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

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.

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