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

Executive summary

This document presents the outcome of the ORR consultation published in May 2025, on the Accessible Travel Policy (ATP) Guidance redress requirements.

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.

The consultation sought views on a specific proposal to require operators to determine appropriate redress on a case-by-case basis, which is currently recommended as good practice. We did not propose any other changes to the ATP Guidance.

This proposal meant that operators would need to remove any provisions from their ATPs that cap or appear to be capping monetary compensation just to the ticket price or a multiple thereof.

The consultation ran from 30 May to 11 July 2025, receiving 30 responses from members of the public, train operators, passenger groups, disabled passenger organisations, Transport Focus, Transport for Greater Manchester, the Equality and Human Rights Commission and the Rail Ombudsman.

Consultation responses

Respondents expressed broad support for always adopting a case-by-case approach to determining appropriate redress, because it is felt to be the most effective way that operators can respond to the individual circumstances of each case. However, some concerns were raised around how to achieve consistency when a case-by-case approach is applied in practice.

Respondents also raised broader issues on our redress requirements, including, specifically, calls for there to be some form of guidance or framework to determine appropriate redress, challenges to expand the scope of our redress requirements and review the ownership of redress claims, and calls to simplify and streamline the redress process. We are committed to undertaking further work to explore these wider issues raised and we will engage further with the relevant stakeholders to do so.

As part of the wider issues raised, this document also clarifies our role in relation to guidance on financial redress levels and provides a view on the application of the Vento bands to redress.

ORR decision

We will implement the proposed case-by-case change to the ATP Guidance and have published updated ATP Guidance alongside this decision document. In practice this means a one-word change to paragraph A8.1 so that the form and, where appropriate, value of redress "must" be determined on a case-by-case basis, rather than "may".

This decision underlines ORR's commitment to improving the experiences of older and disabled people travelling by rail. It should improve fairness, proportionality and passenger confidence with the redress process. It will also promote operators' increased learning and continuous improvement which can support them in preventing future cases of failed assistance.

Next steps

Case-by-case approach

Following the issue of our decision, we will write to all operators to request that they review their ATP content on redress and make any appropriate amendments to implement the case-by-case approach.

Operators will need to give effect to the case-by-case approach and where appropriate remove any provision from their ATPs that cap or appear to be capping monetary compensation just to the ticket price or a multiple thereof. Where financial compensation forms part of redress, we recognise that a refund or partial refund of the ticket price could be appropriate, depending on the circumstances of the case, and this remains a decision for the relevant train operator. Operators will be required to move at a swift pace to complete this review, and to submit any proposed changes to ORR.

We will also review how we monitor operators' activities in relation to redress, including reviewing the redress core data we collect from all operators.

Wider issues

We will undertake further work to explore the wider issues raised, including whether there is a need for further guidance/a framework for determining appropriate redress, the scope of our current redress requirements, the ownership of redress claims, and the process for handling redress claims. The output of this work could take a number of forms, for example a progress update, a discussion document or a consultation on proposed changes. We will publish an update on this work in Spring 2026.

- → Next 1. Introduction

1. Introduction

Background and context

1.1 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 situation and will be highly fact specific. Determining appropriate redress requires an operator 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 policy framework reflects this.

The wider regulatory and legal framework

1.2 Our requirements on booked assistance and redress sit alongside a wider legal framework.

1.3 Under the Equality Act 2010, section 29 requires public service operators not to discriminate against disabled passengers and to make reasonable adjustments to enable them to use their services. Passenger assistance is one of the ways the railway makes reasonable adjustments for older and disabled people. A failure to provide 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 and/or non-financial loss (i.e. injury to feelings).

1.4 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.

1.5 As well as the routes to redress that are available through the courts, 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. Under their operating licence, operators must establish and comply with a Complaints Handling Procedure (CHP) and 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).

