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

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