

Determining redress for booked assistance not provided: draft framework for consultation

Purpose

Redress is the means by which an operator seeks to put things right for a passenger where assistance has not been delivered as booked or agreed. This should include an appropriate remedy, which may comprise an apology, an explanation of what went wrong and what steps have been taken to prevent recurrence, and, where appropriate, financial compensation.

This document sets out a framework to support operators in determining redress as set out in Section A8 of the Accessible Travel Policy (ATP) Guidance:

“The form and, where appropriate, value of this redress must be determined on a case-by-case basis to allow operators to consider the circumstances of the case.”

The framework applies where assistance has not been provided as booked or agreed, and an operator has already determined that this is the case. Using this framework supports:

- Consistent, fair, proportionate, and transparent redress decisions.
- Recognition of the impacts experienced by disabled passengers.
- Flexibility to reflect individual circumstances on a case-by-case basis.
- Alignment with ATP Guidance and Ombudsman principles.
- Improved monitoring, learning, and confidence in the passenger assistance system.

The framework is not part of the ATP Guidance. It does not introduce prescriptive or enforceable

requirements, nor does it replace existing regulatory obligations. It does not prescribe specific outcomes or levels of redress and is not exhaustive. Operators may consider other relevant factors where appropriate.

This document is not intended to cover personal injury claims, nor every instance of poor customer service or dissatisfaction, nor to determine legal liability or whether discrimination has occurred.

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Consistency with Complaints Code of Practice (COP)

The ATP Guidance sets out the expectation that operators provide redress where booked assistance has failed or has not been delivered.

In practice, operators generally manage redress claims through their existing complaints handling procedures. We would expect operators to handle such claims in a way that reflects the principles and processes set out in the Complaints Code of Practice, including those relating to timeliness, accessibility, communication and transparency.

Passengers should be kept informed throughout the handling of their claim, and responses should be clear, accessible and written in plain language. Operators should ensure passengers are clearly informed of their right to escalate unresolved complaints to the Rail Ombudsman.

Operators should also have regard to the specific requirements in the ATP Guidance relating to redress claims, including those concerning the ownership of claims. It may be helpful to note that the approach to ownership and transfer of claims under the ATP Guidance differs in some respects from that set out in the COP. Under the ATP Guidance responsibility for handling a redress claim rests with the operator with which the passenger was travelling, or due to travel, at the time the assistance failure occurred.

The Complaints CoP places emphasis on transparency and, where appropriate, seeking a passenger's consent before passing their complaint to another organisation, particularly where personal data is involved. At the same time, operators will want to balance this with the importance of resolving claims without unnecessary delay.

In some circumstances, such as multi-operator journeys, it may be appropriate to transfer a claim

to another operator where this would support a more timely or effective resolution. In these cases, operators may consider transferring the claim promptly and informing the passenger as soon as reasonably practicable, including explaining how their claim will be handled.

In all cases, operators should aim to ensure that passengers are kept appropriately informed, that any transfer does not result in avoidable delay, and that the sharing of personal data is carried out in accordance with applicable legal requirements.

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1. Core principles

Operators should determine redress that is:

Fair and reasonable

Decisions should be based on fairness, reasonableness, proportionality and the available evidence of what happened in each case.

Impact focused

Redress should reflect the actual impact on the passenger.

Case specific

Assistance failures affect different passengers in different ways, so redress should be tailored to individual circumstances on a case-by-case basis.

These expectations are intended to support consistent and proportionate decision-making, while allowing flexibility to reflect individual circumstances.

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- → Next 2. Key considerations

2. Key considerations

A. Extent and nature of failure to provide assistance

This framework covers redress for assistance that was booked or otherwise agreed but not provided, or only partially provided. This includes situations where assistance was significantly delayed, inadequate or carried out improperly such that it failed to meet the passenger's needs.

The impact of assistance failures can vary. This should be assessed primarily by passenger impact. However, operators may also consider the extent to which they were able to provide what was booked or agreed.

Operators should consider:

- **Which assistance failed** (e.g. boarding, alighting, guiding through the station), including safety related failures, such as:
 - failure to deploy ramps correctly; or
 - leaving a passenger in an unsafe location or situation.
- **The extent of the failure:** whether assistance was only partially delivered or not at all, or whether assistance took significantly longer than expected, particularly where this increased distress or safety risk. Was the operator unaware of the requirement for assistance, or aware but failed to provide it?
- **Availability and accessibility of facilities**, including accessible toilets, lifts, replacement coaches, and alternative accessible transport.
- **Extent of operator's control**, including whether the failure was down to individual staff errors, system issues, or co-ordination failures (e.g. during disruption). This should not be used to diminish the redress offered but to inform necessary improvements.

