail Ombudsman decisions.

- 3.6 We recognise that we do not hold all the information needed to understand particular impacts of the proposal, such as the potential costs to operators. Our consultation asks stakeholders to provide supporting evidence on this, which we intend to feed into this evolving assessment where appropriate.

Policy options being considered

- 3.7 The draft assessment discusses two options:
- Option 1: Amend current ATP Guidance by requiring all operators to always determine appropriate redress on a case-by-case basis.
 - Option 2: Maintain current ATP Guidance which sets out as good practice that appropriate redress may be determined on a

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case-by-case basis (this is the “do nothing” option).

Analysis

- 3.8 We summarise below the potential regulatory and equality impacts of our proposal on older and disabled people and industry, relative to options one and two and each one is assessed as either having a positive or adverse impact. Our equality assessments are grouped under our PSED duties.
- 3.9 Overall, our analysis suggests that our proposal under option one will contribute towards a reduction in discrimination, an advancement of opportunity, and may help foster good relations for older and disabled people. It should improve fairness, proportionality and passenger confidence with the redress process. It also promotes operators’ increased learning and continuous improvement which can support them

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in preventing future cases of passenger failed assistance.

Option 1 Amend current ATP Guidance

Older and disabled people

Positive impact

- Reduction in discrimination
 - Requires consideration of individual experience when assistance fails, and the impact of the failure on the passenger.
- Advancing equality of opportunity
 - Adopts measures to tailor the form of redress to the harm or disadvantage caused.
 - Should reduce the burden of complaints and escalation if cases are considered on a case-by-case basis at the first tier (i.e. operators).
- Fostering good relations

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- is likely to increase passenger confidence because they are being treated as an individual, and the circumstances of their case are taken into account.
- Reduces the risk of passengers being discouraged from making a claim if appropriate redress appears to be limited or linked just to the price of a ticket.

Adverse impact

- Risk of less transparency for passengers on the potential value of a redress offer from some operators.
- Risk of inconsistent approaches between operators in terms of how they apply a case-by-case approach, though there is inconsistency in approaches to redress already.

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Industry

Positive impact

- Operators' consideration of the circumstances of each case may increase opportunities for learning and continuous improvement.

Adverse impact

- May lead to a rise in disputes or escalation.
- Additional administration burden and potential increase on resource.

Option 2: Maintain current ATP Guidance

Older and disabled people

Adverse

- Passengers may be discouraged from submitting a claim for redress when their assistance fails, where operators' ATPs could be seen to limit or link redress with just the ticket price as they could perceive it to be more trouble than it is worth.

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Industry

Positive

- Current practices remain unchanged.

Adverse

- Operator's ATPs which link redress with the ticket price could mean that they are less equipped to improve, as they may not be prompted to thoroughly investigate the failure on a case-by-case basis.

Evidence of engagement and involvement

3.10 This is a draft assessment and subject to completion once the consultation has closed and we have made our final decision. Therefore, our analysis will remain incomplete until we have reviewed the evidence from the consultation responses. We are publishing this draft assessment now in order to help facilitate engagement with stakeholders during the consultation process.

Annex A: List of consultation questions

Consultation questions

Consultation Question 1: What are your views on the proposal to require operators to determine all redress claims on a case-by-case basis? This would mean operators removing any provisions from their ATPs that cap or appear to be capping monetary compensation just to the ticket price or a multiple thereof. Please explain your answer, providing evidence wherever possible.

Consultation Question 2: Please submit evidence to us if there are particular cost impacts for operators arising from our proposals that we need to consider.

Consultation Question 3: Do you have any additional comments on other matters in the ATP Guidance that relate to the redress requirements?

Annex B: Proposed amendments to ATP Guidance

Redress requirements are set out in section A8 of ATP Guidance. Our Guidance sets out what an approved Accessible Travel Policy '**must**' contain as a minimum in order to comply with the licence condition. It is also intended to set out recommended good practice that an approved Accessible Travel Policy '**may**' contain (see Para 1.2.3 of our ATP Guidance).

To implement our proposal, we are proposing to amend 'may' to 'must' in paragraph A8.1 of the ATP Guidance. This would have the effect of turning what is currently recommended as good practice into a requirement. The proposed amendment is shown in **bold highlights** below. We are not proposing any other changes to the ATP Guidance.

Extract from ATP Guidance: A8 Redress

A8.1 When assistance has been booked but has not been provided as confirmed by the operator, due

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to a failure of the assistance service, the operator **must** provide appropriate redress to a passenger that has submitted a claim. The form and, where appropriate, value of this redress **may must** be determined on a case-by-case basis to allow operators to consider the circumstances of the case. The operator **must** explain to the passenger in its response why the assistance was not provided, and what steps have been taken to ensure the failure does not reoccur. Operators **must** set out an overview of the claim process, which must be simple, straightforward and clear, and commit to promoting this to passengers, including on their website, via social media and in their passenger leaflet.

A8.2 A claim for redress about a specific assistance failure **must** be owned by the operator of the train the passenger was travelling on, or due to travel on, when the failure took place.

A8.3 A passenger **must** not have to submit a claim for redress to more than one operator. In cases of multiple assistance failure with a number of operators

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during a single multi-leg journey, the receiving operator **must** coordinate a single response on behalf of all of the operators involved. Sometimes this may not be sensible if the bulk of the assistance which was booked failed to be provided by another operator on whose train the passenger was travelling, or due to travel, when the failure took place. In this instance, it may be in the best interest of the claimant to receive a response directly from the operator primarily responsible. In this case the receiving operator **may** make arrangements to have the claim passed to the more appropriate operator. The operator **must** inform the claimant and obtain their consent when their claim is transferred to another operator.

A8.4 Nothing in this section 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

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Rights and Obligations Regulations or the Equality Act
2010.¹

¹ via the Equality Advice and Support Service.



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