Consultation on Accessible Travel Policy (ATP) Guidance redress requirements (HTML)

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 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 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 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 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.

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 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 EasyRead, audio recording or braille, please contact us via:

Email: Webteam@orr.gov.uk

Telephone: 0207 282 2000 [select option 3]

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.

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 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.

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- → Next 3. Draft Equality and Regulatory Impact Assessment