B. Journey impact

Operators should consider:

- **Whether the journey was completed** and the impact of any uncompleted journey. Assistance failures may leave passengers unable to complete planned travel.
- **Extent of delay or disruption**, including missed connections, extended journey times, or

use of alternative transport.

- **Additional costs** incurred, where these were directly caused by the assistance failure, such as taxis, hotels, or replacement travel.

When determining additional costs, operators may have regard to the National Rail Conditions of Travel and relevant passenger rights legislation, as referred to in Section 1.3 of the ATP Guidance.

C. Personal and emotional impact

Operators should consider:

- **Distress, humiliation, or loss of dignity** resulting from the failure. Assistance failures can create significant emotional harm, including anxiety and unsafe situations e.g. when a passenger is overcarried due to failure of alighting assistance.
- **Loss of confidence to travel** independently by rail. Many passengers lose confidence in the rail network after a failure.
- **Safety risks** arising both on board trains and at stations, including during disruption or crowding, such as when a passenger is left stranded, unsupported, or in an unsafe environment.

Passenger accounts of emotional and personal impact should be given appropriate weight, recognising that such impacts may not always be fully evidenced through operational records alone.

D. Dependency and need

Operators should consider:

- **Degree of reliance on assistance** to travel safely and independently. Failure disproportionately affects passengers that require assistance to travel safely.
- **Individual needs**, including mobility, sensory impairments, fatigue, cognitive needs, or other conditions that may exacerbate the impact of a failure.

E. Operator conduct and co-ordination

Operators should consider:

- **Quality and timeliness of communication** with the passenger before, during, and after the incident. Poor communication or failure to update passengers increases harm.
- **Staff conduct, responsiveness, and professionalism** once a failure became apparent.
- **Operational decisions during disruption** (e.g. evacuations, platform changes, curtailments) that may have disproportionately disadvantaged the passenger.
- **Multi-operator responsibility**, including whether failures stemmed from poor handovers or unclear ownership.

F. Repeated or structural failures

Operators should consider:

- **Patterns of repeated failures**, including:
 - recurring issues at specific stations,
 - repeated failures affecting the same passenger,
 - known problem locations or processes.
- **Structural issues** identified through staff feedback, data analysis, complaints or Ombudsman casework.

Repeated failures (including those escalated to the Ombudsman) should be treated as increasing both the seriousness of the case and the operator's responsibility when determining redress.

Consideration of repeated or structural issues may inform both the assessment of individual cases and wider organisational learning, identifying lessons learned and areas for improvement.

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- → Next 3. Forms of redress

3. Forms of redress

Redress will depend on the circumstances and impact of each case. It may include both financial and non-financial remedies: financial redress can be an important component of putting things

right where harm has been caused, while non-financial redress can play an important role in providing reassurance, accountability, and confidence that similar failures will not recur. Redress can include:

Financial redress

- For impact, considering the stress, inconvenience, or seriousness of the incident.
- For expenses directly caused by the assistance failure.
- May include, but not be limited to, goodwill gestures
- Written apologies.
- Clear explanations of what went wrong.
- Service recovery actions.
- Assurances of improvement to prevent recurrence.

Non-financial redress

- Written apologies.
 - Clear explanations of what went wrong.
 - Service recovery actions.
 - Assurances of improvement to prevent recurrence.
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 - → Next 4. Evidence requirements

4. Evidence requirements

Operators should seek to gather and consider relevant evidence where available. They should ensure that evidential requirements are not unduly burdensome for passengers

This may include:

- Booking records and assistance requests.
- Available staff logs or operational records.
- Communication history relating to the incident and any previous similar incidents involving the passenger.

- Passenger statements and evidence of expenses.

Operators may need to balance passenger accounts, staff recollections, and available operational evidence, noting that some evidence may be unavailable, time limited, or outside the operator's direct control (such as CCTV installed on local authority land).

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- → Next 5. Transparency, oversight, and escalation

5. Transparency, oversight, and escalation

- Operators should ensure passengers are clearly informed of their right to escalate unresolved complaints to the Rail Ombudsman.
- Operators are encouraged to review and analyse redress outcomes to identify patterns, structural risks, and opportunities for improvement.
- Greater transparency, including publication of redress data or aggregated learning, may help build trust and support cross industry improvement.
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- → Next 6. Outcome

6. Outcome

Using this framework supports:

- Consistent, fair, proportionate, and transparent redress decisions.
- Recognition of the impacts experienced by disabled passengers.
- Flexibility to reflect individual circumstances.
- Alignment with ATP Guidance and Ombudsman principles.
- Improved monitoring, learning, and confidence in the passenger assistance system.
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