What we consulted on

1.6 In May 2025, we published a consultation seeking views on our proposal to amend our ATP Guidance to require all operators to determine redress for failed booked assistance where it has not been delivered as booked on a case-by-case basis.

1.7 We also asked operators to submit evidence to us if there are particular cost impacts arising from our proposal that we need to consider. 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.

1.8 Respondents were also invited to submit any additional comments on other matters in the ATP Guidance that relate to the redress requirements.

1.9 The consultation was open from 30 May to 11 July 2025. In total, 30 responses were received

from a range of stakeholders, which included:

- 15 responses from individual operators or rail owning groups.
- Nine responses from organisations including passenger groups, disabled passenger organisations and groups, Transport Focus, Transport for Greater Manchester, the Equality and Human Rights Commission and the Rail Ombudsman
- Six responses from individual members of the public.

1.10 We also discussed the consultation with our Consumer Expert Panel and have considered their feedback as part of our decision-making process.

Structure of this document

- Section 2 summarises the main themes from all responses to the case-by-case proposal, including the cost impacts, and sets out ORR's decision and next steps.
- Section 3 highlights issues raised on additional matters in the ATP Guidance that relate to the redress requirements, and ORR's response.
- Annex A sets out the updated equality and regulatory impact assessment which reflects the consultation responses to the case-by-case proposal.
- Annex B sets out the amendment to the ATP Guidance.

1.11 A separate document which includes all the consultation responses received is published on our website, in addition to an updated version of the ATP Guidance.

- ← Previous Consultation on Accessible Travel Policy (ATP) Guidance redress requirements: Decision document (HTML)
- → Next 2. The case-by-case approach

2. The case-by-case approach

2.1 This section provides a summary of responses to consultation question one: our proposal to require operators to determine all redress claims on a case-by-case basis. It also includes a summary of the feedback we received in response to question two, regarding the potential cost impacts of this proposal.

2.2 We received feedback on a range of other wider issues on redress. We respond to these areas

in section 3, "wider issues".

Proposal to require a case-by-case approach

2.3 **Question 1** of our consultation asked the following: 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.

2.4 This means that there would be a one-word change to the ATP Guidance so that, going forwards, the form and, where appropriate, value of redress "must" be determined on a case-by-case basis, rather than "may."

Summary of responses

Broad support

2.5 Overall, we received broad support for our proposal to require redress claims to always be determined on a case-by-case basis. This included 13 operators who confirmed they adopt this approach already.

2.6 A central theme in the responses was the recognition that every redress case is unique and should be assessed on its individual merits. As one operator noted, "no two travellers will be impacted the same. A case-by-case approach reflects this viewpoint and should be the way of working going forward."

2.7 A few passenger groups and one member of the public agreed that a case-by-case approach ensures both financial and non-financial impacts on passengers are fully acknowledged, reflecting the harms caused to an individual passenger. One operator noted that the full consideration of each incident will enable passengers to be informed of lessons learned and support continuous improvement by operators.

2.8 A few Government-owned operators noted the importance of balancing protecting public money with providing fair redress. Therefore, redress policies should adopt a case-by-case approach so that operators can apply "all the facts of an incident and make a fair and justified determination of what is owed to a customer", rather than applying a fixed, standardised amount for all claims.

Capping or limiting redress

2.9 Several respondents, including five members of the public, stated they were opposed to either capping the financial component of redress or basing compensation solely on the ticket price.

2.10 A number of operators and passenger organisations noted that redress which is linked to the ticket price is not always appropriate, for example, for passengers who use free travel passes or have concessionary trips. In some cases, the ticket value might be so low that offering the cost of the ticket would be out of proportion to the impact experienced by the individual.

2.11 One disabled passenger organisation suggested that capping redress "minimises the harm caused by accessibility failures, disincentivising meaningful service improvements, and risks treating redress as a routine refund exercise rather than a genuine act of accountability." Another respondent added that blanket compensation policies such as limiting payments to the ticket price "will not consider the effect failed assistance may have had on the person."

