

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

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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