



## **Delay Compensation Code of Practice**

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## **1) Overview**

- 1.1. This Delay Compensation Code of Practice (CoP) sets out requirements with regards to delay compensation for passengers. It is designed to improve passengers' access to the delay compensation to which they are entitled, through measures that will raise awareness, improve processes, and enable passengers to submit claims via authorised parties.
- 1.2. The provisions of this CoP are designed to establish a common level of good practice. Licence holders may go beyond the requirements set out in the CoP, and we do not expect licence holders to discontinue or reduce existing practice where these exceed the requirements set out in this CoP
- 1.3. ORR shall maintain and review the efficacy of the CoP, and monitor licence holders' performance to ensure that passengers benefit from the standards established by this CoP. ORR will consult on any proposals for substantive changes to the CoP and will publish a revised CoP, as it considers appropriate, following such consultation.

## **2) Scope and definitions**

### **Scope**

- 2.1. This CoP applies to all passenger train companies in Great Britain whose Statement of National Regulatory Provisions (SNRP) or passenger train licence includes licence condition 29.<sup>1</sup>
- 2.2. The requirements of this CoP do not affect or alter licence holders' other legal obligations or passengers' legal entitlements, including – but not limited to - those established in consumer law, contracts, or other licence conditions. In particular, this CoP should be considered alongside the requirements of: the Consumer Rights Act 2015; the Rail Passengers' Rights and Obligations Regulations 2010; operator SNRPs; the National Rail Conditions of Travel; and the provisions of the Rail Ombudsman.

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<sup>1</sup> This does not include Eurostar's international services, charter operators or 'small scale' passenger operations of limited coverage of the national mainline railway.

## Definitions

- **Claim:** a request, initiated by a passenger, for the delay compensation to which they may be entitled under the conditions of the licence holder's Delay Compensation Scheme. A claim for delay compensation is distinct from a complaint, other compensation claim (for example, due to poor service), or refund application, that passengers may make about other aspects of their journey.
- **Delay Compensation Scheme:** a scheme designed to compensate passengers for late arrival at their destination (above a given threshold) due to a cancelled or delayed service.
- **licence holder:** a passenger train operator with a Statement of National Regulatory Provisions or passenger train licence that includes Condition 29.
- **National Rail Conditions of Travel (NRCoT):** the ticketing contract between train company and passenger, published by RDG, as updated from time to time.
- **passenger:** the ticket holding traveller, who is the passenger for the purposes of the NRCoT

### **3) Information for passengers**

*Purpose: to raise passenger awareness of delay compensation.*

#### ***General provision of information***

- 3.1. Licence holders must ensure that information about delay compensation is clearly available to passengers; before their journey, in the course of their booking or purchase, and during and after their journey
- 3.2. Such information must include details about delay compensation entitlements and claim processes, displayed clearly and prominently.
- 3.3. Such information must be made available to passengers in the following ways, as appropriate:
  - a) Online, to include:
    - i. A direct link to the delay compensation claim process, to be displayed on the licence holder's homepage.
    - ii. A direct link included with notification of tickets purchased online (for example, in an email sent to passengers following the purchase of a ticket online).
  - b) At stations operated by the licence holder, to include posters, leaflets, display screens.
  - c) On board, including posters, vinyls or display screens, where they are installed.
  - d) In person, including on board, in-station, online and telephone customer-facing staff.
- 3.4. For paragraphs (a-c) above, and subject to sub-paragraph (3.5) below, such information must include appropriate details of:

- a) The delay compensation scheme operated by the licence holder, including eligibility criteria and the level of delay compensation to which the passenger may be entitled.
- b) The methods by which passengers can claim delay compensation.
- c) The information that passengers will need to provide as part of their Claim.
- d) What the passenger can expect as part of the delay compensation process including timescales and payment options.
- e) How the passenger can contest a Claim rejected by the licence holder.
- f) Appropriate details of delay compensation arrangements for season ticket holders.

3.5. Where the nature of the manner in which the information is being provided or displayed prevent the provision of all these details, the licence holder must provide details of where such further information can be found.

*Proactive provision of information during delay*

3.6. When there is delay or disruption, licence holders must make reasonable efforts to proactively inform passengers that they may be eligible for delay compensation. Such steps include, as appropriate:

- a) In-train announcements when a train's arrival at a station may be above the relevant time threshold for delay compensation on that service. This may include voice announcements and information screen displays.
- b) In-train distribution of delay compensation details.
- c) Platform announcements at stations where a train's arrival may be above the relevant time threshold for delay compensation on that service.
- d) Online – to include:
  - i. General messaging about compensation, on website and via social media.
  - ii. Where appropriate, email or text to passengers who may have been affected.

3.7. For paragraph (3.6) above, such information shall include appropriate details of:

- a) The delay compensation scheme operated by the licence holder, the length of the delay and the passenger's entitlements.
- b) How to make a Claim for delay compensation.
- c) What evidence passengers will need to retain as proof of travel.
- d) Where passengers can find further information.