Cost impacts of case-by-case

2.12 **Question 2** of our consultation asked the following: Please submit evidence to us if there are particular cost impacts for operators arising from our proposals that we need to consider.

2.13 A summary of responses is provided below.

Summary of responses

Evidence of cost impacts

2.14 Almost all operators who responded to the consultation did not provide quantitative evidence on any cost impacts arising from the proposal to adopt a case-by-case approach, with some noting they did not expect any impacts, mainly due to them already adopting a case-by-case approach.

2.15 A couple of operators provided rough cost estimates to their operations. One rail owning group and its operator reported undertaking internal financial impact assessments.

2.16 Several operators raised points around potential cost impacts including as follows:

- Five noted that the proposal for a case-by-case approach may lead to an increase in the frequency and complexity of legal advice sought by operators.
- Two felt that the proposed changes may lead to more passengers seeking compensation, including those who might not have previously considered pursuing redress.
- Three expressed views that operational costs across teams could rise due to a greater number of complex cases needing more detailed investigation and resolution.
- One rail owning group and its operator said that costs could be significant depending on implementation and passenger expectations.
- Two noted being publicly funded, and that if costs were to rise, and funding is limited, they may need to cut spending in other areas, including investment in accessibility related projects or other services with customer impact.
- A local transport authority expressed a view that, as the industry moves towards public ownership, any financial costs will ultimately fall on the taxpayer, and that financial sustainability must therefore be a key consideration.

2.17 In addition, points were raised by operators about the applicability of Vento bands to their considerations on financial compensation. We address the use of Vento bands in section three "wider issues".

ORR decision and next steps on case-by-case approach

2.18 We have considered the consultation feedback, and whilst we acknowledge that the policy decision may lead to some cost increases for industry, we consider that these are justified by the anticipated benefits for older and disabled passengers.

2.19 We will write to all operators to request that they review their ATP content on redress and make any appropriate amendments to implement the case-by-case approach. Operators will need to remove any provision from their ATPs that cap or appear to be capping monetary compensation just to the ticket price or multiple thereof. Where financial compensation forms part of redress, we recognise that a refund or partial refund of the ticket price could be appropriate, depending on the circumstances of the case, and this remains a decision for the relevant train operator.

- ← Previous 1. Introduction
- → Next 3. Wider issues

3. Wider issues

3.1 This section covers the wider issues raised in the consultation on additional matters in the ATP Guidance that relate to the redress requirements.

3.2 **Question 3** of our consultation asked the following: Do you have any additional comments on other matters in the ATP Guidance that relate to the redress requirements?

3.3 We summarise the responses below and outline our response and next steps. We also indicate where we plan to carry out further work.

3.4 A third of respondents called for there to be some form of guidance or framework for how redress claims should be determined, in terms of how decisions are made and/or what levels of financial compensation may be awarded. This feedback was partly driven by concerns amongst respondents around how consistency could be achieved and how to ensure transparency and clarity for passengers, and partly by concerns about cost risks.

3.5 For example, one disabled passenger organisation recommended ORR include non-exhaustive examples in the ATP Guidance of the types of factors operators should consider when assessing appropriate redress.

3.6 In contrast, a couple of operators noted challenges or concerns about potential guidance or a framework for redress, with one viewing a compensation framework as not being compatible with a case-by-case approach.

Guidance/a framework for redress decisions

3.7 The main points in support of guidance or a framework are set out below:

- **Consistency and transparency**

3.8 A few respondents called specifically for ORR to set out clear minimum principles or factors for operators when determining appropriate redress in a variety of individual circumstances, considering factors such as emotional distress, missed obligations, damage to mobility equipment, and injury to passenger. One disabled passenger organisation added that a framework should be co-produced with disabled people to ensure it reflects real-life experiences.

