

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

## 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.

- ← Previous 1. Core principles
- → Next 3. Forms of redress