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

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