- Systemic issues

3.9 One disabled passenger organisation suggested that any guidance or framework should consider whether an issue raised via a redress claim is systemic – for example, whether the assistance failure is part of a reoccurring pattern. They also made the point that in such cases, redress should reflect the cumulative impact of assistance failures at a specific location, and operators should be held accountable for failing to address known problems.

- Definition of failed assistance

3.10 Several operators and one disabled passenger group shared their views on the need for a clear and consistent definition across industry of what constitutes failed assistance. A few of those operators recommended ORR should be involved in either developing such a definition or criteria or advising on it. It was suggested that the importance of a shared understanding of an assistance failure would mean that redress can be awarded consistently and any differences in passenger and operator expectations reduced.

- Guidance on financial redress levels

3.11 A few respondents recommended that ORR issue guidance on compensation levels, considering this important for effective operator decision-making and for providing passengers with clear expectations. A few additional respondents also saw merit in there being some form of compensation framework for redress with minimum compensation values. One passenger body believed industry could lead work to produce this, working with disabled-led organisations.

3.12 A few respondents reflected that, in line with our ATP Guidance requirements, redress does not need to be financial, and so any guidance or framework for determining appropriate redress should ensure different forms as well as value are accounted for. One disabled passenger group suggested ORR distinguishes between "redress" and "compensation" to ensure that operator accountability and continuous improvement are addressed as part of all redress claims – something which may not be considered as part of the issue of compensation.

Vento bands

3.13 Vento bands are guidelines for use by UK employment tribunals to help determine the levels of financial compensation in discrimination cases. Courts also commonly refer to the Vento bands to inform decisions on financial compensation in Equality Act discrimination cases.

3.14 A couple of operators noted cost impacts if compensation values for redress become linked to Vento, with one local transport authority commenting that if these were to become normative this could create a high cost-base for the railway. Some operators also noted a greater awareness amongst passengers of the Vento scale.

3.15 Consistent with the feedback in support of guidance/a framework, a few respondents highlighted the value of applying a framework that considers factors such as distress, loss of dignity and individual impact.

Scope of redress requirements

Turn up and go assistance

3.16 A range of respondents, including an operator, a member of the public, a passenger organisation and a disabled passenger group, questioned the scope of the current ATP Guidance requirements on redress. Currently the ATP Guidance states that redress must be provided when assistance is not delivered as booked. The same respondents called for ORR to expand or to consider expanding the policy to include Turn up and go (TUAG) assistance, with a member of the public arguing that anything less fails to align with operators' legal duties and creates an unjustifiable two-tier system between passengers who book assistance and those who don't.

3.17 A few operators confirmed they already apply redress to TUAG assistance, though it was noted by one passenger group that this is not universal. One operator stated that expectations for the delivery of TUAG assistance are potentially confusing for passengers because different operators can provide different services depending on their operations. The same operator noted they would welcome clarity on determining redress when un-booked assistance does not meet expectations.

Eligibility

3.18 A local transport authority sought clarification on how the proposal would apply to passengers who do not use Passenger Assist to book assistance, but still experience distress while travelling by rail, including disabled passengers. The same respondent also asked whether other protected characteristics under the Equality Act 2010 (e.g. pregnancy) would be considered, noting that the Act gives equal weight to all protected characteristics.

Process for handling redress claims

3.19 A few respondents, including one individual, felt that a much simpler and more transparent process for claiming redress is required and noted the low volume of redress claims that are made currently. One member of the public called for the process to be streamlined, with a standardised process and targets for operators to meet regarding time to provide redress.

3.20 One disabled passenger group argued there are "current weak obligations on operators to publicise widely, and in accessible formats, the availability of redress and how to make a claim." They suggested that ORR should strengthen its requirements in these areas, along with requirements for clear timescales for progressing redress claims.

3.21 One operator provided feedback on behalf of their accessibility forum, explaining their forum members felt the complaint process was too burdensome on the passenger, and that industry should be making it as easy as possible for passengers to complain. They recommended a suitable industry working group "should formalise all complaints formats and any standardised information" which all operators should make available.