## **4) Processing claims**

*Purpose: to make the process for claiming delay compensation simpler, quicker, and more consistent.*

### ***Timescales and communications***

- 4.1. Licence holders must process correctly completed claims within 20 working days, from receipt of claim to communication of decision and payment, where relevant. ORR will monitor performance on timescales, and will from time to time review whether this requirement remains appropriate.
- 4.2. Where the licence holder considers that the passenger has not provided appropriate or sufficient relevant information to enable the licence holder to process the Claim, for example due to a lack of appropriate evidence of travel, the licence holder must inform the passenger as soon as possible, and no later than 5 working days after receipt of the initial Claim.
- 4.3. Where the passenger does not respond to the notification in (4.2) above within 20 working days, the licence holder may reject the Claim. The licence holder must communicate this to the passenger promptly, in accordance with (4.6) below.
- 4.4. Licence holders must make reasonable provision for a passenger to enquire about the status of their Claim.
- 4.5. Where the processing of a Claim takes longer than 20 working days, licence holders must notify the passenger of the status of the Claim, the reasons for the delay, and anticipated timescales for resolution.
- 4.6. Where a licence holder rejects a Claim, it must provide written explanation to the passenger setting out the reasons for the rejection, and details about how the decision can be contested.



### ***Claims process – information requirements***

- 4.7. Licence holders must ensure that the information requirements for Claims are clear, proportionate and not unnecessarily burdensome. The claim form, or accompanying text, must make clear why specific evidence and information is required.
- 4.8. Licence holders must provide information for passengers about their statutory rights, and how passengers can submit complaints and seek redress for any issues not related to delay compensation.
- 4.9. Where a passenger offers alternative information that provides appropriate and equivalent evidence of travel and delay (for example with the use of location technology) then licence holders must give reasonable consideration to whether that information is sufficient.

## ***Physical format claims process***

- 4.10. Licence holders must ensure that it is possible for passengers to submit Claims in physical format. This must be through completion of a form, except where ORR has agreed otherwise with the licence holder; in such cases, the licence holder nonetheless must allow submission of a Claim through an equivalent physical format such as a letter.
- 4.11. Physical format forms must include appropriate information about:
- a. Information and FAQs for passengers about the delay compensation scheme operated by the licence holder, including eligibility thresholds, compensation entitlements, and the appropriate provisions for season ticket holders.
  - b. Details about process timelines, and claim information and evidence requirements.
  - c. Details of how a decision can be contested.
- 4.12. Physical format forms must be made available to passengers:
- a. On request in stations that are staffed.
  - b. For download.
- 4.13. Licence holders must ensure that it is possible for passengers to submit physical format Claims:
- a. In person at staffed stations.
  - b. By post, to an address displayed clearly in stations alongside relevant delay compensation material or on the claim form and online.

## ***Online process***

- 4.14. Licence holders must provide an online process for the submission of Claims, to include the following characteristics:
- a. A clear link to the claims process from the homepage of the licence holder's website.
  - b. Information and FAQs for passengers about the delay compensation scheme operated by the licence holder, including eligibility thresholds, compensation entitlements, and the appropriate provisions for season ticket holders.
  - c. Details about process timelines, and claim information and evidence requirements.
  - d. Details of how a decision can be contested.
  - e. Where the licence holder's website allows passengers to create a log-in account for the purpose of purchasing tickets, there must also be the capability to save delay compensation claim details in a similar manner. This must include a facility for season-ticket holders to store the details of their season ticket.
- 4.15. Where licence holders operate a smartphone app for passenger ticket purchases and timetable information, this app should include either a link to the online process, or an equivalent in-app capability to submit claims.

### ***Accessible claim format***

- 4.16. Licence holders must make appropriate and proportionate provision for passengers who are unable to access or use physical or online claim formats, or require claim forms to be provided in another format. This must include appropriate assistance in staffed stations or by phone.

### ***Payment methods***

- 4.17. Licence holders have obligations under the NRCoT, as well as other consumer law, in relation to repayment, Licence holders are expected to act in accordance with those obligations, notwithstanding any requirements of this CoP.

## **5) Continual Improvement**

*Purpose: to encourage licence holders to continue seeking to improve and innovate in how they provide delay compensation.*

- 5.1. ORR expects licence holders, individually and collectively, to continue seeking to improve the service that they provide to respond with innovation to the opportunities and challenges presented by technology and passenger expectations.
- 5.2. As part of their regular reporting to ORR (see paragraph 6.5 below), licence holders must provide an annual update of steps that they have taken to improve passenger awareness of delay compensation, and improvements that they have made to the claims process.
- 5.3. A summary of progress in this area may be published by ORR as appropriate.

## **6) Reporting**

*Purpose: to improve passenger awareness of delay compensation, and to monitor performance.*

### **Reporting for passengers**

- 6.1. Licence holders must keep passengers informed of their performance on delay compensation. To this end, licence holders must publish information on key metrics including:
  - a. Volume of delay compensation Claims received, and approved.
  - b. Value of total delay compensation paid.
  - c. Average time for Claims to be processed.
- 6.2. Licence holders may wish to publish additional information to provide context, such as punctuality data.
- 6.3. Such information must be updated every 3 months, with data shown for performance over the previous year, and displayed prominently online alongside other delay compensation information required by the CoP.

## **Reporting to ORR**

- 6.4. ORR will, from time to time, survey Passengers about aspects of their experience with delay compensation, including awareness and ease of process.
- 6.5. Licence holders must provide to ORR an annual summary of steps taken to improve passenger awareness of delay compensation, and the claim process.
- 6.6. Licence holders must collect and provide ORR with further relevant performance data set out in ORR core data monitoring guidance. Further detail on the format and frequency of data for submission is provided in the core data guidance<sup>2</sup>.

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<sup>2</sup> <https://www.orr.gov.uk/sites/default/files/om/reference-guide-orr-core-data-compliance-monitoring.pdf>