3.22 A disabled passenger organisation noted the low number of redress claims submitted by passengers, as set out in the consultation document, and in response, recommended ORR consider further research to explore potential barriers to claiming redress.

Redress ownership

3.23 A few operators shared their views about issues with the current ATP Guidance requirement for redress claims to be owned by the operator of the train the passenger was traveling on, or due to travel on when the failure took place. They argued this can cause accountability issues, where station operators who provide assistance onto other operators' services are not held responsible for providing redress to the passenger.

3.24 Two operators suggested that the current process means that some operators "don't necessarily have an accurate view of their assistance failures." A few operators noted that there are situations where some organisations never pay compensation and as such do not have the same accountability for assistance failures.

3.25 To address the issue, a few operators suggested that ORR change the ATP Guidance concerning the ownership of redress claims, whilst another operator signposted industry as being

responsible for clearly defining the accountable operators that should lead the complaints and redress process.

3.26 One operator proposed allowing operators to pass on a redress claim to the operator responsible for the assistance failure. Under this proposed change, passengers could still contact the operator they were travelling with as a single front door to claims, but the receiving operator would pass the claim on without the passenger having to do it themselves.

Monitoring and enforcement

3.27 A few respondents commented on monitoring and enforcement. One disabled passenger organisation suggested an improved enforcement model was needed, including transparent publication of assistance failure data by operators, including on TUAG. They recommended the model should include regular compliance reviews by ORR and the potential for formal sanctions, including regulatory penalties, where repeated failures occur or where improvements promised to passengers are not delivered.

3.28 Another respondent argued that operators should be required to track and report on recurring assistance failures and demonstrate how they are resolving them, with ORR monitoring and acting on trends.

ORR response on wider issues

Guidance/a framework for redress decisions

3.29 We will carry out further work to understand whether there is a role for further guidance/a framework to support decision-making on what constitutes appropriate redress, including whether there is a need to further define what constitutes failed assistance. If such a need is identified, we will consider the potential scope and status of any such guidance/framework, and who should develop and own it.

3.30 It may be that industry is best placed to develop and own aspects of any such guidance or framework. We are aware that industry has already initiated work to support operators in decision-making on appropriate redress. We understand that this work is not looking at levels of financial compensation that should be awarded but focusing on improving consistency in their approach to redress. We will remain engaged with industry as we take forward our further work in

this area.

3.31 We recognise the impact of an assistance failure on a passenger will vary in each case, depending on the individual circumstances, and will be highly fact specific. We also acknowledge the ongoing risk of inconsistency in the approaches taken both across operators and within individual organisations.

3.32 Any further work undertaken will therefore need to understand how these two considerations – the need for flexibility, to reflect individual circumstances, and the need for consistency in approach, can best be balanced when determining what constitutes appropriate redress.

Guidance on financial redress levels

3.33 We continue to consider that ORR is not best placed to issue guidance on financial compensation levels in the absence of legislation.

3.34 ORR does not set the thresholds or amounts for other rail compensation schemes. For example, compensation for Delay Repay is determined by funders, while ORR's role is limited to overseeing the processes that ensure passengers can access the compensation to which they are entitled.

3.35 In sectors where regulators do play a role in setting or overseeing minimum service standards linked to compensation – such as energy and water – these frameworks are underpinned by specific legislative powers. ORR does not have equivalent statutory authority in the rail sector.

Vento bands

3.36 Vento bands are guidelines for use by UK employment tribunals to help determine the levels of financial compensation in discrimination cases. Courts also commonly refer to the Vento bands to inform decisions on financial compensation in Equality Act discrimination cases.

3.37 There is no legal requirement for operators to apply Vento bands when determining redress for passengers, including where there has been a failure to deliver booked assistance. Operators may, however, choose to refer to them if they consider it appropriate.

Scope of redress requirements

3.38 All passengers are able to raise complaints about a poor service on any aspect of their rail journey including an operator's failure to provide Turn up and Go (TUAG) assistance. The ORR Complaints Code of Practice (Complaints CoP), requires operators to investigate every complaint and provide suitable remedies such as apologies, explanations, compensation, or corrective actions where appropriate.

3.39 As part of our further work, we will assess whether the current routes to redress for TUAG assistance under the Complaints CoP and for booked assistance under the ATP Guidance are similar or different, whether any differences create risks or harm to passengers and how any such risks or harms can be best addressed.

Handling of redress claims

3.40 We will examine the processes operators use to handle redress claims and how these are communicated to passengers. This will include reviewing how the ATP Guidance, the Complaints CoP and other regulatory requirements set expectations for process transparency and passenger awareness.

3.41 Our assessment of the processes will explore whether there is a need to promote good practice, or whether changes to the ATP Guidance or Complaints CoP are required to ensure greater consistency and clarity for passengers and operators.

3.42 In carrying out this work we will take into account the findings of our previous research on disabled passengers' experience of complaints handling, and in particular, the evidence we gathered on understanding the barriers to disabled passengers raising complaints and redress claims.

Redress ownership

3.43 We have considered the feedback from operators regarding redress accountability and the ownership of redress claims. We recognise that the landscape has evolved since the redress policy was first introduced in 2019 and we will therefore examine these arrangements further.

3.44 In considering whether any changes are required we will consider the need for any process to remain simple for passengers, and for operators to be incentivised to drive improvements in

delivery of passenger assistance. The timing of any changes will also need to be carefully considered, taking into account the wider context of rail reform.

3.45 Under our existing redress policy, where another operator is responsible for an assistance failure, we expect collaborative investigation and shared learning to ensure accountability and improve outcomes for passengers.

Monitoring and enforcement

3.46 As part of our annual core data consultation, we will review how we monitor operators' activities in relation to redress, including reviewing the redress core data we collect from all operators.

Next steps

3.47 We will undertake further work to explore the wider issues raised including whether there is a need for further guidance/a framework for determining appropriate redress, the scope of our current redress requirements, the ownership of redress claims, and the process for handling redress claims.

3.48 We will work with stakeholders as we take this further work forward. The output of this work could take a number of forms, for example a progress update, a discussion document, or a consultation on proposed changes.

3.49 We will publish an update on this work in Spring 2026.

- ← Previous 2. The case-by-case approach
- → Next Annex A: Equality and regulatory impact assessment

Annex A: Equality and regulatory impact assessment

A.1 ORR will amend the ATP Guidance to require all operators to always determine redress on a case-by-case basis. The objective of the policy decision 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 aim to promote accountability and better outcomes for disabled and older passengers.

A.2 This impact assessment focuses on the policy decision itself, and not on the wider issues raised through the consultation relating to the redress requirements in the ATP Guidance. For the areas identified for further work, we will consider the need for an additional impact assessment(s) at the appropriate time.

A.3 As a public body, ORR is required by the Equality Act 2010 (EA2010) to comply with the Public Sector Equality Duty (PSED).

A.4 ORR must, in every policy decision that could affect individuals with protected characteristics – either positively or negatively – have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations between all groups.

A.5 This updated assessment builds on the initial draft version completed for the public consultation document published in May 2025. It combines equality and regulatory considerations against our decision for all operators to always determine redress on a case-by-case basis. It records analysis we initially undertook in May, and analysis of the consultation responses.

A.6 The intended beneficiaries of the policy decision are rail passengers who book assistance to travel on the rail network. This will include primarily older and disabled people and persons with reduced mobility who need assistance to access the rail network. These specific groups will be the focus of our passenger assessment for the purposes of the policy decision.

Analysis of consultation responses

Equality impact assessment

A.7 We summarise below an updated assessment of the potential equality impacts of the policy decision on older and disabled people, which we have grouped under our PSED duties.

A.8 Our analysis of the consultation responses supports our thinking that our policy decision will contribute towards a reduction in discrimination, an advancement of opportunity, and may help foster good relations for older and disabled people. The responses also support the view that the decision will improve fairness, proportionality and passenger confidence with the redress process.

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.
- Each redress case is different and should be treated on its own merits.

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. initially by the operators).
- Recognises both financial and non-financial impacts of an assistance failure.
- Is essential to ensuring passengers receive a fair outcome.

Fostering good relations

- 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.
- Can help ensure passengers are informed of lessons learned, increasing confidence to travel.
- Compensation based solely on ticket price is not appropriate for all passengers, for example as some travel for free or on concessionary fares.

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.#
- Risk of onus on passengers being able to articulate the severity of the impact of the

assistance failure on them to ensure a fair outcome.

Regulatory impact assessment

A.9 We summarise below an updated assessment of the potential regulatory impacts of the policy decision on industry

A.10 Our initial assessment recognised gaps in information regarding potential costs to operators. We asked operators to provide supporting evidence where possible.

A.11 Almost all operators who responded to the consultation did not provide quantitative evidence on any cost impacts arising from the proposal to adopt a case-by-case approach. A couple of operators did however provide rough estimates to their operations.

A.12 Several operators also raised points around potential cost impacts. They agreed with our initial assessment that the policy is likely to create additional resource requirements for operators, highlighting that staffing and associated operational costs will be impacted.

A.13 Some respondents raised questions about the use of Vento bands in assessing financial compensation. We consider this outside of the scope of this assessment. There is no legal requirement for operators to apply Vento bands when determining redress for passengers, including where there has been a failure to deliver booked assistance. Operators may, however, choose to refer to them if they consider it appropriate.

A.14 Having considered the consultation feedback, we acknowledge that the policy decision may lead to some cost increases but consider that these are justified by the anticipated benefits for older and disabled passengers.

Industry

Positive impact

- Operators' consideration of the circumstances of each case may increase opportunities for learning and continuous improvement.
- A case-by-case approach supports fair and continuous improvement by operators.
- It enables operators to balance fair redress with the responsible use of funds allocated to their services.

- No significant costs are expected as many already deliver redress on a case-by-case basis.

Adverse impact

- May lead to a rise in disputes or escalation.
- Additional administration burden and potential increase on resource.
- Risk of inconsistency can relate to knowledge and experience of staff determining redress outcomes and risk of subjectivity in perceiving level of severity with the assistance failure.
- Additional resources may be needed such as increased staffing and higher operational costs to manage increased claims.
- Under rail nationalisation, potential cost increases could affect other passenger-facing improvements, with any financial costs ultimately falling on the taxpayer.

A.15 Overall, we consider the impact of the policy decision to be positive, particularly for older and disabled passengers, who are expected to benefit from the increased awareness and operator assessment of individual circumstances. In terms of monitoring the impact of the policy decision, we will review how we monitor operators' activities in relation to redress, including reviewing the redress core data we collect from all operators. Regarding the risks we have identified around consistency, as set out in our response to the wider issues raised, we will carry out further work to understand whether there is a role for further guidance/a framework to support decision-making on redress.

- ← Previous 3. Wider issues
- → Next Annex B: Amendments to the ATP Guidance

Annex B: Amendments to the ATP Guidance

We have implemented a one-word amendment to paragraph A8.1 of the ATP Guidance, which is shown below.

ATP Guidance

A8 Redress

A8.1 When assistance has been booked but has not been provided as confirmed by the operator, due 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 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 Rights and Obligations Regulations or the Equality Act 2010 (via the Equality Advice and Support Service).

- ← Previous Annex A: Equality and regulatory impact assessment
- ← Previous Consultation on Accessible Travel Policy (ATP) Guidance redress requirements: Decision document (HTML)
- → Next 2. The case-by-case approach